

State of Iowa  
1996

# JOURNAL OF THE HOUSE

1996  
REGULAR SESSION  
SEVENTY-SIXTH  
GENERAL ASSEMBLY

Convened January 8, 1996  
Adjourned May 1, 1996

Volume I  
January 8—April 3, 1996

**TERRY E. BRANSTAD**, Governor  
**RON J. CORBETT**, Speaker of the House  
**LEONARD L. BOSWELL**, President of the Senate

Published by the  
STATE OF IOWA  
Des Moines

SEVENTY-SIXTH GENERAL ASSEMBLY  
1996 Regular Session  
OFFICERS OF THE HOUSE

RON J. CORBETT, <i>Speaker of the House</i> .....	Cedar Rapids
HAROLD G. VAN MAANEN, <i>Speaker Pro Tempore</i> .....	Pella
BRENT SIEGRIST, <i>Majority Leader</i> .....	Council Bluffs
CHUCK GIPP, <i>Majority Whip</i> .....	Decorah
GARY B. BLODGETT, <i>Assistant Majority Leader</i> .....	Clear Lake
CHRISTOPHER C. RANTS, <i>Assistant Majority Leader</i> .....	Sioux City
BOB RENKEN, <i>Assistant Majority Leader</i> .....	Aplington
DICK WEIDMAN, <i>Assistant Majority Leader</i> .....	Griswold
DAVID SCHRADER, <i>Minority Leader</i> .....	Monroe
JOHN H. CONNORS, <i>Assistant Minority Leader</i> .....	Des Moines
PAM JOCHUM, <i>Assistant Minority Leader</i> .....	Dubuque
MICHAEL J. MORELAND, <i>Assistant Minority Leader</i> .....	Ottumwa
RICHARD E. MYERS, <i>Assistant Minority Leader</i> .....	Iowa City
ELIZABETH A. ISAACSON, <i>Chief Clerk</i> .....	Des Moines
JEFF BEAN, <i>Assistant Chief Clerk</i> .....	Des Moines
VIVIAN ANDERS, <i>Senior Journal Editor</i> .....	Liberty Center
DAVE STANLEY, <i>Desk Top Specialist</i> .....	Des Moines
TRINA STERLING, <i>Desk Top Specialist</i> .....	Des Moines
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DOREEN TERRELL, <i>Assistant to the Legal Counsel</i> .....	Des Moines
PEG KEPHART, <i>Engrossing/Enrolling Text Processor</i> .....	Des Moines
JUDY GRAESCH, <i>Text Processor I</i> .....	Des Moines
DEBRA K. REX, <i>Senior Finance Officer</i> .....	Earlham



TRICIA BERG, <i>Assistant Finance Officer</i> .....	West Des Moines
ALYCE ELMITT, <i>Recording Clerk II</i> .....	Des Moines
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JOHN DAVIS, <i>Administrative Assistant II</i> <i>to Speaker</i> .....	Des Moines
JEFF MITCHELL, <i>Administrative Assistant II</i> <i>to Speaker</i> .....	West Des Moines
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SUSAN SEVERINO, <i>Administrative Assistant II</i> <i>to Majority Leader</i> .....	Des Moines
BECKY LORENZ, <i>Administrative Secretary</i> <i>to Majority Leader</i> .....	Ankeny
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BRUCE BRANDT, <i>Senior Caucus Staff Secretary</i> .....	Des Moines
LON ANDERSON, <i>Legislative Research</i> <i>Analyst I</i> .....	Des Moines
PAT AXMEAR, <i>Legislative Research</i> <i>Analyst</i> .....	Des Moines
PAMELA H. DUGDALE, <i>Legislative</i> <i>Research Analyst II</i> .....	West Des Moines
KIM STATLER, <i>Legislative</i> <i>Research Analyst</i> .....	Des Moines
STACIE MAASS, <i>Legislative Research</i> <i>Analyst I</i> .....	West Des Moines
LEW OLSON, <i>Legislative</i> <i>Research Analyst I</i> .....	Des Moines
CRAIG SCHOENFELD, <i>Legislative</i> <i>Research Analyst</i> .....	Des Moines
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MARGARET THOMSON, <i>Senior Legislative Research Analyst</i> .....	Clive
CAROLYN GAUKEL, <i>Confidential Secretary to Minority Leader</i> .....	West Des Moines
PAULEE LIPSMAN, <i>Senior Caucus Staff Director</i> .....	Des Moines
INGRID JOHNSON, <i>Caucus Staff Secretary</i> .....	Des Moines
JIM ADDY, <i>Legislative Research Analyst</i> .....	Des Moines
MARY BRAUN, <i>Legislative Research Analyst III</i> .....	Des Moines
ED CONLOW, <i>Senior Legislative Research Analyst</i> .....	Des Moines
JENIFER PARSONS, <i>Legislative Research Analyst II</i> .....	Mingo
THOMAS R. PATTERSON, <i>Senior Legislative Research Analyst</i> .....	Des Moines
JOSEPH P. ROMANO, <i>Legislative Research Analyst III</i> .....	Des Moines
HOWARD COWLES, <i>Switchboard Operator</i> .....	Des Moines
MADLINE JAMES, <i>Switchboard Operator</i> .....	Des Moines
MILDRED STEWART, <i>Bill Clerk</i> .....	Des Moines
MARIE A. KIRBY, <i>Assistant Bill Clerk</i> .....	Des Moines
WILLIAM C. WALLING, <i>Postmaster</i> .....	Des Moines
CECIL M. RHOADS, <i>Sergeant-at-Arms</i> .....	Ankeny
MARVIN HOLLINGSHEAD, <i>Assistant Sergeant-at-Arms</i> .....	Des Moines
MAYNARD L. BOATWRIGHT, <i>Doorkeeper</i> .....	Des Moines
DWIGHT H. DUGAN, <i>Doorkeeper</i> .....	Des Moines
ALFRED H. EDWARDS, <i>Doorkeeper</i> .....	Des Moines
JERRY ORMAN, <i>Doorkeeper</i> .....	Windsor Heights
RICHARD R. OVERHOLSER, <i>Doorkeeper</i> .....	Des Moines
KATHLEEN L. O'LEARY, <i>Doorkeeper</i> .....	Des Moines
WILBUR RHOADS, <i>Doorkeeper</i> .....	Des Moines

## ELECTED OFFICERS, SUPREME COURT JUSTICES AND

## IOWA COURT OF APPEALS JUDGES

## ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

TERRY E. BRANSTAD, <i>Governor</i> .....	Lake Mills
JOY CORNING, <i>Lieutenant Governor</i> .....	Cedar Falls
PAUL PATE, <i>Secretary of State</i> .....	Marion
RICHARD JOHNSON, <i>State Auditor</i> .....	Sheldahl
MICHAEL FITZGERALD, <i>Treasurer of State</i> .....	Des Moines
DALE M. COCHRAN, <i>Secretary of Agriculture and Land Stewardship</i> .....	Eagle Grove
TOM MILLER, <i>Attorney General</i> .....	McGregor

## JUSTICES OF THE IOWA SUPREME COURT

ARTHUR A. McGIVERIN, <i>Chief Justice</i> .....	Ottumwa
JAMES H. ANDREASEN, <i>Justice</i> .....	Algona
JAMES H. CARTER, <i>Justice</i> .....	Cedar Rapids
K. DAVID HARRIS, <i>Justice</i> .....	Jefferson
J. L. LARSON, <i>Justice</i> .....	Harlan
LOUIS A. LAVORATO, <i>Justice</i> .....	Des Moines
LINDA NEUMAN, <i>Justice</i> .....	Davenport
BRUCE M. SNELL, Jr., <i>Justice</i> .....	Ida Grove
MARSHA TERNUS, <i>Justice</i> .....	Des Moines

## IOWA COURT OF APPEALS JUDGES

ALLEN L. DONIELSON, <i>Chief Judge</i> .....	Des Moines
MARK S. CADY, <i>Judge</i> .....	Fort Dodge
ALBERT L. HABHAB, <i>Judge</i> .....	Fort Dodge
MAYNARD J. V. HAYDEN, <i>Judge</i> .....	Indianola
TERRY L. HUITINK, <i>Judge</i> .....	Orange City
ROSEMARY S. SACKETT, <i>Judge</i> .....	Spencer

## MEMBERS OF THE HOUSE—SEVENTY-SIXTH GENERAL ASSEMBLY — 1996 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Arnold, Richard	Russell	51	Farmer	91st—Appanoose, Clarke, Lucas, Wayne	76 (1st)
Baker, Tom	Des Moines	54	Self-employed	71st —Polk	74, 74X, 74XX, 75, 76 (1st)
Bell, Paul	Newton	45	Police Officer	57th—Jasper	76 (1st)
Bernau, Wm. (Bill)	Ames	31	Legislator/Consultant	62nd—Story	74, 74X, 74XX, 75, 76 (1st)
Blodgett, Gary	Clear Lake	58	Retired Orthodontist	19th—Cerro Gordo	75, 76 (1st)
Boddicker, Dan	Tipton	33	Electrical Engineer Tech	39th—Cedar, Clinton, Jones	75, 76 (1st)
Boggess, Effie Lee	Villisca	70	Farmer	87th—Adams, Page, Taylor	76 (1st)
Bradley, Clyde	Camanche	62	Retired U.S. Navy, Department of Defense	37th—Clinton, Scott	76 (1st)
Brammer, Philip E.	Cedar Rapids	63	Legislator/Retired	53rd—Linn	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76(1st)
Brand, William J.	Chelsea	37	Human Services Professional	60th—Benton, Black Hawk, Tama	73, 74, 74X, 74XX, 75 76 (1st)
Branstad, Clifford O.	Thompson	71	Farmer	16th—Hancock, Winnebago, Wright	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Brauns, Barry	Conesville	63	Manager Muscatine County Fair	47th—Johnson, Louisa, Muscatine	75, 76 (1st)
Brunkhorst, Bob	Waverly	30	Computer Analyst	22nd—Black Hawk, Bremer	75, 76 (1st)
Burnett, Cecelia	Ames	45	Environmental Education Coordinator	61st—Story	76 (1st)
Carroll, Danny C.	Grinnell	43	Realtor/Farmer	58th—Jasper, Mahaska, Marshall, Poweshiek	76 (1st)
Cataldo, Michael	Des Moines	30	Vice President-Iowa EPS Products	68th—Polk	75, 76 (1st)

REPRESENTATIVES

MEMBERS OF THE HOUSE—SEVENTY-SIXTH GENERAL ASSEMBLY – 1996 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Churchill, Steven W.	Johnston	32	Fund Raising Consultant	76th—Dallas, <i>Polk</i>	75, 76 (1st)
Cohon, Dennis M.	Burlington	42	Teacher	100th— <i>Des Moines</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Connors, John H.	Des Moines	73	Labor Arbitrator/Retired Fire Captain	69th— <i>Polk</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Coon, Brian A.	Carlisle	26	Mechanical Engineer	89th— <i>Warren</i>	76 (1st)
Corbett, Ron J.	Cedar Rapids	35	Project Manager	52nd— <i>Linn</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Cormack, Mike	Fort Dodge	26	Substitute Teacher, Youth Baseball Coach	13th— <i>Webster</i>	76 (1st)
*Cornelius, Jerry	Bellevue	60	Small Businessman	34th— <i>Dubuque, Jackson</i>	76 (1st)
Daggett, Horace	Creston	64	Retired Farmer	88th— <i>Decatur, Ringgold, Taylor, Union</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Dinkla, Dwight	Guthrie Center	44	Attorney	78th— <i>Adair, Guthrie, Madison</i>	75, 76 (1st)
Disney, Larry	Pleasant Hill	43	Realtor	66th— <i>Polk</i>	76 (1st)
Doderer, Minnette	Iowa City	72	Retired	45th— <i>Johnson</i>	60X, 61, 62, 63, 64, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Drake, Jack	Lewis	60	Farmer	81st— <i>Audubon, Pottawattamie, Shelby</i>	75, 76 (1st)

\*Deceased December 14, 1995

## MEMBERS OF THE HOUSE—SEVENTY-SIXTH GENERAL ASSEMBLY – 1996 REGULAR SESSION

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REPRESENTATIVES

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Drees, Jim	Manning	66	Farmer	80th— <i>Carroll, Greene</i>	76 (1st)
Eddie, Russell J.	Storm Lake	57	Retired Farmer/ Business Owner	10th— <i>Buena Vista, Clay,</i> <i>Pocahontas</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Ertl, Joe	Dyersville	60	CEO-Scale Models	33rd— <i>Delaware, Dubuque</i>	75, 76 (1st)
Fallon, Ed	Des Moines	37	Legislator	70th— <i>Polk</i>	75, 76 (1st)
Garman, Teresa	Ames	58	Farmer/Licensed Realtor	63rd— <i>Marshall, Story</i>	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Gipp, Chuck	Decorah	47	Dairy Farmer	31st— <i>Allamakee,</i> <i>Winneshiek</i>	74, 74X, 74XX, 75, 76 (1st)
Greig, John M.	Estherville	61	Farmer	7th— <i>Dickinson, Emmet,</i> <i>Palo Alto</i>	75, 76 (1st)
Greiner, Sandra H.	Keota	41	Farmer	96th— <i>Keokuk, Mahaska,</i> <i>Wapello, Washington</i>	75, 76 (1st)
Gries, Don	Charter Oak	66	Retired School Administrator	12th— <i>Crawford, Monona,</i> <i>Woodbury</i>	75, 76 (1st)
Grubbs, Steve	Davenport	31	Business Law Teacher	40th— <i>Scott</i>	74, 74X, 74XX, 75, 76 (1st)
Grundberg, Betty	Des Moines	57	Business Owner	73rd— <i>Polk</i>	75, 76 (1st)
Hahn, James F.	Muscatine	60		48th— <i>Muscatine, Scott</i>	74, 74X, 74XX, 75, 76 (1st)
Halvorson, Roger A.	Monona	61	Insurance/Real Estate Broker	32nd— <i>Allamakee, Clayton,</i> <i>Fayette</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Hammit Barry, Donna	Dunlap	49	Farmer/Property Management	82nd— <i>Harrison</i> <b>POTAWATOMIE</b>	76 (1st)
Hanson, Donald E.	Waterloo	69	Educator	24th— <i>Black Hawk</i>	74, 74X, 74XX, 75, 76 (1st)
Harper, Patricia M.	Waterloo	63	Retired Educator	26th— <i>Black Hawk</i>	72, 72X, 72XX, 73, 75, 76 (1st)

## MEMBERS OF THE HOUSE—SEVENTY-SIXTH GENERAL ASSEMBLY — 1996 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Harrison, Neil P.	Davenport	29		44th— <i>Scott</i>	76 (1st)
Heaton, David E.	Mt. Pleasant	55	Restaurant Owner	97th—Des Moines, <i>Henry</i> , Washington	76 (1st)
Holveck, Jack	Des Moines	52	Attorney	72nd— <i>Polk</i>	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Houser, Hubert	Carson	53	Farmer	85th—Fremont, Mills, <i>Pottawattamie</i>	75, 76 (1st)
Hurley, Charles D.	Fayette	37	Attorney	28th—Buchanan, <i>Fayette</i>	74, 74X, 74XX, 75, 76 (1st)
Huseman, Daniel A.	Aurelia	44	Farmer	9th—Buena Vista, <i>Cherokee</i> , O'Brien, Plymouth	76 (1st)
Jacobs, Libby	West Des Moines	40	Manager, Disabilities Income Services, Principal Financial Group	74th— <i>Polk</i>	76 (1st)
Jochum, Pam	Dubuque	41	Loras College	35th— <i>Dubuque</i>	75, 76 (1st)
Klemme, Ralph	LeMars	56	Farmer	4th— <i>Plymouth</i> , Woodbury	75, 76 (1st)
Koenigs, Deo A.	St. Ansgar	60	Farmer	29th—Floyd, <i>Mitchell</i>	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Kreiman, Keith A.	Bloomfield	41	Attorney	92nd—Appanoose, <i>Davis</i> , Monroe, Van Buren	75, 76 (1st)
Kremer, Joseph M.	Jesup	74	Retired Farmer	27th—Black Hawk, <i>Buchanan</i> , Delaware	71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 76 (1st)
Lamberti, Jeffrey M.	Ankeny	34	Attorney	65th— <i>Polk</i>	76 (1st)
*Larkin, Rick	Fort Madison	43	Correctional Counselor	99th—Des Moines, <i>Lee</i>	75, 76 (1st)

## MEMBERS OF THE HOUSE—SEVENTY-SIXTH GENERAL ASSEMBLY – 1996 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Larson, Charles	Cedar Rapids	27	Law Student	55th— <i>Linn</i>	75, 76 (1st)
Lord, David G.	Perry	62	Retired Clothier	77th— <i>Dallas, Madison</i>	76 (1st)
Main, Jerry D.	Fairfield	58	Farmer	94th— <i>Jefferson, Van Buren</i> Wapello	76 (1st)
Martin, Mona	Davenport	61	Property Management	43rd— <i>Scott</i>	75, 76 (1st)
Mascher, Mary	Iowa City	44	Elementary Teacher	46th— <i>Johnson</i>	76 (1st)
May, Dennis	Kensett	48	Farmer	20th— <i>Cerro Gordo, Mitchell</i> <i>Worth</i>	72, 72X, 72XX, 73, 75, 76 (1st)
McCoy, Matt	Des Moines	29	Human Resources Manager	67th— <i>Polk</i>	75, 76 (1st)
Mertz, Dolores M.	Ottosen	67	Farmer/Legislator	15th— <i>Humboldt, Kossuth</i>	73, 74, 74X, 74XX, 75, 76 (1st)
Metcalf, Janet	Des Moines	60	Legislator	75th— <i>Polk</i>	71, 72, 72X, 72XX, 73 74, 74X, 74XX, 75, 76 (1st)
Meyer, Jim	Odebolt	59	Farmer/Agribusiness	11th— <i>Ida, Sac, Woodbury</i>	75, 76 (1st)
Millage, David A.	Bettendorf	42	Attorney	41st— <i>Scott</i>	74, 74X, 74XX, 75, 76 (1st)
Moreland, Michael J.	Ottumwa	33	Attorney	93rd— <i>Wapello</i>	75, 76 (1st)
Mundie, Norman	Fort Dodge	66	Retired Farmer	14th— <i>Boone, Calhoun,</i> <i>Hamilton, Webster</i>	75, 76 (1st)
*Murphy, Patrick J.	Dubuque	36		36th— <i>Dubuque</i>	73 (2nd), 74, 74X, 74XX, 75, 76 (1st)
**Myers, Richard E.	Iowa City	62	Business Owner	49th— <i>Johnson</i>	75 (2nd), 76 (1st)
Nelson, Beverly J.	Marshalltown	67	Executive Vice President Iowa Valley Comm. College District	64th— <i>Marshall</i>	76 (1st)
Nelson, Linda	Council Bluffs	44	Elementary Teacher	83rd— <i>Pottawattamie</i>	75, 76 (1st)

\* Elected in Special Election September 26, 1989

\*\* Elected in Special Election February 22, 1994

REPRESENTATIVES



## MEMBERS OF THE HOUSE—SEVENTY-SIXTH GENERAL ASSEMBLY – 1996 REGULAR SESSION

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Nutt, Ronald W.	Sioux City	55	Real Estate Investments	1st—Woodbury	76 (1st)
O'Brien, Michael J.	Boone	57	Teacher	79th—Boone, Greene	75, 76 (1st)
Ollie, C. Arthur	Clinton	54	Teacher	38th—Clinton	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
*Osterhaus, Robert	Maquoketa	65	Pharmacist	34th—Dubuque, Jackson	None
Rants, Christopher	Sioux City	28	Metz Baking Co. Environmental Compliance Projects	3rd—Woodbury	75, 76 (1st)
Renken, Bob	Aplington	74	Farmer	21st—Butler, Grundy	68 (2nd), 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Salton, Bill	Ruthven	61	Farmer/Cattleman	8th—Clay, Kossuth, Palo Alto	76 (1st)
Schrader, David	Monroe	43	Small Business Owner/ Operator, Legislator	90th—Marion, Warren	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Schulte, Lynn S.	Mount Vernon	50	Computer Consultant	50th—Johnson, Linn	76 (1st)
Shultz, Don	Waterloo	59	Self Employed	25th—Black Hawk	70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Siegrist, Brent	Council Bluffs	43	Educator	84th—Pottawattamie	71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Sukup, Steven E.	Dougherty	40	Industrial Engineer	18th—Franklin, Hardin	76 (1st)

\* Elected in Special Election January 16, 1996

## MEMBERS OF THE HOUSE—SEVENTY-SIXTH GENERAL ASSEMBLY – 1996 REGULAR SESSION

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Name	Residence	Age	Occupation	Representative District	Former Legislative Service
*Taylor, Todd	Cedar Rapids	30	Staff Representative- AFSCME	54th—Linn	None
Teig, Russell W.	Jewell	39	Farmer	17th—Franklin, Hamilton, Hardin, Wright	76 (1st)
**Thomson, Rosemary	Marion	61	Educator-Prevention Specialist	51st—Linn	76 (1st)
Tyrrell, Phil	North English	63	Independent Insurance Agency-Owner/Operator	59th—Benton, Iowa	68, 69, 69X, 69XX, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Vande Hoef, Richard	Harris	69	Farmer	6th—Lyon, O'Brien, Osceola, Sioux	69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Van Fossen, James	Davenport	36	Service Representative- Gas & Electric Utility	42nd—Scott	76 (1st)
Van Maanen, Harold	Pella	66	Retired Farmer	95th—Mahaska, Marion	68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX, 73 74, 74X, 74XX, 75, 76 (1st)
Veenstra, Ken	Orange City	57	Insurance Agent	5th—Sioux	76 (1st)
Warnstadt, Steve	Sioux City	29	Optical Engineer	2nd—Woodbury	76 (1st)
Weidman, Dick	Griswold	55	Retired State Trooper Funeral Home Employee	86th—Cass, Montgomery Pottawattamie	74, 74X, 74XX, 75, 76 (1st)
Weigel, Keith	New Hampton	40	Certified Financial Planner	30th—Chickasaw, Howard Winneshiek	75, 76 (1st)
Welter, Jerry J.	Monticello	60	Farmer	56th—Jones, Linn	75, 76 (1st)
Wise, Philip	Keokuk	49	Teacher	98th—Henry, Lee	72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76 (1st)
Witt, William G.	Cedar Falls	46	Photojournalist	23rd—Black Hawk	75, 76 (1st)

\* Elected in Special Election June 27, 1995

\*\* Elected in Special Election January 10, 1995

REPRESENTATIVES

# JOURNAL OF THE HOUSE

First Calendar Day – First Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 8, 1996

Pursuant to chapter two (2), section two point one (2.1), Code of Iowa, the House of Representatives of the Seventy-sixth General Assembly of Iowa, 1996 Regular Session, convened at 10:00 a.m., Monday, January 8, 1996.

The House was called to order by the Honorable Ron Corbett, Speaker of the House.

Prayer was offered by Reverend David Ruhe, Plymouth Congregational United Church of Christ, Des Moines.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Serena Holthe, Speaker's Page, from Logan.

The Journal of May 4, 1995 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Carroll of Poweshiek from thirty-nine constituents favoring enforcement of the tenth amendment to the United States Constitution, in relation to the activities of the Iowa Department of Human Services regarding children and families.

By Gries of Crawford from the Schleswig Community School Board of Directors, favoring full funding for mandated special education programs.

## COMMUNICATION RECEIVED

The following communication was received during the interim and filed in the office of the Chief Clerk:

May 7, 1995

The Honorable Terry E. Branstad  
Governor of the State of Iowa  
Statehouse  
Des Moines, Iowa 50319

Dear Governor Branstad:

Please let this letter serve as official notice of my resignation from the Iowa House of Representatives. The Clinton Administration and the Secretary of Labor,

Robert Reich, are appointing me as the Secretary of Labor's Representative for Region Seven. This resignation will be effective May 8, 1995 and will create a vacancy in House District #54 in Cedar Rapids. My last day as a legislator will be Sunday, May 7, 1995.

Thanks for your attention to this matter.

Sincerely,  
Richard V. Running  
State Representative

## SUPPLEMENTAL REPORT OF COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following named person duly elected to and entitled to a seat in the House of Representatives for the 1996 Session of the Seventy-sixth General Assembly as shown by a duplicate copy of the certification of election on file in the office of the Secretary of State:

CERTIFICATION  
STATE OF IOWA  
Office of  
THE SECRETARY OF STATE

To the Honorable, the Chief Clerk of the House of Representatives:

I, Paul D. Pate, Secretary of State of the State of Iowa; custodian of the files and records pertaining to the elections in the state,

DO HEREBY CERTIFY THAT the State Canvassing Board has declared that at a special election held of June 27, 1995, Todd Taylor was elected to fill a vacancy in the office of State Representative of the Fifty-Fourth district, for the balance of the term which began on January first, 1995.

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this fifth day of July, 1995.

PAUL D. PATE  
Secretary of State

I hereby acknowledge receipt of the original copy of this document on July 6, 1995.

ELIZABETH A. ISAACSON,  
Chief Clerk of the House of Representatives

CHARLES LARSON, Chair  
LIBBY JACOBS  
BRIAN COON  
JACK HOLVECK  
LINDA NELSON

Larson of Linn moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

## OATH OF OFFICE

"I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I faithfully and impartially discharge the duties of the office of Representative in the General Assembly of the State of Iowa according to the best of my ability, so help me God."

TODD TAYLOR

I do certify that the above oath of office was administered by me to Todd Taylor on July 10, 1995, Cedar Rapids, Iowa.

RON J. CORBETT, Speaker

I do certify that the above oath of office was administered to Todd Taylor on July 10, 1995, Cedar Rapids, Iowa.

DAVID SCHRADER, Minority Leader

Thompson of Linn moved that a committee of two be appointed to escort Representative Taylor to his seat in the House chamber.

The motion prevailed and the Speaker appointed as such committee, Thomson of Linn and Connors of Polk.

The committee escorted Representative Taylor to his seat.

## COMMITTEE TO NOTIFY THE GOVERNOR

Blodgett of Cerro Gordo moved that a committee of three be appointed to notify the Governor that the House was duly organized and ready to receive any communications that the Governor may desire to transmit.

The motion prevailed and the Speaker appointed as such committee, Blodgett of Cerro Gordo, Arnold of Lucas and Holveck of Polk.

## COMMITTEE TO NOTIFY THE SENATE

Brunkhorst of Bremer moved that a committee of three be appointed to notify the Senate that the House was duly organized and ready to receive any communications that the Senate may desire to transmit.

The motion prevailed and the Speaker appointed as such committee, Brunkhorst of Bremer, Carroll of Poweshiek and Mertz of Kossuth.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 101

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 101, as follows, and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 101  
 2 By Siegrist and Schrader  
 3 *Be It Resolved By The House Of Representatives, The*  
 4 *Senate Concurring,* That a joint convention of the two  
 5 houses of the 1996 session of the Seventy-sixth  
 6 General Assembly be held on Tuesday, January 9, 1996,  
 7 at 10:00 a.m.; and  
 8 *Be It Further Resolved,* That Governor Terry E.  
 9 Branstad be invited to deliver his condition of  
 10 state and budget message at this joint convention of  
 11 the two houses of the General Assembly, and that the  
 12 Speaker of the House of Representatives and the  
 13 President of the Senate be designated to extend the  
 14 invitation to him.

The motion prevailed and the resolution was adopted.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 102

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 102, as follows, and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 102  
 2 By Siegrist and Schrader  
 3 *Be It Resolved By The House Of Representatives, The*  
 4 *Senate Concurring,* That a joint convention of the two  
 5 houses of the 1996 session of the Seventy-sixth  
 6 General Assembly be held on Wednesday, January 10,  
 7 1996, at 9:30 a.m.; and  
 8 *Be It Further Resolved,* That Chief Justice  
 9 McGiverin be invited to present his message of the  
 10 condition of the judicial department at this  
 11 convention, and recommend such matters as the Chief  
 12 Justice deems expedient, pursuant to section 602.1207  
 13 of the Code.

The motion prevailed and the resolution was adopted.

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolutions 101 and 102** be immediately messaged to the Senate.

#### REMARKS BY MAJORITY LEADER

Siegrist of Pottawattamie offered the following remarks:

Friends of the House:

Welcome back! As always, it is good to see everybody back in this Chamber for the start of another session. First, let me welcome Representative Todd Taylor. As usual, it was an interim of good news and bad news, ups and downs.

The unfortunate passing of Jerry Cornelius and several family members of other members of this body certainly caused sadness during the past several months. The sadness was mitigated by the joy that was caused by the births of children to the families of Representatives Brunkhorst and Moreland, Mark Brandsgard and Pam Dugdale, and even State Democratic Chairman Mike Peterson. And, of course, our congratulations to Representatives David Millage, Donna Hammitt Barry and Chuck Larson on their marriages. We will be waiting for goodies from these people during the next several weeks.

As we start our session today, the question that is being asked is what will we accomplish between now and our projected ending date on April 16th? Some people say nothing – it's an election year. Others say we'll accomplish a little bit. I say we will accomplish a lot in this body, this session.

I must say it is refreshing not to hear all the jokes and snide comments about "hold on to your wallet, the legislature is back in session." And there is a good reason that we are not held up for ridicule much anymore. Look at the record this body has assembled the past three years. We've eliminated a \$400 million plus deficit and replaced it with a \$400 million plus surplus. We pay our bills on time. We reformed welfare in a meaningful and compassionate way. We have created jobs. We actually cut taxes. And the list goes on. We have positioned Iowa to be one of the shining stars in the U.S. as we move into the next century.

And yet there seems to be a prevailing mood of doom and gloom around this place. There appears to be very little optimism as we start this session. And this is in spite of the fact that our economy continues to grow far beyond expectations; our unemployment rate is an unbelievable 3.2 percent; there are almost 29,000 more Iowans working this year than last year; our per capita personal income increased from thirty-fifth in the nation in 1993, to thirtieth in 1994; the number of children in our schools increased for the sixth straight year; and in the report "State Rankings 1995", Iowa was ranked the fourth most livable place to live in the United States.

Now, I certainly understand that we have problems in this state. We do need to have better paying jobs for our citizens, we do have to provide more housing, especially for moderate income people, and we need to tend to our infrastructure needs. But while we have problems, we also have a unique opportunity to vault our state into the national limelight.

I think we need to recognize our problems, work to create solutions to begin solving them, and at the same time, accentuate the positive side of Iowa and let the rest of the world know that this is a place moving in the right direction. Too many people, including several across the rotunda only want to point to the problems and talk about what's wrong, not what's right. I think they went and looked through their old record collection of 45's and found the early 1960's hit by a guy named Barry Macquire called the "Eve of Destruction"; and they've been playing it over and over. Doom and gloom. When I look at our state today, I am reminded of a more recent, albeit rather obscure rock band called "Timbuk 3". and the line from one of their songs, "the future's so bright, I gotta wear shades". Not doom and gloom, ladies and gentlemen: opportunity!

All of us read recently that AT&T was reducing their workforce by 40,000 people in a downsizing effort. That announcement, and others like it, cause concern for our citizens. Make no mistake about it. In the remaining years of this decade, Iowa will lose jobs. Every country of the world will lose jobs as business downsizes and tries to become more efficient. Iowa will not be immune. What we must do in this legislature is work to create a climate that will allow us to create more jobs than we lose. We must create opportunity for our state to grow. We have

made a good start. With no debt, a balanced budget, and a 10 percent surplus in savings, we can give business a strong incentive to either expand in Iowa, or relocate in Iowa. We can tell a business, "Look, we won't raise your taxes for the rest of this decade and beyond. Come to Iowa and grow." We have a good transportation system, which through our actions last session, we made better by agreeing to plow an additional quarter of a billion dollars into the road fund over the next three years on top of the regular growth. We have excellent schools. By and large, you can feel safe in Iowa in terms of public safety. And of course we have great workers with a tremendous work ethic in our state.

That is a good start in creating a climate that will allow Iowa to seize the opportunity to create jobs for our citizens so that we can keep people from leaving our state and make improvements in things like wages and per capita income. But there is much more to do.

This session we need to key in on five areas:

1. Reducing our tax burden. The state is bringing in too much money from our citizens and we need to continue our work of last session by cutting both property and income taxes. In income taxes, we should index our income tax brackets to account for inflation. We should eliminate the inheritance tax for children and grandchildren, and we should make changes in our Sub-Chapter S tax laws. We also need to relieve property taxes in a major way by shifting some of the property tax spent on schools to state aid. I hear from the Senate that we must "go slow." To me, that means be timid. Ladies and gentlemen, this chamber will be neither timid nor irresponsible. We can and we must cut taxes. We have a unique opportunity to reduce our tax burden and make Iowa a more attractive place to live. We mustn't miss our chance.

2. The second thing we must and will accomplish this session is the establishment of a school technology fund. No one does a better job of teaching students the basics than Iowa teachers. Now, we must give them help to do a better job of bringing technological skills to students and teachers. At a minimum, we must enact something similar to what the House passed last session - \$15 million the first year; \$30 million the second; \$45 million the third; and \$60 million the fourth. This is money that goes directly to the classroom and directly to help our students. A school technology fund has to be accomplished this year.

3. We will establish a permanent funding stream for our Rebuild Iowa infrastructure fund. We do have an infrastructure problem in this state, and we will begin to address it by doing this. As many of you know, Financial World Magazine has rated Iowa the sixth best fiscally managed state in the U.S. this year. We were sixteenth two years ago, and we can all take pride in this accomplishment. The only place we were downgraded in this study was because we didn't do enough for our infrastructure. This year, we must pass legislation which will allow us to have a permanent revenue stream to help meet our needs for things like deferred maintenance, the state capitol, state fair, and regents buildings. We should do this by putting the interest (around \$24 million a year) from our 10 percent surplus in the infrastructure account, as well as capping gambling revenues which go into the general fund at somewhere between \$60 - \$70 million a year and putting the remainder of at least \$24 million into our infrastructure account. By doing this, we won't be dependent on gambling revenues, and it will allow us to plan for our future infrastructure needs.



4. Iowa is a relatively safe place to live – that is, until someone you know is a victim of a crime. We must keep criminals off the street; and because of our overcrowded prison system, we should authorize a new 750-bed medium security prison to make sure we can keep the criminals out of our neighborhoods. We also need to revisit and pass the issue of eliminating parole which we passed last year.

5. As we look to the future, we have to make sure we can provide additional recreational opportunities for our citizens to make Iowa a more attractive place to live. We need to provide some additional funding for the R.E.A.P. program and we should use some infrastructure money to construct and maintain more hiking and biking trails in our state.

Many people are worried about what the federal government may do to us. While I think we should have concerns, I feel confident that we can handle whatever is given to us. The gloom and doomers mention the possibility of some programs being given to the states as block grants and say that it would be a disaster. I disagree. It presents us an opportunity. For example, if the federal government gave us back the welfare system as block grants, we would be ahead of most states because of the reforms we already put into place. If they were to turn over employment services and job training programs as block grants, that is an opportunity, not a disaster. It's an opportunity because:

1. The programs most likely will be sent back to us with less rules and regulations.

2. The programs will come back to us without all the federal bureaucracy.

3. If a program is block granted to us, it gives us the unique opportunity to rebuild the system from the ground up and eliminate unnecessary programs and become more efficient.

While we have concerns about what may come from President Clinton and the Congress as they struggle to get their fiscal house in order, I am confident we can handle what they give us as well as address the above five points.

The past three to four years, we have been consumed with our budget problems. Now that our fiscal house is in order, we must build for the future. I haven't even mentioned balancing the budget as a priority this session. That's because that should now be a no-brainer. Now that we have control of our finances, a balanced budget should just be a matter of fact. We shouldn't heap praise on ourselves for balancing the budget because that is our job.

What we need to do this session is concentrate our efforts on creating a climate to let this state grow. We can be full of doom and gloom and be timid and cautious. Or we can move forward in a responsible manner knowing that there will be problems along the way, but also knowing we can create opportunities out of those problems. I think we should opt for the latter and position our state for the next century.

Working together, both Republicans and Democrats, I'm confident that we can make the future brighter for our state. Bright enough that when we leave here next April, we'll all need to wear shades.

Thank you, Mr. Speaker.

## REMARKS BY MINORITY LEADER

Schrader of Marion offered the following remarks:

Thank you, Mr. Speaker. Colleagues and staff, welcome back. It's good to see you all again.

As we convene today, we are touched with sadness at the passing of one of our colleagues, Jerry Cornelius. My memories of Jerry are all pleasant ones. We will miss him.

On a happier note, I extend a special welcome to our newest representative, Todd Taylor of Cedar Rapids, who is replacing Rich Running. We know you'll enjoy your service in the Legislature, Todd, and we wish you success.

Throughout the summer and fall, members of the Democrat caucus have been meeting with Iowans to hear their concerns and help sharpen our focus for this session. Here's what we learned.

Iowans want lower property taxes. Last spring Democrats worked hard to convince the majority party to cut property taxes. We're happy with the results. This year we are pleased to see that you have abandoned the inequitable income tax cuts contained in your Family Opportunity Plan in favor of additional property tax relief and indexing. We'll work with you for fiscally responsible reductions.

Iowans also want more local control of large hog lots. We heard from hundreds of citizens at public hearings throughout this state. They were nearly unanimous in their demand for more local accountability and for more protections for smaller hog operations. We've developed several initiatives that we plan to share with you and which we hope to debate and adopt.

Iowans are also concerned about insurance companies that want to limit hospital stays for mothers and newborn infants to a single day. We've heard from medical experts, as well as mothers and fathers, who tell us that twenty-four hours is not enough to assure the well-being of mother and child. We think doctors and families, not insurance executives, should make these decisions.

Finally, last year Republicans and Democrats in the House passed legislation unanimously to keep violent criminals off our streets. For a variety of reasons, Governor Branstad vetoed that legislation. We are willing to work with Republicans again to craft a tough crime bill that answers the Governor's concerns and makes Iowans more secure in their communities.

We look forward to a productive 1996 session. Mr. Speaker, the Democrats have arrived here ready to work and committed to stay until our work is done.

## REMARKS BY SPEAKER

Speaker Corbett offered the following remarks:

I want to welcome all of you back to this session of the Seventy-sixth General Assembly.

150 years ago the Territory of Iowa took a bold step forward. This year we celebrate that bold step for statehood during our Sesquicentennial.

However we might not be having this celebration had it not been for some forward looking leaders in the Legislative Assembly who decided to support statehood.

They were not without opposition. The opponents of statehood used the fear of the unknown, the fear of what the federal government in Washington might do, and the threat of the loss of federal funds. They had predictions of doom and gloom.

Today, 150 years later, we still have those that want to use the fear of the unknown, the fear of what the federal government in Washington might do, and the threat of the loss of federal funds, to defend their positions. They have the same predictions of doom and gloom.

Thankfully, our predecessors were forward looking people who had faith in the future and were not afraid to lead. They chose to focus on the positive, the opportunities and the chance for prosperity. They decided in spite of the unknown, they had much to gain by moving forward and much to lose by standing still. Pressing the pause button was not an option for our predecessors and it is not an option now.

We can learn a lesson from Iowa's first visionaries. Just as they moved forward 150 years ago, we need to move forward today.

This year we are celebrating our history, our accomplishments and the important role individuals played in shaping our state's character.

Carrie Chapman Catt, the leader of the women's suffrage movement, Coker Clarkson the organizer of the Grange and Joshua Grinnell, a leader in the underground railroad, are Iowans who embraced the future.

These people were not afraid to lead. In the face of opposition and adversity, they moved this state forward. And we are fortunate they did.

For past few years it would have been difficult for Iowa to celebrate. The farm crisis, the flood, the deficit, and across the board budget cuts gained our attention and rightfully so. But we overcame each of these obstacles.

1996, however, is a year of celebration in Iowa. But it will be difficult for the people of Iowa to celebrate at all if all they hear from their elected leaders is fear, doom and gloom.

Today we do not have the obstacles of the past. We have a substantial budget surplus, low unemployment, good prices for a bushel of corn and an increasing population. Good things are happening in our state and we should be optimistic about our future. 1996 is not the year to stand still.

Last year, I quoted President John F. Kennedy. That quote seems even more appropriate this year. "Those who look only to the past or the present are certain to miss the future."

In April, the Seventy-sixth General Assembly will have completed it's work. Will we be known for seizing the opportunities presented to us or will we be known for squandering those same opportunities.

All of us decided to run for office to be leaders, to help shape the future of Iowa. Twenty years ago the names on the voting boards were different and twenty years from now they will change again. We, as individuals, are only footnotes. But what we, as a body, put in or take out of the Iowa Code is our legacy.

Every January, a group of leaders come to the Statehouse with a chance to shape their legacy. It is much like a piece of clay ready to be molded and shaped – our future.

As I look out over the People's House and into your faces and eyes, I see people that are ready to start sculpting as am I. Let us celebrate the past, seize the present and focus on the future.

**REPORT OF COMMITTEE TO NOTIFY THE SENATE**

Brunkhorst of Bremer, chair of the committee to notify the Senate that the House was duly organized and ready to receive any communication that the Senate might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

**REPORT OF COMMITTEE TO NOTIFY THE GOVERNOR**

Blodgett of Cerro Gordo, chair of the committee to notify the Governor that the House was duly organized and ready to receive any communication he might desire to transmit, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

**COMMITTEE FROM THE SENATE**

A committee from the Senate appeared and notified the House that the Senate was duly organized and ready to receive any communication that the House might desire to transmit.

**SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE**

MR. SPEAKER: Your committee appointed to determine the mileage for the members of the House submits the following supplemental report:

Name	Round Trip Miles
Gary B. Blodgett .....	236
Todd E. Taylor .....	242

Respectfully submitted,  
ROBERT E. BRUNKHORST, Chair  
DAVID A. MILLAGE  
KEITH W. WEIGEL

**RULE 57 SUSPENDED**

Siegrist of Pottawattamie asked and received unanimous consent to suspend Rule 57, relating to committee notice and agenda for committee meetings today.

**INTRODUCTION OF BILLS**

**House Joint Resolution 2001**, by Warnstadt, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to the office of Secretary of State.

Read first time and referred to committee on **state government**.

**House File 2001**, by Carroll, a bill for an act extending an exemption from federal motor carrier safety regulations for medically unqualified drivers and providing an effective date.

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

**House File 2002**, by Millage, a bill for an act relating to the commercial air service marketing program.

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

**House File 2003**, by Kremer, a bill for an act relating to the definition of criminal trespass in nonmeandered, navigable streams.

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

**House File 2004**, by O'Brien, a bill for an act requiring transfer to the special conservation fund of proceeds of excise taxes on sale of all-terrain vehicle and snowmobile fuel.

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

**House File 2005**, by O'Brien, a bill for an act relating to all-terrain vehicle registration.

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

**House File 2006**, by Millage, a bill for an act relating to the minimum sentence for habitual offenders.

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

**House File 2007**, by Daggett, a bill for an act relating to arbitrator considerations in binding arbitration of public employment collective bargaining disputes involving school districts.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2008**, by Ollie, a bill for an act relating to adult basic education programs at the community colleges and making an appropriation.

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

**House File 2009**, by Dinkla, a bill for an act to legalize certain city and county deeds and conveyances.

Read first time and referred to committee on **local government**.

**House File 2010**, by Ollie, a bill for an act relating to educational programs for adult literacy for inmates at state correctional institutions and providing an appropriation.

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

**House File 2011**, by Schrader, a bill for an act relating to a property tax exemption for a person who is totally disabled while on active duty with the armed forces of the United States and providing an effective date.

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

**House File 2012**, by Daggett, a bill for an act relating to school finance by increasing the foundation base level for special education and providing an effective date.

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

**House File 2013**, by Myers, a bill for an act relating to the conduct of raffles.

Read first time and referred to committee on **state government**.

**House File 2014**, by Burnett, a bill for an act setting standards for outdoor lighting and providing a penalty.

Read first time and referred to committee on **local government**.

**House File 2015**, by O'Brien, a bill for an act relating to the filing of claims for credit or refund by retired federal employees as a result of the unconstitutional taxation of federal pensions under the state individual income tax.

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

**House File 2016**, by Tyrrell, a bill for an act to adjust annually the jurisdictional amount for small claims actions according to the consumer price index.

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

**House File 2017**, by Kremer, a bill for an act relating to immunity from assault charges for the use of force by a person to stop a fight or disturbance at a school or school function.

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

**House File 2018**, by Carroll and Bell, a bill for an act relating to the statewide applicability of real estate improvement districts and providing an effective date.

Read first time and referred to committee on **local government**.

**House File 2019**, by Huseman, a bill for an act relating to the appropriation and distribution of proceeds from the franchise tax on financial institutions and providing a repeal date.

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

**House File 2020**, by Connors, a bill for an act relating to the civil actions against individuals including the time period for commencing an action and recovery of court costs.

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

**House File 2021**, by Daggett, a bill for an act relating to housing and residential development in areas designated as economic development urban renewal areas in certain cities and providing an effective date.

Read first time and referred to committee on **local government**.

**House File 2022**, by Larson, a bill for an act relating to the repeal of disclosure requirements imposed on certain financial institutions and persons accepting applications for certain open-end credit or a credit card.

Read first time and referred to committee on **commerce-regulation**.

**House File 2023**, by Larson, a bill for an act relating to the computation of the tax imposed on shareholders of corporations whose income is taxed to its shareholders and providing an effective and applicability date provision.

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

**House File 2024**, by Dinkla, a bill for an act relating to the appointment and dismissal of the chief of police in certain cities with a mayor-council form of government and without civil service.

Read first time and referred to committee on **local government**.

**House File 2025**, by Nelson of Marshall, a bill for an act relating to postsecondary education costs under a child support order.

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

**House File 2026**, by Grundberg, a bill for an act relating to the actual value of real property for purposes of an urban revitalization property tax exemption and providing an applicability date.

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

**House File 2027**, by Millage, a bill for an act relating to the amount of retirement income exempt for purposes of state individual income taxation and providing a retroactive applicability date.

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

**House File 2028**, by Kremer, a bill for an act relating to notification of school officials of the filing of delinquency complaints involving juveniles or juveniles receiving an informal adjustment for alcohol or drug violations.

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

**House File 2029**, by Millage, a bill for an act relating to the transfer of the duties and responsibilities of the college student aid commission, and the governance of the community colleges, to the state board of regents, and providing for related matters.

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

**House File 2030**, by Millage, a bill for an act relating to the redemption rights of mortgagors and lienholders in actions of judicial foreclosure without rights of redemption, when the federal government is one of the junior lienholders.

Read first time and referred to committee on **commerce-regulation**.

**House File 2031**, by Murphy, a bill for an act providing for the sale of unused highway right-of-way property to present owners of adjacent property.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 5**, by Kibbie, a bill for an act relating to the appointment and employment of the director of the department of education and enacting a transitional provision.

Read first time and referred to committee on **state government**.





## CITIZENS' AIDE/OMBUDSMAN

The 1994 Annual Report, pursuant to Chapter 2C.18, Code of Iowa.

## COMMUNITY ACTION AGENCIES

The 1994 annual report on community action programs in Iowa, pursuant to Chapter 216A, Code of Iowa.

## COMMISSION OF VETERANS AFFAIRS

A Report on the Automation of Military records, and also a study of the cost of training of the county supervisors, both pursuant to Chapter 161, 1995 Acts of the General Assembly.

## DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

## Office of Renewable Fuels and Co-Products

The Semi-Annual Report, July 1, 1995, pursuant to Chapter 159.15, Code of Iowa.

The Semi-Annual Report, January 1, 1996, pursuant to Chapter 159.15, Code of Iowa.

## DEPARTMENT OF COMMERCE

## Iowa Utilities Board

The 1994 Annual Report, pursuant to Chapters 7A.1, 7A.10, and 476.16, Code of Iowa.

## DEPARTMENT OF CULTURAL AFFAIRS

The 1995 Annual Report, pursuant to Chapter 7E.5, Code of Iowa.

## DEPARTMENT OF ECONOMIC DEVELOPMENT

A report to the General Assembly on value-added agricultural products and processes financial assistance program, pursuant to Chapter 1119, 1994 Acts of the Seventy-fifth General Assembly.

The Annual Report for Fiscal Year 1995, pursuant to chapter 7E.5, Code of Iowa.

## DEPARTMENT OF EMPLOYMENT SERVICES

The 1995 Annual Status Report on the Unemployment Compensation Fund, pursuant to Chapter 96.35, Code of Iowa.

## Division of Labor Services

The Final Report, "An Assessment of User Satisfaction with OSHA Inspection Process and Related Procedures", pursuant to Chapter 204, 1995 Acts of the Seventy-sixth General Assembly.

## DEPARTMENT OF HUMAN RIGHTS

## Commission of Persons with Disabilities

The Annual Report, pursuant to Chapter 216.5(7), Code of Iowa.

**DEPARTMENT OF HUMAN SERVICES**

A preliminary report on the Comprehensive Family Support Program pursuant to Chapter 1041, 1994 Acts of the Seventy-fifth General Assembly.

The report on Comprehensive Family Support, pursuant to Chapter 1041, 1994 Acts of the Seventy-fifth General Assembly.

A preliminary report from the State County Management Committee, pursuant to Chapter 206.23, 1995 Acts of the Seventy-sixth General Assembly.

A report "Pertaining to the Discretionary Medical Assistance Process," pursuant to Chapter 205, 1995 Acts of the Seventy-sixth General Assembly.

**Division of Mental Health and Developmental Disabilities**

The family support subsidy summary and evaluation for Fiscal Year 1995, pursuant to Chapter 225C.42, Code of Iowa.

A report from the State County Management Committee, pursuant to Chapter 331.438(3)(c)(13), Code of Iowa.

**DEPARTMENT OF INSPECTIONS AND APPEALS**

The Annual Report for Fiscal Year 1995, pursuant to Chapter 7E.5, Code of Iowa.

**DEPARTMENT OF JUSTICE**

A report on the operation of the Iowa Prosecutor Intern Program during the 1995 state fiscal year, pursuant to Chapter 13.2(12), Code of Iowa.

A report on the study of the development of regional multidisciplinary teams to focus on child abuse prosecution and intervention needs, pursuant to Chapter 147.7, Code of Iowa. Will be received after January 19, 1996.

**DEPARTMENT OF NATURAL RESOURCES**

A report on the results of the Toxic Cleanup Days during the 1995 calendar year, pursuant to Chapter 455F.8, Code of Iowa.

The Annual Report, pursuant to Chapter 455B.425 and 455B.427, Code of Iowa.

**DEPARTMENT OF PERSONNEL**

The Annual Report pursuant to Chapter 19A.8(7), Code of Iowa.

A review of affirmative action in state government, pursuant to Chapter 19B.5, Code of Iowa.

**DEPARTMENT OF PUBLIC DEFENSE**

A report entitled "Iowa E911 Program; Putting The Pieces Together!", pursuant to Chapter 34A, Code of Iowa.

**DEPARTMENT OF PUBLIC SAFETY**

The incident-based Iowa uniform crime reports, pursuant to Chapter 692.15, Code of Iowa.

**DEPARTMENT OF TRANSPORTATION**

A report on the update of the Iowa Transportation Policy, pursuant to Chapter 307.10(1), Code of Iowa.

A report stating the Iowa Railway Finance Authority Board reaffirmed its policy with no changes, pursuant to chapter 307B.8, Code of Iowa.

The Annual Report of highway research and development in Iowa, pursuant to Chapter 310.36 and 312.3a, Code of Iowa.

#### ENERGY FUND DISBURSEMENT COUNCIL

A report to the Governor and General Assembly, July 1995, pursuant to Chapter 473.11, Code of Iowa.

A report to the Governor and General Assembly, revised September 1995, pursuant to Chapter 473.11, Code of Iowa.

#### GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE

The Annual Report of the Iowa drug enforcement and abuse prevention coordinator, pursuant to Chapter 80E, Code of Iowa.

#### HIGHER EDUCATION LOAN AUTHORITY

The 1995 Annual Report, pursuant to Chapter 261A.21, Code of Iowa.

#### IOWA PUBLIC TELEVISION

The report on the Support Responsibilities, pursuant to Chapter 266.1(14), Code of Iowa.

#### IOWA SEED CAPITAL CORPORATION

The 1995 Annual Report, pursuant to Chapter 15E.92, Code of Iowa.

#### IOWA STATE UNIVERSITY

The final report detailing the Ethanol Production and Livestock Feeding project pursuant to Chapter 1119, 1994 Acts of the Seventy-fifth General Assembly.

#### LEGISLATIVE FISCAL BUREAU

The 1995 Session Fiscal Report of the Seventy-sixth General Assembly State of Iowa, pursuant to Chapter 2.48, Code of Iowa.

#### STATE BOARD OF REGENTS

A report on the progress of regents institutions in meeting the Strategic Plan for Technology Transfer and Economic Development, pursuant to Chapter 1201.7, 1994 Acts of the Seventy-fifth General Assembly.

#### STATE OF ALABAMA

A resolution reclaiming state sovereignty under the Tenth Amendment of the United States Constitution.

#### STATE OF INDIANA

A Senate Concurrent Resolution claiming sovereignty for Indiana with regard to all powers not granted by the U.S. Constitution to the federal government.

#### STATE OF OKLAHOMA

A resolution for the heartfelt giving and compassion of our fellow brothers and sisters of the great state of Iowa.

## STATE OF VIRGINIA

House Joint Resolution 625, memorializing the Congress of the United States to propose an amendment to Article V of the Constitution of the United States to provide for the calling of limited national constitutional conventions.

## TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

The Five Year Financial Plan Projections and Forecasts as of and for the years ending June 30, 1995 through 2000, pursuant to Chapter 8D, Code of Iowa.

The ITTC Report of Review of Maintenance Contract, pursuant to Chapter 8D.3(3)(g), Code of Iowa.

## WALLACE TECHNOLOGY TRANSFER FOUNDATION

A plan for reorganization of state funded technology-based economic development programs, pursuant to Chapter 15E.155(7), Code of Iowa.

## CERTIFICATES

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

- 1995\333 New Hampton Elementary School, New Hampton – For receiving a 1994-1995 First In the Nation in Education Award.
- 1995\334 Wilbur W. Molsberry, Sigourney – For celebrating his One hundredth birthday.
- 1995\335 Courtney Brummer, Council Bluffs – For being awarded First Place in the graphics/single page layout division of the National Federation of Press Women's High School Journalism Contest.
- 1995\336 Shelly DeWitt, Council Bluffs – For being awarded Third Place in the editorial category of the National Federation of Press Women's High School Journalism Contest.
- 1995\337 Jon Leu, Council Bluffs – For being awarded Third Place for Editorial Excellence by the Iowa Newspaper Association in the 1995 Better Newspaper Contest.
- 1995\338 Gordon and Bettie Wentz, Clear Lake – For celebrating their Fiftieth wedding anniversary.
- 1995\339 David C. Rundall, Anamosa – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\340 William Tubbs, North Scott Press – For receiving the Iowa Newspaper Association's Master Editor Publisher award.
- 1995\341 Florence and Arthur Ruen, Decorah – For celebrating their Sixty-fifth wedding anniversary.

- 1995\342 Clair and Wilma Kentner, Osceola – For celebrating their Fiftieth wedding anniversary.
- 1995\343 Virgil and Dorothy Storm, Lucas – For celebrating their Fiftieth wedding anniversary.
- 1995\344 Bill and Doris Winsor, Russell – For celebrating their Fiftieth wedding anniversary.
- 1995\345 Lora Willhite, Waterloo – For receiving a KCRG Television Thanks To Teacher Award.
- 1995\346 Lora Willhite, Waterloo – For receiving a KCRG Television Thanks To Teacher Award.
- 1995\347 Chris Bucknam, Cedar Falls – For leading his team to the Missouri Valley Conference track championship.
- 1995\348 Tyler Blakley, Red Oak – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\349 Ryan Ziker, Dubuque – For being chosen Best of Class by the University of Iowa and KWWL-TV.
- 1995\350 Angella Landis, Dubuque – For being chosen Best of Class by the University of Iowa and KWWL-TV.
- 1995\351 Natasha Hauth, Dubuque – For being chosen Best of Class by the University of Iowa and KWWL-TV.
- 1995\352 Mike Callahan, Dubuque – For being chosen Best of Class by the University of Iowa and KWWL-TV.
- 1995\353 Josh Byrd, New London – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\354 Jennifer Gerlach, Maquoketa – For receiving a State of Iowa Scholars award.
- 1995\355 David J. Pappone, Andrew – For receiving a State of Iowa Scholars award.
- 1995\356 Brandon McFarlend, Ainsworth – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\357 Nathan A. Kautz, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\358 Hunter Moffit, North English – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\359 Ruth Jones, Dubuque – For her forty-five years as organist for St. Luke's United Methodist Church.

- 1995\360 Scott Carver, Muscatine – For receiving a God and Family from the Boy Scouts of America.
- 1995\361 Benjamin Bekel, Muscatine – For receiving a God and Family from the Boy Scouts of America.
- 1995\362 George and Marge Haddy, Cedar Rapids – For celebrating their Fiftieth wedding anniversary.
- 1995\363 Mary Beth Payne, Waterloo – For winning the Class 1A State Tennis Championship.
- 1995\364 Sara Starbuck, Waterloo – For winning the Class 1A State Tennis Championship.
- 1995\365 Jamie Cahill, Waterloo – For winning the Class 1A State Tennis Championship.
- 1995\366 Kimberly Buchan, Waterloo – For winning the Class 1A State Tennis Championship.
- 1995\367 Liz Pedersen, Waterloo – For winning the Class 1A State Tennis Championship.
- 1995\368 Jenny Kehoe, Waterloo – For winning the Class 1A State Tennis Championship.
- 1995\369 Michael Scott Hiron – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\370 Dr. John and Onalee Broman, Maquoketa – For celebrating their Fiftieth wedding anniversary.
- 1995\371 Willis and Marian Bramer, Maquoketa – For celebrating their Fiftieth wedding anniversary.
- 1995\372 Isla Johnson, Maquoketa – For celebrating her Ninetieth birthday.
- 1995\373 Wayne and Othella Black, Chariton – For celebrating their Sixtieth wedding anniversary.
- 1995\374 Daisy Ashby, Osceola – For celebrating her One hundred and Sixth birthday.
- 1995\375 Clara Fry Kennedy, Osceola – For celebrating her One hundredth birthday.
- 1995\376 Matthew Peck, Albert City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\377 Max and Caroline Hubbard, Newton – For celebrating their Fiftieth wedding anniversary.
- 1995\378 Don and Dorothy Johnson, Newton – For celebrating their Fiftieth wedding anniversary.

- 1995\379 Clayton and Pat Carmody, Colo – For celebrating their Fiftieth wedding anniversary.
- 1995\380 Donald and Faye White, Newton – For celebrating their Fiftieth wedding anniversary.
- 1995\381 Morris and Lois Reynolds, Newton – For celebrating their Fiftieth wedding anniversary.
- 1995\382 Harry and Dorothy Duffus – For celebrating their Fiftieth wedding anniversary.
- 1995\383 Dale and Emily Gorsch – For celebrating their Fiftieth wedding anniversary.
- 1995\384 Charles and Carol Keller, Woodburn – For celebrating their Fiftieth wedding anniversary.
- 1995\385 Leland and Geneava Long, Chariton – For celebrating their Fiftieth wedding anniversary.
- 1995\386 Merrill and Velma McCarty, Osceola – For celebrating their Fiftieth wedding anniversary.
- 1995\387 Wilbur and Mary Thatcher, Corydon – For celebrating their fiftieth wedding anniversary.
- 1995\388 Wilbert and Blythe Clapper, Baxter – For celebrating their Fiftieth wedding anniversary.
- 1995\389 Jennifer Montica Curry – For being chosen “Miss Iowa 1995”.
- 1995\390 Mark T. Stovall, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\391 Grant Waltz, Red Oak – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\392 Joshua H. Benson, Lake Park – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\393 Sheryl Bewyer, Cedar Falls – For coaching Hansen Elementary School’s team to its 4th place win in the Future Problem Solvers International Conference.
- 1995\394 Conrad Hutcheson, Cedar Falls – For winning 4th place in the Future Problem Solvers International Conference.
- 1995\395 Mollie Daniels, Cedar Falls – For winning 4th place in the Future Problem Solvers International Conference.
- 1995\396 Rob Chamberlain, Cedar Falls – For winning 4th place in the Future Problem Solvers International Conference.



- 1995\397 Jennifer Walsh, Cedar Falls – For winning 4th place in the Future Problem Solvers International Conference.
- 1996\398 Jeremy Youde, Cedar Falls – For winning 1st place in the National Peace Essay Contest, sponsored by the United States Institute of Peace.
- 1995\399 Tim Schmit, Dubuque – For his years of service to the youths working in the Dubuque Independent League.
- 1995\400 Jim Adams, Dubuque – For his years of service to the youths working in the Dubuque Independent League.
- 1995\401 Christopher Miles Heaton, Mt. Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\402 Marilyn Herold, Dubuque – For her 12 years of service to the foster grandparent program.
- 1995\403 Dorothy and Raymond Hill Jr., Baxter – For celebrating their Fiftieth wedding anniversary.
- 1995\404 Louise and Leo Greco – For celebrating their Fiftieth wedding anniversary.
- 1995\405 Josephine and Paul Skaff – For celebrating their Fiftieth wedding anniversary.
- 1995\406 Eric Ryan, Waukon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\407 Clarke County Girl's Softball Team, Osceola – For winning the Class 2-A Softball championship.
- 1995\408 Virgil and Doris Saak, Baxter – For celebrating their Fiftieth wedding anniversary.
- 1995\409 Earl and Nettie Bale, Colfax – For celebrating their Fiftieth wedding anniversary.
- 1995\410 Alissa Luepke, Ankeny – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1995\411 Sarah Karlen, Polk City – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1995\412 Jamie Nabb, Maquoketa – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\413 Don and Ann Kleis, Maquoketa – For celebrating their Fiftieth wedding anniversary.
- 1995\414 Clarence and Loretta Feller, Bellevue – For celebrating their Sixty-fifth wedding anniversary.

- 1995\415 Doris Mauer, Cedar Falls – For being certified a “Master Teacher” by the National Board for Professional Teaching Standards.
- 1995\416 John York, Cedar Falls – For being certified a “Master Teacher” by the National Board for Professional Teaching Standards.
- 1995\417 Helen and Ralph Rethmeier, Newton – For celebrating their Fiftieth wedding anniversary.
- 1995\418 Juanita and Glen Rethmeir, Newton – For celebrating their Fiftieth wedding anniversary.
- 1995\419 Sean Madden, Olds – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\420 Jack Shields, Sheldon – For receiving the “1st Class Teacher Award” for the 1994-1995 school year in the Harris - Lake Park Community School District.
- 1995\421 Mr. and Mrs. Fred Trumper, Allerton – For celebrating their Fiftieth wedding anniversary.
- 1995\422 Luke Anderson, Red Oak – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\423 J.C. and Maudelene Kilbourn, Corydon – For celebrating their Fiftieth wedding anniversary.
- 1995\424 Everett and Marie Sullivan, Chariton – For celebrating their Sixty-fifth wedding anniversary.
- 1995\425 Byron and Kathryn England, Osceola – For celebrating their Fiftieth wedding anniversary.
- 1995\426 Mary and Marven Blair, Osceola – For celebrating their Fiftieth wedding anniversary.
- 1995\427 Forrest and Betty Klingensmith, Newton – For celebrating their Fiftieth wedding anniversary.
- 1995\428 Catherine Jones, Maquoketa – For celebrating her One hundredth birthday.
- 1995\429 Winifred Clapp, Maquoketa – For celebrating her One hundredth birthday.
- 1995\430 Mike Hainstock, Maquoketa – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\431 Chad Meehan, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\432 Max and Mary Buckley, Newton – For celebrating their Fiftieth wedding anniversary.

- 1995\433 Harold and Jean Dent, Corydon – For celebrating their Fiftieth wedding anniversary.
- 1995\434 Jerald and Wanda Fenton, Melrose – For celebrating their Fiftieth wedding anniversary.
- 1995\435 Edward and Juanita Mathiesen, Newton – For celebrating their Fiftieth wedding anniversary.
- 1995\436 Michael Wetta, Red Oak – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\437 Selma Paine, Cedar Falls – For celebrating her One hundredth birthday.
- 1995\438 Jarom Dietz, Sigourney – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\439 John Morris, Keota – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\440 Mr. and Mrs. Vernard Oxenreider, Chariton – For celebrating their Fiftieth wedding anniversary.
- 1995\441 Dale and Imogene Cherryholmes, Seymour – For celebrating their Fiftieth wedding anniversary.
- 1995\442 John and Ida Maletta, Mystic – For celebrating their Fiftieth wedding anniversary.
- 1995\443 N'west Iowa Review, Sheldon – For winning 1st and 2nd place honors, presented by the National Newspaper Association at its annual convention.
- 1995\444 Shannon Cde Baca, Council Bluffs – For winning the Milken Family Foundation National Educator Award.
- 1995\445 John Gibson, Council Bluffs – For his induction into the Hall of Fame of the Iowa High School Speech Association.
- 1995\446 Robb Riley, Lenox – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\447 John Gibson, Council Bluffs – For his induction into the Iowa Thespian Hall of Fame.
- 1995\448 Julie Kellor, Muscatine – For being selected Queen of the Iowa State Rabbit Breeders Association.
- 1995\449 Chester and Shirley O'Hara, Council Bluffs – For celebrating their Fiftieth wedding anniversary
- 1995\450 Sister Marian Myers, Bvm., Dubuque – For celebrating her One hundredth birthday.

- 1995\451 Lee and Wilma Sutton, Mingo – For celebrating their Sixtieth wedding anniversary.
- 1995\452 Gavin Poindexter, Cedar Rapids – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\453 Joseph Hogue, Sloan – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\454 Eric Lassance, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\455 Kevin T. Pedretti, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\456 Bud and Helen Overland, Ames – For celebrating their Fiftieth wedding anniversary.
- 1995\457 Michael Monson, Newell – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\458 Amber Schmidt, Laurens – For winning the State Class 2A Cross Country title.
- 1995\459 Dr. Vaughn R. and Joan Lewis, Chariton – For celebrating their Fiftieth wedding anniversary.
- 1995\460 Mary and Jim Lohr, Ames – For celebrating their Twenty-fifth wedding anniversary.
- 1995\461 Fannie Davis, Corydon – For celebrating her One hundredth birthday.
- 1995\462 Donal and Donna Sparks, Chariton – For celebrating their Fiftieth wedding anniversary.
- 1995\463 Bill and Mary Bostwick, Seymour – For celebrating their Fiftieth wedding anniversary.
- 1995\464 Ian M. Levis, Audubon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\465 Nathan P. Levis, Audubon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\466 Matthew J. Cunningham, Audubon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\467 Michael E. Cunningham, Audubon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\468 Lyle H. Hansen, III, Audubon – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 1995\469 Justin P. Christensen, Brayton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\470 Brad Taylor, Story City – For being selected the State's Outstanding Vocational Education Teacher for 1995.
- 1995\471 J.D. and Betty Eddy, Osceola – For celebrating their Fiftieth wedding anniversary.
- 1995\472 David Jaeggi, Davenport – For winning the youth division (ages 12 - 14) of the National Field Archery Association's Outdoor Nationals on July 28th.
- 1995\473 Virjama Hamilton, Ames – For celebrating her Eightieth birthday.
- 1995\474 Jess Palmer, West Liberty – For being selected to the 1995 Class 2A 2nd Team All-State Volleyball Team.
- 1995\475 Jason Cross, Wapello – For being selected to the 1995 Class 2A 3rd Team Offense All-State Football Team.
- 1995\476 Jason Payne, Columbus Junction – For being selected to the 1995 Class 2A 1st Team Offense All-State Football Team.
- 1995\477 Jake Neels, Louisa-Muscatine – For being selected to the 1995 Class 2A 1st Team Offense All-State Football Team.
- 1995\478 Chad Morrison, West Liberty – For being selected to the 1995 Class 3A 1st Team Offense All-State Football Team.
- 1995\479 T. J. Heither, West Liberty – For being selected to the 1995 Class 3A 1st Team Defense All-State Football Team.
- 1995\480 George and Lois Morrett, Plano – For celebrating their Fiftieth wedding anniversary.
- 1995\481 Georgia and Lowell Carson, Osceola – For celebrating their Fiftieth wedding anniversary.
- 1995\482 Dan and Bernie Jensen, Newton – For celebrating their Fiftieth wedding anniversary.
- 1995\483 Elliot D. Nielsen, Albert City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\484 Chris Herrald, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\485 Brad Greene, N. W. Raiders – For being selected 1st Team All State Quarterback in Class 2A by the Iowa Newspaper Association and the Des Moines Register.
- 1995\486 Brent Schnetter, N. W. Raiders – For being selected 1st Team All State Wide Receiver in Class 2A by the Iowa Newspaper Association.

- 1995\487 Paul Zaugg, Pocahontas – For being selected 1st Team All State Center in Class 1A by the Iowa Newspaper Association.
- 1995\488 Cory Davis, Newell-Fonda Mustangs – For being selected 1st Team All State Punter in Class A by the Iowa Newspaper Association.
- 1995\489 Jason Cottrell, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\490 Nick Klenske, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\491 Drew Kueter, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\492 Tom Viner, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\493 Samuel V. Schimmelpfennig, Mount Pleasant – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\494 Forrest and Ione Purvis, Newton – For celebrating their Fiftieth wedding anniversary.
- 1995\495 Genora Williams, Colfax – For celebrating her Ninetieth birthday.
- 1995\496 Andy Phelan, Muscatine – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\497 De Vere and Velma Cleveland, Colfax – For celebrating their Sixtieth wedding anniversary.
- 1995\498 Tom E. Mitchell, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1995\499 Lee and Marie Miner, Corydon – For celebrating their Fiftieth wedding anniversary.
- 1995\500 Roland and Dorothy Sylara, Chariton – For celebrating their Fiftieth wedding anniversary.
- 1995\501 Cecil and Kathy Shriber, Corydon – For celebrating their Fiftieth wedding anniversary.
- 1995\502 Walter and Aletha Feight, Chariton – For celebrating their Fiftieth wedding anniversary.
- 1996\ 1 Archie and Marge Hackney, Newton – For celebrating their Fiftieth wedding anniversary.
- 1996\ 2 Bill and Iva Swisher, Newton – For celebrating their Fiftieth wedding anniversary.
- 1996\ 3 Richard Gilmore, Red Oak – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

- 1996\ 4 Branden Gilmore, Red Oak – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\ 5 Matthew Goldapp, Red Oak – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\ 6 Cletus Meyer, Dubuque – For his Thirty-five years of service to children and the Dubuque Boy’s Club.
- 1996\ 7 Gerald and Mae Van Zante, Monroe -- For celebrating their Fiftieth wedding anniversary.
- 1996\ 8 Pete and Dorothy Smool, Newton – For celebrating their Fiftieth wedding anniversary.

The following certificate of condolence has been issued:

1995\C 1 Sincere condolences to the Narigon family.

### INTERIM APPOINTMENTS

The following appointments were made during the interim:

#### ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS (Chapter 28C)

Danny Carroll ..... To a term ending July 1, 1996

#### AGRICULTURAL EDUCATION ADVISORY COUNCIL (Chapter 256.32)

Jerry Cornelius ..... To a term ending June 30, 1997

#### CAPITOL PLANNING COMMISSION (Chapter 18A)

Chuck Gipp ..... To a term ending April 30, 1998

#### CENTER FOR RURAL HEALTH AND PRIMARY CARE (Chapter 135.107)

Russell Teig ..... To a term ending May, 1996

Dennis May ..... To a term ending January 13, 1997

#### COLLEGE STUDENT AID COMMISSION (Chapter 261.1)

Christopher Rants ..... To a term ending June 30, 1996

#### COMMISSION ON CHILDREN, YOUTH, AND FAMILIES (Chapter 217.9A)

Beverly Nelson ..... To a term ending December 31, 1997

#### COMMISSION ON THE STATUS OF WOMEN (Chapter 216A.52)

Jack Holveck ..... To a term ending June 30, 1996

COMMUNICATIONS REVIEW COMMITTEE

(Chapter 2.35)

Bob Brunkhorst ..... To a term ending May, 1998

COUNCIL ON HUMAN INVESTMENT

(Chapter 8A.1)

Neil Harrison ..... To a term ending April 30, 1998

ECONOMIC DEVELOPMENT BOARD

(Chapter 15.103)

Chuck Larson ..... Pleasure of the Speaker

Deo Koenigs ..... Pleasure of the Speaker

EDUCATION COMMISSION OF THE STATES

(Chapter 272B.2)

Dennis Cohoon ..... To a term ending June 30, 1998

FUNCTIONAL CLASSIFICATION REVIEW BOARD

(Chapter 306.6(2) )

Jerry Welter ..... Pleasure of the Speaker

INTERMEDIATE CRIMINAL SANCTIONS TASK FORCE

(Chapter 171, 1993 Acts of the Seventy-Sixth General Assembly)

Tom Baker ..... Pleasure of the Speaker

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

(Chapter 19A.1,97B.8)

Mona Martin ..... Pleasure of the Speaker

LAW ENFORCEMENT ACADEMY COUNCIL

(Chapter 80B.6)

Barry Brauns ..... To a term ending April 30, 1997

MEDICAL ASSISTANCE ADVISORY COUNCIL (Title XIX)

(Chapter 249A.4(8) )

Neil Harrison ..... To a term ending June 30, 1996

NORTH AMERICAN FREE TRADE AGREEMENT

EXPORT AND TRADE SUMMIT

(Chapter 218.6 (3)(a), 1995 Acts of the Seventy-sixth General Assembly)

Don Shoultz ..... Completion of summit

Phil Wise ..... Completion of summit

PREVENTION OF DISABILITIES POLICY COUNCIL

(Chapter 225B.3)

Richard Arnold ..... Pleasure of Speaker

Norman Mundie ..... To a term ending May, 1996



RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE  
(Chapter 159A.4)

Bill Salton ..... To a term ending May, 1996

STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM  
(Chapter 411.36)

Libby Jacobs ..... To a term ending April 30, 1996

Paul Bell ..... To a term ending April 30, 1996

WALLACE TECHNOLOGY TRANSFER FOUNDATION BOARD  
(Chapter 15E.152 to 15E.161)

Steven Churchill ..... Pleasure of the Speaker

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B 500 Ways and Means**

Providing a livestock production credit for state income tax purposes, repealing the agricultural land and family farm property tax credits, and providing applicability dates.

**H.S.B. 501 Ways and Means**

Providing a sales, services, and use tax exemption on certain packaging materials used in agricultural, livestock, or dairy production.

**H.S.B. 502 Labor and Industrial Relations**

Concerning unemployment compensation benefits for session-only employees of the general assembly.

**H.S.B. 503 Labor and Industrial Relations**

Relating to compensation to employees for occupational hearing loss.

RESOLUTIONS FILED

**HCR 103**, by Fallon, a concurrent resolution urging the government of France to discontinue nuclear weapons testing.

Referred to committee on **state government**.

**HCR 104**, by Grundberg and Nelson of Pottawattamie, a concurrent resolution designating the week of January 7-14, 1996, as Children's Week in Iowa.

Laid over under **Rule 25**.

REPORT OF HOUSE ADMINISTRATION AND RULES COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on administration and rules submits the following to be employed/resigned in the indicated positions, and at the indicated

classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Chief Clerk	Elizabeth A. Isaacson			\$71,947.20 Salary
Assistant Chief Clerk I	Jeffrey A. Bean	32-1	E-FT	12/14/95
Senior Caucus Staff Director	Warren L. Fye	41-3 to 41-4	P-FT	02/29/95
Senior Caucus Staff Director	Paulee Lipsman	41-4 to 41-5	P-FT	12/29/95
Legislative Research Analyst	Patricia A. Axmear	27-1 to 27-2	P-FT	07/14/95
Legislative Research Analyst II	Mary C. Braun	32-3 to 35-2	P-FT	12/29/95
Legislative Research Analyst III				
Sr. Legislative Research Analyst	Edward J. Conlow	38-3 to 38-4	P-FT	12/29/95
Legislative Research Analyst II	Pamela H. Dugdale	32-2 to 32-3	P-FT	06/19/95
Legislative Research Analyst I	Lewis E. Olson	29-2 to 29-3	P-FT	06/30/95
Legislative Research Analyst I	Jenifer L. Parsons	29-3 to 32-2	P-FT	12/29/95
Legislative Research Analyst II				
Legislative Research Analyst III	Joseph P. Romano	35-2 to 35-3	P-FT	12/29/95
Legislative Research Analyst	Craig R. Schoenfeld	27-1 to 27-2	P-FT	07/14/95
Legislative Research Analyst	Kimberly D. Statler	27-1	P-FT	08/07/95
Executive Secretary to Leader	Carolyn J. Gaukel	24-5 to 27-4	P-PT	08/11/95
Confidential Secretary to Leader				
Administrative Secretary to Leader	Roberta J. Schrader	21-1	P-PT	05/19/95
Clerk to Chief Clerk	Kathryn M. Farrell	16-1	S-O	01/08/96
Compositor	Katy M. Routh	17-1	S-O	05/30/95
Compositor/Desk Top	Katy M. Routh	17-1	P-FT	06/16/95
Compositor/Desk Top	Trina L. Sterling	17-1	P-FT	12/11/95
Text Processor I	Judy K. Graesch	19-1	P-FT	12/28/95
Finance Officer II	Debra K. Rex	27-6 to 31-4	P-FT	10/20/95
Sr. Finance Officer				

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Asst. Finance Officer	Tricia S. Berg	21-1	P-FT	11/20/95
Indexing Assistant	Kristin L. Wentz	19-3 to 19-4	P-FT	06/16/95
Switchboard Operator	Howard Cowles	14-1	S-O	01/08/96
Doorkeeper	Gerald V. Orman	11-1	S-O	01/04/96
Legislative Committee Secretary	Mark A. Anderson	17-1	S-O	01/08/96
Legislative Committee Secretary	Patricia J. Ashton	18-2	S-O	01/08/96
Legislative Secretary	Patrick W. Aumer	18-1	S-O	01/08/96
Legislative Secretary	Michele Blau	16-1	S-O	01/08/96
Legislative Secretary	Jeremy Carmichael	16-1	S-O	01/08/96
Legislative Secretary	Jonathan A. Degner	16-1	S-O	01/08/96
Legislative Secretary	Joseph B. Dever	15-1	S-O	01/08/96
Legislative Committee Secretary	Amy N. Fabor	17-1	S-O	01/08/96
Legislative Secretary	Theresa M. Ferin	15-4	S-O	01/08/96
Legislative Secretary	S. Brenna Findley	16-1	S-O	01/08/96
Legislative Committee Secretary	Gayle A. Goble	17-1	S-O	01/08/96
Legislative Secretary	Kathy A. Grandia	16-1	S-O	01/08/96
Legislative Secretary	Michael L. Henkenius	16-1	S-O	01/08/96
Legislative Secretary	Angela Hurst	16-1	S-O	01/08/96
Legislative Committee Secretary	Derrick L. James	17-1	S-O	01/08/96
Legislative Secretary	John Kiernan	16-1	S-O	01/08/96
Legislative Secretary	Sarah L. Kuhn	16-1	S-O	01/08/96
Legislative Secretary	Steven E. Lechner	16-1	S-O	01/08/96
Legislative Secretary	Steven Libbey	15-1	S-O	01/08/96
Legislative Secretary	Catherine M. Mabry	16-1	S-O	01/08/96
Legislative Committee Secretary	Rochelle R. McKee	17-1	S-O	01/08/96
Legislative Secretary	M. Anne B. O'Connell	18-3+2 to 15-3-+2	S-O	01/08/96
Legislative Committee Secretary	Sean D. Parnell	17-1	S-O	01/08/96
Legislative Secretary	Amy J. Parsons	18-2	S-O	01/08/96
Legislative Committee Secretary	Sara Raasch	17-1	S-O	01/08/96
Legislative Secretary	Janet R. Ramsay	15-1	S-O	01/08/96
Legislative Secretary	James B. Schiltz	15-1	S-O	01/08/96
Administrative Secretary to Leader	Roberta J. Schrader	21-1 to	P-P T	01/08/96
Legislative Secretary		15-2	S-O	01/08/96
Legislative Secretary	Danielle S. Shirley	16-1	S-O	01/08/96

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Secretary	Mary Funderburk	17-1	S-O	01/08/96
Legislative Secretary	M. Scott Vinson	16-1	S-O	01/08/96
Legislative Secretary	Twyla J. Woodward	17-2	S-O	01/08/96
Legislative Secretary	Jennifer L. Youngblut	15-1	S-O	01/08/96

## PAGES GROUP I

Speaker's Page	Serena E. Holthe	\$4.65ph	S-O	01/08/96
Page	Brad M. Beaubien	\$4.65ph	S-O	01/08/96
Page	Nathan L. Beecher	\$4.65ph	S-O	01/08/96
Page	Brenda A. Blockhus	\$4.65ph	S-O	01/08/96
Page	Kerry S. Boyd	\$4.65ph	S-O	01/08/96
Page	Katie J. Busch	\$4.65ph	S-O	01/08/96
Page	Jennifer L. Fields	\$4.65ph	S-O	01/08/96
Page	Amanda M. Ford	\$4.65ph	S-O	01/08/96
Page	Michelle R. Fuller	\$4.65ph	S-O	01/08/96
Page	Jennifer L. Hare	\$4.65ph	S-O	01/08/96
Page	Jill E. Hawkins	\$4.65ph	S-O	01/08/96
Page	Ryan J. Hendrickson	\$4.65ph	S-O	01/08/96
Page	Martin A. Hove	\$4.65ph	S-O	01/08/96
Page	Christy L. Hurley	\$4.65ph	S-O	01/08/96
Page	Meredith Z. Jennings	\$4.65ph	S-O	01/08/96
Page	Chad A. Johnson	\$4.65ph	S-O	01/08/96
Page	Casey W. Jones	\$4.65ph	S-O	01/08/96
Page	Dawn R. Letcher	\$4.65ph	S-O	01/08/96
Page	Keith M. Muhlbauer	\$4.65ph	S-O	01/08/96
Page	Molly A. Possehl	\$4.65ph	S-O	01/08/96
Page	Rebecca S. Ray	\$4.65ph	S-O	01/08/96
Page	Megan A. Roberts	\$4.65ph	S-O	01/08/96
Page	Amber L. Rumley	\$4.65ph	S-O	01/08/96
Page	April C. Sanders	\$4.65ph	S-O	01/08/96
Page	Noah R. Wendt	\$4.65ph	S-O	01/08/96

## PAGES GROUP II

Page	Molly L. Allen	\$4.65ph	S-O	01/08/96
Page	Julie L. Bartels	\$4.65ph	S-O	01/08/96
Page	Jennifer O.M. Clark	\$4.65ph	S-O	01/08/96
Page	Ann Marie Dettmann	\$4.65ph	S-O	01/08/96
Page	Christen R. Grimsley	\$4.65ph	S-O	01/08/96
Page	Matthew W. Larson	\$4.65ph	S-O	01/08/96
Page	Jennifer G. O'Donohoe	\$4.65ph	S-O	01/08/96
Page	Lanita E. Quastad	\$4.65ph	S-O	01/08/96
Page	Jennifer L. Schwickerath	\$4.65ph	S-O	01/08/96
Page	Brooke R. Stephens	\$4.65ph	S-O	01/08/96
Page	Andrea M. Swarthout	\$4.65ph	S-O	01/08/96
Page	Jana L. Tibben	\$4.65ph	S-O	01/08/96

The following are resignations from the officers and employees of the House:

Assistant Journal Editor	Lois E. Bishop	05/26/95
Sr. Legislative Research Analyst	Mary E. O. Fleckenstein	12/15/95
Assistant Chief Clerk I	Jason W. Gross	05/25/95
Legislative Research Analyst	Elizabeth R. Henderson	06/29/95
Compositor/Desk Top Specialist	Katy M. Routh	11/30/95
Sr. Finance Officer	Billie J. Walling	08/15/95

RANTS of Woodbury, Chair

On motion by Siegrist of Pottawattamie, the House adjourned at 10:48 a.m. until 8:45 a.m., Tuesday, January 9, 1996.

# JOURNAL OF THE HOUSE

Second Calendar Day – Second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 9, 1996

The House met pursuant to adjournment at 8:45 a.m, Speaker Corbett in the chair.

Prayer was offered by Reverend Tim Diehl, Faith Presbyterian Church, Ackley.

The Journal of Monday, January 8, 1996 was approved.

## PETITION FILED

By Gries of Crawford from the Whiting Community School Board of Education favoring maintaining adequate funding for special education.

## INTRODUCTION OF BILLS

**House Joint Resolution 2002**, by Grundberg and Boddicker, a joint resolution proposing an amendment to the Constitution of the State of Iowa to change the length of term of office for members of the Iowa Senate and the Iowa House of Representatives.

Read first time and referred to committee on **state government**.

**House File 2032**, by Cormack, a bill for an act excluding certain waste tires from disposal, collection, processing, and transportation requirements.

Read first time and referred to committee on **natural resources**.

**House File 2033**, by Klemme, a bill for an act relating to detaining juveniles in adult jail facilities.

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

**House File 2034**, by Rants, a bill for an act relating to tinted windows.

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

**House File 2035**, by Ollie, a bill for an act relating to eligibility and filing procedures for a military property tax exemption and subjecting violators to an existing penalty.

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

**House File 2036**, by Kremer, a bill for an act relating to certain telephone companies and permitting their reorganization as cooperative associations.

Read first time and referred to committee on **commerce-regulation**.

**House File 2037**, by Vande Hoef, a bill for an act relating to the publication of the names of persons with delinquent fines owed to the court.

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

**House File 2038**, by Vande Hoef, a bill for an act relating to public access to motor vehicle records and providing an effective date.

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

### 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 January 8, 1996, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 101, a concurrent resolution relating to a joint convention Tuesday, January 9, 1996, at 10:00 a.m.; and that Governor Terry E. Branstad deliver his condition of the state and budget message.

Also: That the Senate has on January 8, 1996, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 102, a concurrent resolution relating to a joint convention, Wednesday, January 10, 1996, at 9:30 a.m.; Chief Justice McGiverin to present his message of the condition of the judicial department .

Also: That the Senate has on January 9, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 102, a concurrent resolution designating the week of January 7-14, 1996, as Children's Week in Iowa

JOHN F. DWYER, Secretary

The House stood at east at 8:50 a.m., until the fall of the gavel.

The House resumed session at 9:40 a.m., Speaker Corbett in the chair.

### COMMITTEE TO NOTIFY THE SENATE

Disney of Polk moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Disney of Polk, Brauns of Muscatine and Jochum of Dubuque.

The House stood at ease at 9:42 a.m., until the fall of the gavel.

The House resumed session at 9:44 a.m., Speaker Corbett in the chair.

#### REPORT OF COMMITTEE TO NOTIFY THE SENATE

Disney of Polk, chair of the committee to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

#### JOINT CONVENTION

In accordance with law, House Concurrent Resolution 101, duly adopted, the joint convention was called to order at 9:50 a.m., President Boswell presiding.

Senator Horn of Linn moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present.

The motion prevailed.

President Boswell announced a quorum present and the joint convention duly organized.

Senator Horn of Linn moved that a committee of six, consisting of three members from the Senate and three members from the House of Representatives, be appointed to notify Governor Terry E. Branstad that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Judge of Monroe, Szymoniak of Polk and Freeman of Buena Vista, on the part of the Senate and Representatives Garman of Story, Teig of Hamilton and Myers of Johnson on the part of the House.



Secretary of State, Paul Pate; Treasurer of State, Michael Fitzgerald; Secretary of Agriculture and Land Stewardship, Dale Cochran, State Auditor, Richard Johnson and Attorney General, Tom Miller, were escorted into the House chamber.

The Chief Justice and Justices of the Supreme Court and the Chief Judge and Judges of the Appellate Court were escorted into the House chamber.

Mrs. Chris Branstad, wife of the Governor, and their children Eric, Allison and Marcus, were escorted into the House chamber.

Lieutenant Governor Joy Corning was escorted into the House chamber.

The committee waited upon Governor Terry E. Branstad and escorted him to the Speaker's station.

President Boswell presented Governor Terry E. Branstad who delivered the following condition of the state and budget message:

Mr. President, Mr. Speaker, Mr. Chief Justice, Justices and Judges, State Officials, Senators and Representatives, Distinguished Guests and Friends.

Birthdays are a time to celebrate, give thanks, and reflect. And so it is today as we gather in this, the 150th year of Iowa's Statehood.

We should celebrate. We have a right to. The condition of our state is not just good - it is great. Iowa is as strong as it's ever been and poised to grow even stronger.

We should give thanks. Thanks to the pioneers who tamed the wilderness and forged the communion we still have with this beautiful land. Thanks to the leaders like former Governor and current Sesquicentennial Chair Bob Ray, Co-chair C.J. Niles, members of the Sesquicentennial Commission and the many former elected state officials and congressmen who have joined us for this special occasion. I ask that this group stand and be recognized.

We should reflect. Reflect on this special place between two great rivers that we call Iowa. It's a place where hard work, common sense, family, and faith in God still count for something. I believe, as sure as I am standing before you today that this is a blessed place; that this state has not happened by chance, but by the grace of God. We are so fortunate to be Iowans.

It is entirely proper that our celebrations, our thanksgivings, and our reflections turn to the past as we mark this important milestone in our state's history.

Hugh Sidey, the Greenfield, Iowa native who is a contributing editor of Time magazine, put it best when he wrote that our state "has a subtle magic which was God-given at first, but has been protected and enlarged by Iowa's generations and now yields a culture that has remarkable virtues."

Ours is a state of good people, closely tied to the rhythms of nature with a stability and resilience that was, and still is uncommon. Where else can a young boy be taught by his father that life is not a sprint, it's a marathon and take that lesson

and teach it to his children? Only here in Iowa. It is here that the character of a people, though weathered by 150 years of flood and drought, depression and war, has emerged stronger and tougher than ever.

Just look at a few of our accomplishments over the past year. Our economy is thriving; our fiscal condition is sound; our communities are growing; and our families are stronger.

Today:

- More Iowans are working than ever before and our unemployment rate remains at half the national average.

- Exports and land values continue to rise. For the first half of 1995, we saw exports jump 29 percent and land values increased by over 7 percent last year.

- Our state budget is in the best condition in a generation with cash reserves full and a surplus of \$435 million.

- Iowa school children continue to receive a truly first class education with more students taking courses in foreign languages, higher levels of math and science, and advanced placement.

- We are one of the best places in the country to raise a family. Kids Count ranks us second in the quality of life for children.

Our focus on jobs and quality education has paid off. Today, Iowa is truly a vibrant, growing state, even though just a few years ago the "experts" said we were destined for decline. Well, they couldn't measure with their census tracts the character and resilience of Iowans.

But as we celebrate and give thanks for our successes let us remember that this is not a sprint, but a marathon. And the finish line has yet to be crossed.

We must not now abandon that common sense and constancy of purpose which has been the hallmark of our character. Today, we stand at the threshold of a new century, poised for greatness and it is those very same qualities that will help us build on our success and make it last.

We must seize this day, and fashion a future string of endless success stories: of families coming back home for good paying jobs; of communities with new leaders and new life; of a state known for steady growth.

How do we do it?

First, we must remember the lesson of our ancestors – that educating our citizens is government's most important task.

The progressive nature of Iowans was never demonstrated more clearly than in 1839, when Iowa's territorial government set up the first free public schools. They made sure that a schoolhouse was within two miles of every Iowan.

Today, those one room township schoolhouses are gone. But in their place, we have 384 local school districts, many non-public schools, three world-renowned state universities, 35 independent colleges and universities, and 15 area community colleges.

In the last decade, we have taken education in Iowa to new heights, but now we must go even further. There is no state in the nation which is better prepared to educate its children to succeed in the Information Age, than we are today in Iowa.

Just as we were ahead of the times in 1839, our investment in the Iowa Communications Network vaults us ahead of other states and countries in the education of our children.

In his new book, *The Road Ahead*, Bill Gates, the visionary founder of Microsoft, discusses how important it is for us to use technology and the information superhighway to advance education. I'm sure even Bill Gates would be impressed if he knew that his vision for the future is up and running in Iowa today. Soon every school district will have access to two-way, interactive classes provided by the Iowa Communications Network. The ICN will make certain that distance or size does not disadvantage any student, even in the smallest or most remote school district of this state.

Look around you. Almost every work place – even this House – is run by the computer. Yet too few of our students have access to computer-aided instruction.

We need to change that. By the year 1999, every Iowa high school student should have access to the information superhighway and be taught by teachers who are trained to deliver the technological know-how necessary to prepare them for the jobs of the next millennium.

I am proposing we establish a four-year, \$150 million School Improvement and Technology Fund to provide our local schools with the flexibility and resources they need to bring the opportunities of the Information Age to every Iowa student.

Our schools must continue to be places where our children are enabled to reach the limits of their talents; where they can exceed their ambitions; and where they will be able to progress beyond the dreams of their parents. This is the Iowa dream. We all know there is more to improving Iowa's schools than computers and technology alone. The teacher will always be fundamental to our system of quality education. We must take steps this year to redevelop the teaching profession so that teachers are prepared to equip our children with the skills to compete in the Twenty-first century.

Now, we must also strengthen our state's commitment to equitable local school funding while we reduce reliance on property taxes. That is why I am proposing that from now on all allowable growth in school budgets be paid for by the state, and not the local property taxpayer. This is an historic move that will greatly strengthen all of our schools for the future.

Just two months after Iowa became a state, our first state university was chartered. Iowa's state universities are among the finest public universities in America, offering a quality, affordable education, conducting trend-setting research, and serving as a valuable tool for economic development. In preparing for the future, we should make key strategic investments in facilities so our Regents' institutions can grow to meet the challenges that lie ahead.

I am recommending a three-year, \$66 million program to fund facilities for biological sciences, the performing arts, engineering, and livestock research at our state universities.

Our independent colleges and universities attract students from Iowa and all over the country – most of whom stay here to live and work. To meet rising education costs, we should increase the Iowa Tuition Grant, which helps keep some of our best and brightest young people here in Iowa.

Our community colleges are our link to the workforce. The training and education they provide to our workforce helps make Iowa workers the most

productive in the land. These colleges will play a key role as we restructure our workforce development programs.

We must stay on the course for economic development. Our continuous improvement strategy to attract good-paying jobs is working. Last year, we made progress by eliminating the property tax on machinery and equipment. We cannot afford to stop there. This session, we must reform our regulatory system to keep Iowa on a course for growth and opportunity for the next 150 years.

We should also take new steps to improve our overall competitiveness, helping both families and small businesses grow.

Iowans work hard all their lives to leave a family farm, business, or other assets to their children. But for too many Iowans, that dream is eroded by a state inheritance tax. We should eliminate the inheritance tax among family members to protect family farms and businesses and to keep more of our citizens here in their retirement years.

We can help small business by giving them the same benefits our tax structure offers to larger corporations. And, all Iowans would be helped by fully indexing the state income tax rates.

We also need to reform our property tax system. The current system is hopelessly complicated and archaic. There are 8,000 different jurisdictions that can levy property taxes and there are numerous credits, many of which aren't fully funded. Over the last 13 years, we have spent \$900 million in property tax relief, yet few Iowans have seen their property taxes go down. We need to make it fairer, simpler, and less of a burden. It is time to start fundamentally changing it with a top-to-bottom review as we prepare for comprehensive reform next year.

To help control both spending and taxes, we should adopt the Taxpayers Rights Amendment to the Iowa Constitution. The growth of government should be limited to the rate of inflation and increases in population unless it is approved by a vote of the people.

As a state, we have learned some difficult lessons. In the past, we became complacent and lost our competitive edge. We will not let that happen again.

We also have a responsibility to see to it that all Iowa communities have the opportunity to share in our economic success. The New Jobs and Income Program, adopted just two years ago, has generated \$1.6 billion in capital investment and created hundreds of quality jobs. We should make this tool available to smaller projects in rural communities.

And let us never forget our economic backbone – agriculture. We need to take full advantage of new opportunities which lie in the area of value-added agriculture. The list of products made from our agricultural commodities grows longer each year. Ethanol processing now employs 12,000 Iowans and is responsible for 11 percent of net farm income. The Asian market is hungry for our food products, and we are preparing to intensify our promotion of Iowa Quality Meats.

We must improve our farm cooperative laws and allow farmers to have greater ownership and involvement in the value-added processing industry. As we help our livestock producers meet new challenges, we must also recognize the need to protect our rural quality of life.

Education and economic development. That's what brought us success and will make it last.

As we continue to grow and prosper, we must never neglect the quality of life we have in this state. Our state is only as good as its families and communities.

So many of the problems we face today, as a nation and as a state, can be traced back to the decay of the family. Unfortunately, government policies have inadvertently perpetuated illegitimacy, torn families apart, and robbed children of opportunity.

This year, we are launching a Campaign for the Family. It is designed to strengthen and reconnect families by focusing on stability, health, safety, and self-sufficiency. Iowa's success in the next century and a half depends on the quality and vitality of our homes, churches, neighborhoods, and communities.

Government can't rebuild a family. That is the responsibility of individuals. We can encourage the exercise of individual responsibility.

So at the risk of being dubbed old-fashioned, I believe that we can, as a state, reinforce the two-parent family for the good of children. Each year, more than a million children go through divorce in this country. And while there are many single parents who are doing a great job, we've seen that children who grow up without the benefit of having both parents at home are five times more likely to live in poverty and two and a half times more likely to be dropouts, commit serious crimes, abuse drugs, or get pregnant.

I believe we should reform our divorce laws to require mutual consent or specific grounds for divorce. Our present no-fault divorce laws have transformed marriage into an arrangement of convenience rather than an act of commitment. Parents need to understand that a divorce can severely hurt children and impact the opportunities their kids have. Please join me in our effort to find a better way.

As part of our Campaign for the Family, we want to reduce out-of-wedlock births and reengage fathers, holding them to their parental responsibilities and assuring them of their parental rights.

I believe parents deserve the right to know when their child is undergoing a significant medical procedure. We should require parental notification before an abortion can be performed on a minor.

Strong families provide the fertile soil from which strong people and solid communities grow. The key to addressing these problems lies in reconnecting and reinforcing Iowa's families.

This is even more critical as power shifts away from the federal government. The devolution of power from Washington to states, local communities, and inevitably to families and individuals, gives us both an opportunity and a challenge.

It is an opportunity to take charge of our own destiny, find solutions that best fit our own problems, and empower individuals and communities to fashion their own futures.

But it is also a challenge. We must be prepared to bear the burden of authority and accept responsibility for our own actions.

Iowans are better prepared than most to meet that challenge. The spirit of neighbor helping neighbor is as Iowan as the tall corn we grow.

State government, too, must be prepared to meet the challenge. We must not become a bottleneck in the historic flow of power from Washington to the family.

We must rise to our new responsibilities and reshape state government. In Iowa, the transformation of our welfare system serves as a model for empowering individuals and families. Our Family Investment Program has helped thousands of families gain self-sufficiency and has broken the culture of dependency.

From workforce development to Medicaid to our child welfare system, new flexibility from the federal government will allow us to design a state government that is results-oriented, customer-focused, competitively-based, and most important, relies on a partnership with communities, churches, and families.

One size does not fit all when it comes to helping families in need; government must be changed to better meet the true needs of those we are trying to help.

All Iowans want to live in safe communities, having streets, schools, and homes that are free from the cancer of violent crime. We have among the lowest crime rates in the nation, but we are all troubled by the level of violence and drug-related crime in our state: Every Iowan has the right to feel safe and secure and that should be our guiding principle.

To protect Iowans, I believe we should reinstate the death penalty for those who commit two class "A" felonies, one of which is murder. Rape and kidnap victims, prison guards, and the innocent people of Iowa deserve this protection. The clear majority of Iowans support capital punishment. It is time for us to answer the call of the people and restore the death penalty.

We must not waver in our war on crime. We should eliminate parole for forcible felons and sexual predators. The most dangerous criminals should not be given a second chance to rob or rape again. In addition, juveniles involved in crime must be held accountable for their actions. Public disclosure of juvenile arrests and greater access to records will send a strong message and help stop young people from progressing to a life of adult crime.

In less than a year, we have seen the use of methamphetamines in Iowa double. Already, we have launched an ambitious prevention campaign, and I am recommending increased penalties for making and dealing in "crank". This scourge cannot be allowed to infect our communities and destroy the lives of more Iowans.

Until we show criminals that their actions do not pay, there is no hope of stopping the few that disrupt the safe and peaceful lives of Iowans. We have made good progress in the last couple of years in addressing our need for more prison space. This year, we should authorize construction of another 750 bed prison and use prison labor to remodel and reopen cellhouse 17 at Fort Madison.

When I grew up in rural Iowa, we didn't need locks on our doors. Let us work together to restore that sense of security once again to the neighborhoods, schools, and homes of Iowa.

As a state, we are better prepared than ever to act on the priorities I have outlined for you today. We made the tough decisions that Washington is only now beginning to grapple with. Our actions have paid off.

No state in the nation stands in the solid financial position we are in today. Our cash reserves are full and we have a GAAP balance of \$435 million. This year, Financial World magazine ranked Iowa as the sixth best managed state in the nation. Our goal should be no less than to be the best managed state in the nation.

This year, we must continue to live by the spending reforms that took our state government from a \$400 million deficit to a surplus that is even greater. This

budget that I am presenting to you protects our cash reserves and keeps ongoing expenditures at 4 percent growth.

We know from our history that there are times to reap and times to sow, that there are droughts and floods that follow bin-busting harvests. We must be prudent in our spending today so that we will be able to meet the needs of Iowans when times are leaner.

We are also working to make state government more accountable and responsive. The bipartisan Council on Human Investment, chaired by Lt. Governor Joy Corning, is developing and implementing a new state budget system that ties expenditures to the results Iowans want. The system, called Budgeting for Results, will be used by seven agencies beginning this year and will be expanded to all state agencies by the year 2000.

This is also the time to pay attention to our infra-structure needs. It is this generation's turn to invest in our public facilities. Therefore, I am recommending that we establish a permanent Infrastructure Fund that will provide a reliable and steady stream of funding to build and rebuild our public buildings and infrastructure.

This year, we Iowans have much to celebrate, much to give thanks for, much to reflect upon. Iowa's subtle magic, that Hugh Sidey described, has indeed been protected and enlarged. Today, we are better prepared for our future than ever before.

But birthdays involve gift-giving. And it is that last feature of our sesquicentennial that we must also remember throughout this year.

As citizens, each of us should take the time this year to help out a friend in need; assist a family in trouble; help clean up a park; coach the local team; serve on a community board; and say a prayer for our local troops overseas. These are gifts we can give our state. They will make this an even better, more civil place. Such giving is one of the remarkable virtues which have been given to us by those who have gone before us.

As public servants, we should use this year to give to the state our commitment to do what is best for Iowa. The course I have laid out for you is ambitious and challenging. But it is a steady course; a clear course for our future.

Our gift to this state in its 150th year should be to leave all personal, partisan, or private interests at the door. For this must be the place where the public interest rules.

And, we and those we serve will be better for it.

So let us celebrate, let us give thanks, let us reflect during this year. Let us give the state the best that is in us.

With God's help and yours, we can make our state stand out like a candle of light in the Heartland of America – the same beacon of hope which guided those early pioneers 150 years ago.

And 150 years from this day, they will look back and thank us for giving them the greatest days in the history of this Great State of Iowa.

Thank you, God bless you, and Happy Birthday, Iowa.

Governor Terry E. Branstad was escorted from the House chamber by the committee previously appointed.

Speaker Corbett in the chair at 10:34 a.m.

On motion by Siegrist of Pottawattamie the joint convention was dissolved at 10:35 a.m.

The House reconvened session at 10:37 a.m., Speaker Corbett in the chair.

### COMMITTEE APPOINTMENT

The Speaker announced the following committee appointment:

#### NATURAL RESOURCES

Representative Daniel Huseman, Vice Chair .....  
replaces Representative Jerry Cornelius, deceased

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF COMMERCE Iowa Utilities Board

The 1995 Annual Report, pursuant to Chapter 476.66(6), Code of Iowa.

#### DEPARTMENT OF CORRECTIONS

A report on the Establishment of a Correctional Infirmiry, pursuant to Chapter 207.4(4), pursuant to the 1995 Acts of the Seventy-sixth General Assembly.

A progress report of the implementation of Chapter 166, pursuant to the 1995 Acts of the Seventy-sixth General Assembly.

A report on a super maximum security facility, pursuant to Chapter 207.4(5), 1995 Acts of the Seventy-sixth General Assembly.

#### DEPARTMENT OF HUMAN SERVICES

The report on Nonpublic Assistance Recipients Child Support Recovery Cost, pursuant to Chapter 115.13, 1995 Acts of the Seventy-sixth General Assembly.

#### DEPARTMENT OF JUSTICE

A report on the procedures and policies of the prosecution of domestic abuse cases, pursuant to Chapter 13.2(13), Code of Iowa.

A departmental study of the legal issues, costs, and alternatives to civil commitment of violent sex offenders, pursuant to Chapter 144.7, 1995 Acts of the Seventy-sixth General Assembly.

#### DEPARTMENT OF PERSONNEL

A Semi-Annual Report of average time to fill vacancies by department, pursuant to Chapter 219.15(3), 1995 Acts of the Seventy-sixth General Assembly.



### DEPARTMENT OF TRANSPORTATION

The annual sufficiency rating report showing the relative conditions of the primary roads, pursuant to Chapter 307A.2(12), Code of Iowa.

The annual report on public highway-railroad grade crossing classification and warning device standards, pursuant to Chapter 307.26(5)(c), Code of Iowa.

### TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

The five year financial plan projections and forecasts as of and for the years ending June 30, 1995 through 2001, pursuant to Chapter 8D.3, Code of Iowa.

### CERTIFICATES OF RECOGNITION

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

- 1996\ 9 Fern O'Hara, Council Bluffs – For celebrating her Ninetieth birthday.
- 1996\ 10 Vic and Melva McCarthy, Council Bluffs – For celebrating their Sixtieth wedding anniversary.
- 1996\11 David and Eileen Appel, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\12 Adam Weiler Ricklefs, West Des Moines – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\13 Scott Axmear, North English – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\14 Cecil and Kathy Shriver, Seymour – For celebrating their Fiftieth wedding anniversary.
- 1996\15 Ronald and Dorothy Sylvara, Chariton – For celebrating their Fiftieth wedding anniversary.
- 1996\16 Harold and Marjorie Housh, Seymour – For celebrating their Fiftieth wedding anniversary.
- 1996\17 Howard Mogler, Lester – For being named to the Iowa Cattlemen's Association Hall of Fame.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 504 Appropriations**

Relating to an appropriation to the judicial department for long-range and strategic planning and providing an effective date.

**H.S.B. 505 Ways and Means**

Establishing a separate excise tax for the use of alternative fuels.

**H.S.B. 506 Ways and Means**

Providing a sales tax exemption for commercial motor vehicle computers and communication equipment.

**H.S.B. 507 Ways and Means**

Providing a sales tax exemption for parts installed and labor performed on commercial motor vehicles.

**H.S.B. 508 Ways and Means**

Relating to the sales, services and use tax exemption for services and property used in the production of a magazine, newspaper, free newspaper or shoppers guide, or similar printed product and providing effective and applicability dates

**H.S.B. 509 Ways and Means**

Relating to taxation within the state by changing the computation of the inflation factor for the tax brackets of the state individual income tax, the method for the computation of state income tax on shareholders of corporations whose income is taxed directly to its shareholders, exemptions from the state inheritance tax, and appropriating moneys to a special taxpayer relief account for purposes of providing tax relief and providing effective and retroactive and other applicability date provisions.

**H.S.B. 510 Ways and Means**

Relating to repeal of tax credits and exemptions and providing for an effective date and applicability dates.

**SUBCOMMITTEE ASSIGNMENTS****House Joint Resolution 16 Reassigned**

State Government: Houser, Chair; Jacobs and Taylor.

**House File 5 Reassigned**

State Government: Churchill, Chair; Drake and Taylor.

**House File 8 Reassigned**

State Government: Gipp, Chair; Taylor and Tyrrell.

**House File 12 Reassigned**

State Government: Drake, Chair; Bradley and Taylor.

**House File 90 Reassigned**

Economic Development: Drake, Chair; Hammitt Barry and O'Brien.

**House File 142 Reassigned**

State Government: Renken, Chair; Disney and Taylor.

**House File 200 Reassigned**

State Government: Renken, Chair; Houser and Taylor.

**House File 259 Reassigned**

State Government: Renken, Chair; Houser and Taylor.

**House File 269 Reassigned**

State Government: Coon, Chair; Taylor and Tyrrell.

**House File 312 Reassigned**

State Government: Gipp, Chair; Jacobs, Jochum, Martin and Taylor.

**House File 352 Reassigned**

Economic Development: Nelson of Marshall, Chair; Baker and Hammitt Barry.

**House File 436 Reassigned**

Economic Development: Cormack, Chair; Tyrrell and Warnstadt.

**House File 445**

Economic Development: Baker, Chair; Bradley and Larson.

**House File 522**

Human Resources: Schulte, Chair; Boddicker and Harper.

**House File 547 Reassigned**

State Government: Ertl, Chair; Disney and Taylor.

**House File 2001**

Transportation: Carroll, Chair; Blodgett and Mundie.

**House File 2002**

Transportation: Nelson of Marshall, Chair; Brauns and McCoy.

**House File 2004**

Transportation: Arnold, Chair; Warnstadt and Weidman.

**House File 2005**

Transportation: Weidman, Chair; Eddie and Warnstadt.

**House File 2022**

Commerce-Regulation: Metcalf, Chair; Doderer and Larson.

**House File 2030**

Commerce-Regulation: Nutt, Chair; Baker and Jacobs.

**House File 2031**

Transportation: Carroll, Chair; Koenigs and Salton.

**House Concurrent Resolution 32 Reassigned**

State Government: Disney, Chair; Taylor and Tyrrell.

**Senate File 354 Reassigned**

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

**Senate File 454 Reassigned**

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

**RESOLUTION FILED**

**HR 101**, by Teig, Arnold, Branstad, and Sukup, a resolution to urge that the environmental protection commission amend its proposed rules to provide that owners of confinement feeding operations who are subject to pending violations of environmental standards be required to obtain construction permits.

Referred to committee on **agriculture**.

On motion by Siegrist of Pottawattamie, the House adjourned at 10:38 a.m., until 8:45 a.m., Wednesday, January 10, 1996.

# JOURNAL OF THE HOUSE

Third Calendar Day – Third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 10, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Father James Kiernan, St. Peter's Catholic Church, Council Bluffs.

The Journal of Tuesday, January 9, 1996 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Arnold of Lucas from two thousand four hundred eight constituents objecting to the creation of factory-style hog confinements in Lucas County, as well as in surrounding counties, because of the likelihood of groundwater contamination and runoff contaminating our drinking water from Lake Rathbun.

## INTRODUCTION OF BILLS

**House File 2039**, by Rants, a bill for an act increasing the speed limit on interstate highways, increasing penalties, and providing an effective date.

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

**House File 2040**, by Cormack, a bill for an act increasing certain speed limits and making penalties applicable, and providing an effective date.

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

**House File 2041**, by Murphy, a bill for an act relating to dates of active duty for purposes of the military service property tax exemption and providing an applicability date.

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

**House File 2042**, by Boggess, Daggett, and Jacobs, a bill for an act relating to urban revitalization tax exemption for residential and commercial property.

Read first time and referred to committee on **economic development**.

**House File 2043**, by Daggett, a bill for an act relating to increasing the maximum family income which may be considered for purposes of tax increment financing for housing.

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

**House File 2044**, by Thomson, Larson, Carroll, Renken, Lord, Brunkhorst, Warnstadt, and Greiner, a bill for an act relating to the authority of cities and counties to restrict public indecent exposure and providing an effective date.

Read first time and referred to committee on **state government**.

**House File 2045**, by Dinkla, Renken, Lamberti, and Warnstadt, a bill for an act establishing a tuition aid program for members of the Iowa national guard and providing an appropriation.

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

**House File 2046**, by Gries, Nelson of Marshall, and Hammitt Barry, a bill for an act relating to the authorization to levy a property tax to finance community college equipment replacement and program-sharing costs.

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

**House File 2047**, by Doderer, Harper, Jochum, Mertz, Nelson of Pottawattamie, Burnett, Mascher, Myers, Taylor, Shoultz, Connors, Schrader, Witt, Larkin, Cohoon, Drees, Ollie, Mundie, Weigel, Koenigs, Murphy, Baker, Brand, Bernau, Holveck, Kreiman, Moreland, Warnstadt, O'Brien, Cataldo, and Fallon, a bill for an act relating to post delivery care requirements for mothers and newborns.

Read first time and referred to committee on **commerce-regulation**.

#### HOUSE FILE 206 WITHDRAWN

Brunkhorst of Bremer asked and received unanimous consent to withdraw House File 206 from further consideration by the House.

#### HOUSE FILE 2032 REREFERRED

The Speaker announced that House File 2032, previously referred to committee on **natural resources**, was rereferred to committee on **environmental protection**.

The House stood at ease at 8:55 a.m., until the fall of the gavel.

The House resumed session at 9:15 a.m., Speaker Corbett in the chair.

## COMMITTEE TO NOTIFY THE SENATE

Ertl of Dubuque moved that a committee of three be appointed to notify the Senate that the House was ready to receive it in joint convention.

The motion prevailed and the Speaker appointed as such committee Representatives Ertl of Dubuque, Main of Jefferson and O'Brien of Boone.

## REPORT OF COMMITTEE TO NOTIFY THE SENATE

Ertl of Dubuque, chair of the committee to notify the Senate that the House was ready to receive it in joint convention, reported that the committee had performed its duty.

The report was accepted and the committee discharged.

The Sergeant-at-Arms announced the arrival of the President of the Senate, the Secretary of the Senate and the honorable body of the Senate.

The President was escorted to the Speaker's station, the Secretary to the Chief Clerk's desk and the members of the Senate were seated in the House chamber.

## JOINT CONVENTION

In accordance with House Concurrent Resolution 102, duly adopted, the joint convention was called to order at 9:34 a.m., President Boswell presiding.

Senator Horn of Linn moved that the roll call be dispensed with and that the President of the joint convention be authorized to declare a quorum present, which motion prevailed.

President Boswell announced a quorum present and the joint convention duly organized.

Senator Horn of Linn moved that a committee of six, consisting of three members of the Senate and three members of the House, be appointed to escort Lieutenant Governor Joy Corning to the House chamber for the Condition of the Judicial Department Message.

The motion prevailed and the President appointed as such committee Senators Dvorsky of Johnson, Dearden of Polk and McKean of Jones, on the part of the Senate; and Representatives Bradley of Clinton, Grundberg of Polk and Nelson of Pottawattamie on the part of the House.

Senator Horn moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Chief Justice Arthur A. McGiverin that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee Senators Giannetto of Marshall, Gettings of Wapello and Redfern of Black Hawk, on the part of the Senate; and Representatives Dinkla of Guthrie, Millage of Scott and Moreland of Wapello, on the part of the House.

Secretary of State, Paul Pate; Secretary of Agriculture and Land Stewardship, Dale Cochran; State Auditor, Richard Johnson and Attorney General, Tom Miller were escorted into the House chamber.

Mrs. Jo Ann McGiverin, wife of the Chief Justice and Ed and Joan McGiverin, Chief Justice McGiverin's cousin and his wife, were escorted into the House chamber.

The Justices of the Supreme Court, the Judges of the Court of Appeals and the Chief Judges of the state's judicial districts were escorted into the House chamber.

The committee waited upon Lieutenant Governor Joy Corning and escorted her to the Speaker's station.

The committee waited upon Chief Justice Arthur A. McGiverin and escorted him to the Speaker's station.

President Boswell presented Chief Justice Arthur A. McGiverin who delivered the following condition of the Judicial Department Message:

Mr. President, Mr. Speaker, Governor, members of the General Assembly, state officials, judicial colleagues, and friends:

Thank you for the kind invitation to appear before you today.

It's a privilege to visit with you each year about the condition of Iowa's courts. This address is an opportunity for me to review with you the significant activities of our courts, to evaluate whether we're meeting our citizens' needs for justice, and to recommend improvements as necessary. I hope this review helps you with some of the tough decisions you'll face in the months to come.

Providing Iowans with a fair, effective and efficient court system is a mission we share with you. Our roles may be different, but our goals are not. The strength of Iowa's justice system depends, in large part, on the strength of our partnership. And we, in the judiciary, recognize the importance of communication in maintaining a good partnership.



We understand the cost of poor communication, as did former FBI director, J. Edgar Hoover. He learned that even the simplest message, when not clearly communicated, can have a major impact. Years ago in an effort to cut costs, the FBI reduced the size of memo paper. One of the new memo sheets ended up on J. Edgar Hoover's desk. He disliked it immediately and wrote on the narrow margin, "Watch the borders."

His message was misinterpreted. For the next six weeks, it was extremely difficult to enter the United States by road from either Mexico or Canada!

I'll try to be clear.

Although the news this year is not uniformly good, I hope you will conclude, as I have, that much of it is encouraging.

First, I'd like to focus on some of our achievements. It is always a pleasure to report on progress.

We're certainly encouraged by progress in the collection of fines and fees, a matter in which we all are vitally interested. I'd like to tell you in some detail what we're doing.

Everyone is offended when some scofflaws are allowed to accumulate substantial unpaid fines.

Respect for court orders is on the line. Inconsistent enforcement of court orders calls into question the authority and effectiveness of the courts. A fine is a sentence. Its enforcement should be pursued diligently – as diligently as an enforcement of a jail sentence. The greatest impact on fine enforcement is made at the "front-end" of the process – the time when a sentence is imposed.

We have set in motion a host of changes to improve the fine collection record of the courts. Many magistrates and judges are taking a tougher attitude. For example, in Linn County, Magistrate Pamela Lewis tells defendants appearing before her that they are expected to pay their fine that day. And she goes one step further. With the aid of a computer linked to the clerk of court office, she checks to see if they have unpaid fines from previous sentences. If they do, they are told to pay those, also.

Across the state, all of our judicial districts have stepped up their fine and collection programs. Many judges are following the methods successfully used by the district associate judges in Scott County. In that program, the payment of fines, fees and restitution is made a condition of unsupervised probation in serious and aggravated misdemeanor cases. At sentencing, defendants are told that they must appear before the court on a date set in the future. The purpose of the court date is to determine if the conditions of probation have been met. Willful failure to comply with the terms of the unsupervised probation can result in a finding of contempt of court and jail time.

A special team effort is in place in Sac County. Magistrates Warren Bush and Joseph Heidenreich and the clerk of court, Mary Jo Herrig, and her staff are working together to collect unpaid fines. Defendants are sent a notice reminding them of their unpaid fines and fees. They are also informed that if the amount is not paid by a certain date they must appear for a contempt of court hearing. Due to this extra effort, the Sac County court has collected over \$22,000 in three months.

We've also achieved remarkable success with the aid of our computer system in the counties that have it.

We've collected over one million dollars from income tax refund offsets since 1994. Our computer system helped make this possible. It allows us to electronically send to the Department of Revenue and Finance lists of people who have unpaid fines. As we expand our computer system into more counties, the scope of this program will increase.

This year we start using the central collection unit of the Department of Revenue and Finance to collect unpaid fines. Our computer system is crucial to this operation. When fines are not paid for sixty days, we'll send the information to the central collection unit by computer. The central collection unit will then work on the case. They'll make phone calls, send notices, and take any further action necessary to enforce payment.

In fiscal year 1995, our courts collected over \$54 million. Currently our receipts are up 6 percent over last year. At this rate, there will be some enhanced court collection funds available to use for expanding our computer system. Expanding our computer system is one of our budget recommendations for you. However, we plan to apply most of the enhanced court collection funds to offset our budget request for the computer system. We'll work with you on the details.

We're proud of the extra efforts our judges and staff are making to enforce fines. However, it's not our intent to force people to pay fines in cases of poverty. But we have no intention of taking second place in a line of consumer choices. There is a difference between poverty and simply preferring to pay for cable T.V. Those who are convicted of committing crimes must expect to make some sacrifices as a consequence. This is what fines are all about.

We have other examples of our commitment to effective fine enforcement. However, now it's time for a dose of reality so the visions of dollar signs don't cloud our collective good judgment. The types of procedures I mentioned earlier add to the already heavy workload of our courts. They take time away from other priorities.

Furthermore, it would not be cost effective to spend our valuable resources on cases in which the cost of collecting a fine far exceeds the fine itself. And finally, there are some people who, no matter what steps are taken, just cannot be made to pay off their debt. I'm talking about transients; people who, for whatever reasons, have no money; and people serving time in prison. For all these reasons, we must not view the annual tally of unpaid fines and fees as an unlimited vein of revenue just waiting to be mined.

There is another area in which we've also made positive strides. I'm pleased to report our progress in responding to the recommendations of our Domestic Abuse Task Force. Under the leadership of many judges, and with the help of Jennifer Juhler, our domestic abuse intervention coordinator, local community domestic abuse coalitions have been created around the state. The purpose of the coalitions is to promote a community response to the problem of domestic abuse. We have also sponsored domestic abuse round table discussions in all of our judicial districts. We've been working closely with the Department of Public Safety to create a statewide domestic abuse registry. The registry will provide law enforcement officers around the state with the most current information on protective orders.

We're making other substantial advances with the help of technology.

Our court computer system, the Iowa Court Information System or ICIS, is making us more efficient and effective. It also serves the needs of and assists other government departments. For example:

- We're sending criminal disposition data to the Department of Public Safety and the Department of Corrections through our network.

- In a few months, we'll be linked by computer with the Department of Transportation so it can get traffic and criminal case information from the courts electronically.

- And we've developed a new program to assist county treasurers to stop the renewal of vehicle registration of persons who have unpaid fines.

Technology also can help relieve the record storage problems of county courthouses. Most of Iowa's courthouses are bursting at the seams with old records. Records are stacked from floor to ceiling, piled in attics and basements, and crammed in garages and storage buildings. Counties are simply running out of space. Records stored in poor conditions are deteriorating quickly. Imaging technology may be one solution to this problem. We decided to find out.

Last March, the Sac County clerk's office, with the help of many volunteers, started "purging" court files. Purging means removing from a file, and destroying, records which have no legal value. Once this was finished, the files were ready to be reproduced. A document imaging company was hired to reproduce the records. Each document was placed, one at a time, through a scanner. An exact reproduction was automatically stored on a compact disc. The discs look like those sold in music stores. The results of this six-month project are astonishing! Fifty years of court records that filled sixty-five file drawers are now stored on eleven four-inch discs.

Technology can also help us manage the flood of criminal cases. Often in some of our high-volume courts, the system is so clogged that judges have little choice but to make decisions about criminal defendants based upon incomplete information. Polk County district associate court is developing an automated case management system to solve this problem. This system will serve as a prototype for courts around the state. This system will link, by computer, judges, the county attorneys office, the jail, the public defender's office, the department of correctional services, and the clerk's office. Once this is ready, everyone on the network will have instant access to information about criminal defendants. That's the way it ought to be.

I wholeheartedly support further use of technology! My technology of comfort is a sharp, number two, Ticonderoga pencil. It's user-friendly, low maintenance, and it's not smarter than I am. But times are changing and we all must change with it.

I'm delighted to note that a majority of Iowans favor the use of technology in the courts. In response to a new survey conducted for our Commission on Planning for the Twenty-first Century, a majority polled thought that increasing the use of computer and communications technology in court operations is a good idea.

Today, we've set up a court technology exhibit in the hall outside our courtroom downstairs to showcase some of our innovative programs. Please come down after these remarks, join us for coffee, and look through our display.

We're making significant progress in the area of planning for the future. As that wise baseball sage, Yogi Berra, pointed out, "The future isn't what it used to be."

We are eagerly awaiting the report of our Planning Commission, which is chaired by Justice Linda Neuman. Never before have the Iowa courts conducted a comprehensive, long-range planning effort of this magnitude. Since last May, sixty hardworking Iowans from all walks of life, have devoted substantial time to this project. They have been closely examining our court system and studying changes which will help us meet the needs of Iowans in the Twenty-first Century. Thank you in advance for the financial support your leadership has pledged for this study.

The Planning Commission is scheduled to complete its work and report to the Supreme Court by June. A year from now, we hope to provide you with a full complement of legislative proposals which will help prepare our courts for the future. I am confident that together we can shape a justice system that will continue, even in the face of tremendous changes in society, to administer the highest levels of justice.

Now, I'd like to journey back a bit.

Last year in my State of the Judiciary message, I reported that the courts were struggling under the weight of a crushing caseload. Case filings in all categories were at record levels. I talked with you about our most troubling cases, juvenile, domestic abuse and criminal, which were consuming most of our court resources. We faced the strong possibility that all of our resources would eventually be used for criminal matters at the expense of civil cases. More resources, particularly more judges, were needed to help us confront this crisis.

Thank you, for your generous response. The additional resources you provided, although not our full request, have somewhat eased the pressure.

It would be easy for us to respond to this help by leaning back, and breathing a sigh of relief. But that would be a mistake because the problems I described last year are still very much with us.

Keeping up with the rising tide of cases remains our biggest challenge. More than one-half million cases, not including simple traffic violations, were filed last year in this state. That's more than one case every minute. In other words, during the time that I'm visiting with you this morning, thirty new cases will be filed.

Criminal, domestic abuse and juvenile cases continue to crowd our dockets and consume our time the most.

Please listen to the growth last year in the number of these cases:

- Indictable criminal cases, the most serious crimes, jumped 10 percent.
- Simple misdemeanor cases, a category in which we always see high-volume, increased 13 percent.
- Juvenile cases grew 6 percent.
- And, domestic abuse cases continue to pour in at a frenzied rate; they shot up 31 percent.

There's no end in sight to these alarming trends. Because of time constraints, I won't go into more detail about the caseload now. But I ask that you carefully review the information that is attached to these remarks.

You must bear in mind that new laws and mandates inevitably increase the pressure. Tougher criminal penalties add to the demands on our courts. New civil remedies add to the demands on our courts. Shorter time frames for hearings add to the demands on our courts. Each one adds to the demands placed on the courts, which in turn adds to the need for more resources. It's like trying to manufacture a newly designed car without retooling the factory.

How does all of this look to the hundreds of Iowans coming to court each day?

Sensational trials, such as that of O.J. Simpson, grab front-page headlines and public attention. But while they serve in some ways to educate the public about court procedures, they bear little resemblance to typical cases that represent the courts' routine business.

Last year, I provided you with some descriptions of the hectic pace in our urban courthouses. Rural courts are also overwhelmed. However, there's a major difference between court service in a rural courthouse and an urban courthouse. Rural courts do not have the luxury of having a judge available each day.

In Dallas County, just to the west, court service day resembles a "cattle call" with people nervously waiting for hours to have their case heard. Criminal matters get top priority. They are heard first. Civil cases are heard later in the day only if all criminal matters are completed. It's not unusual for court service to continue into the night with some matters left unresolved.

Many cases get "bumped" until later dates. Recently, I learned of a dissolution case pending in Dallas County involving the custody of two children. The day before trial, the case was continued because all of the judges were busy, presiding over other cases. The family came back six weeks later. Again, the day before trial,

the case had to be continued because the judges were too busy on other matters. Imagine the strain on the parents and the children. The case is scheduled again to be heard this month. I certainly hope that it can be.

What can we do to reduce some of this enormous burden and still provide the public with an appropriate method for resolving disputes?

Alternative dispute resolution, such as mediation, is one way to reduce our civil caseload. According to the survey which I mentioned earlier, this is favored by most Iowans.

This past year we've been working with our judicial districts and private providers to furnish mediation services around the state. Many of our busiest courts now offer small claims mediation. Mediation of personal injury cases appears to be growing rapidly.

Mediation of family law cases is not catching on as much as we'd like it to. We don't know why. Educating people on the value of mediation in these cases should help. We've sponsored, with the help of other groups, many training programs on the use of mediation in family law cases. We hope this training promotes mediation and encourages people to try it.

Two new family law mediation projects are underway thanks to grants from the court's technology fund, which you provided to us two years ago. The Johnson County Bar Association and the Sixth Judicial District have teamed up to start a court-annexed family mediation program. The Second judicial District and the Center for Creative Justice in Ames are working together on a child custody and visitation mediation project to divert modification of custody claims from the courts.

Whether mediation will make a noticeable difference in our caseload remains to be seen. However, any progress we make on the civil side is overshadowed by the relentless growth in criminal, domestic abuse and juvenile cases.

Breaking the back of crime, protecting victims of domestic abuse, and turning around the lives of troubled children are high on your agenda. We share your concerns and our courts wrestle with these issues daily. But right now, these cases have us in a "choke-hold" with little time left for other important cases.

I want to commend our judges and staff. They're working their hardest, with the aid of technology and innovative programs, to handle the constant barrage of cases. However, we need your continued support.

As long as the unprecedented demand for court services continues, we'll need more judges, more staff and more support. Our specific budget needs and recommendations are contained in our budget request which we have submitted to you.

In addition, adequate compensation to attract and retain good judges shores up the strength of our operations. Our judges were heartened last year by your attempt to meaningfully respond to the recommendations of the judicial compensation commission. We hope that issue will be re-examined by you this year.

You deserve and have our warmest thanks for responding to our concerns in the past. We must continue to work together to meet the public's need for a fair and effective court system.

Chief Justice Arthur A. McGiverin was escorted from the House chamber by the committee previously appointed.

Lieutenant Governor Joy Corning was escorted from the House chamber by the committee previously appointed.

On motion by Siegrist of Pottawattamie, the joint convention was dissolved at 10:16 a.m.

The House reconvened session at 10:23 a.m., Speaker Corbett in the chair.

### ASSIGNMENT OF SEATS IN PRESS GALLERIES

The following named persons are accredited members of the press, TV and radio stations and are entitled to access to the press galleries:

AFSCME/Iowa Council 61	
News Letter .....	Larry Scarpino
Associated Press .....	Mike Glover, Mary Neubauer, John Gaps III, Charlie Niebergall, Rodney White, Kevin Wolfe, E. J. Flynn
Cedar Rapids Gazette .....	Rod Boshart, Ken Sullivan
Des Moines Register	David Yepsen, Tom Fogarty, Jon Roos, Holli Hartman
Dubuque Telegraph Herald .....	Steve Webber
Fort Dodge Messenger .....	Todd Dorman
Iowa Legislative News Service, Inc....	Peter Small, Kathi Marts-Foster, Jack Hunt, Tom Hunt
Lee Enterprises News Papers .....	Kathie Obradovich, Patrick Lalley, Ed Tibbetts, Sara Langenberg
Omaha World-Herald .....	Jim Smiley
Prayer and Action Weekly News .....	Dave Leach
Sioux City Journal .....	Dennis J. Carroll
The Daily Tribune .....	Michael G. Gartner, Byron Brown
Waterloo Courier .....	Kevin Potter
Winterset Madisonian .....	Ted Gorman, Chris Dorsey
Des Moines Radio Group .....	Polly Carver-Kimm, News Director
KIOA/KRNT/KSTZ -	
KASI/KCCQ .....	Rich Fellingham, Dan Danielson
KCCI TV-8 .....	Martin Augustine, Rick Fuller, Todd Magel, Sarah Strom
KIMT-TV	Lisa Lemke, Dan Clouse, Robin Wolfram, David Kenney, Susan Zillmer, Tara Thomas
KOEL Radio .....	Pam Ohrt
KWWL - TV .....	Tami Wiencek, Scott Stackhouse
KTIV - TV .....	Larry Wentz, Joel Johnson, Bruce Scheid, Sheila Brummer

KUNI Radio .....	Bill Menner
RADIO IOWA .....	O. Kay Henderson, Todd Kimm, Tim Belay, Jordan Melrose
WHO RADIO	Jodi Chapman, Bob Quinn, Richard Lee, Gary Werger
WHO TV .....	Scott Pope, Lisa Brones, Phil Scott
WOI RADIO .....	Mark Moran, Rick Fredericksen, Joyce Russell
WOI - TV .....	Renee Starzyk
WOWT - TV .....	Gary Kerr, Mike Plews

**CERTIFICATE OF RECOGNITION**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

1996\18 Chief Warrant Officer Five Gerald E. Klinkufus, Des Moines – For thirty-six years of dedicated and invaluable service to the Iowa Army National Guard.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 7 Reassigned**

Labor and Industrial Relations: Boddicker, Chair; Renken, and Taylor.

**House File 14 Reassigned**

Judiciary: Coon, Chair; Shoultz, and Veenstra.

**House File 18 Reassigned**

Labor and Industrial Relations: Millage, Chair; Murphy, and Sukup.

**House File 61 Reassigned**

Labor and Industrial Relations: Kremer, Chair; Connors, and Veenstra.

**House File 74 Reassigned**

Labor and Industrial Relations: Boddicker, Chair; Renken, and Taylor.

**House File 102 Reassigned**

Judiciary: Grubbs, Chair; Doderer, and Hurley.

**House File 114 Reassigned**

Judiciary: Coon, Chair; Moreland, and Veenstra.

**House File 184 Reassigned**

Judiciary: Boddicker, Chair; Doderer, and Kremer.

**House File 300**

Judiciary: Millage, Chair; Hurley, and Moreland.



**House File 308 Reassigned**

Labor and Industrial Relations: Metcalf, Chair; Jochum, and Kremer.

**House File 319**

Judiciary: Millage, Chair; Dinkla, and Kreiman.

**House File 330 Reassigned**

Labor and Industrial Relations: Kremer, Chair; Lord, and Murphy.

**House File 344**

Local Government: Welter, Chair; Jacobs, and Mundie.

**House File 376 Reassigned**

Judiciary: Grubbs, Chair; Doderer, and Hurley.

**House File 414 Reassigned**

Judiciary: Coon, Chair; Moreland, and Veenstra.

**House File 452**

Labor and Industrial Relations: Kremer, Chair; Connors, and Renken.

**House File 462**

Labor and Industrial Relations: Halvorson, Chair; Boddicker, and Harper.

**House File 2007**

Labor and Industrial Relations: Boddicker, Chair; Daggett, and O'Brien.

**House File 2009**

Local Government: Hanson, Chair; Arnold, and Larkin

**House File 2014**

Local Government: Disney, Chair; Arnold, and Connors.

**House File 2015**

Ways and Means: Drake, Chair; Jochum, and Van Fossen.

**House File 2018**

Local Government: Jacobs, Chair; Carroll, Connors, Myers, and Vande Hoef.

**House File 2021**

Local Government: Jacobs, Chair; Carroll, Connors, Myers, and Vande Hoef.

**House File 2024**

Local Government: Brauns, Chair; Disney, and Drees.

**House File 2026**

Ways and Means: Halvorson, Chair; Disney, Myers, Shultz, and Van Fossen.

**House File 2027**

Ways and Means: Renken, Chair; Doderer, and Drake.

**Senate File 391 Reassigned**

Local Government: Huseman, Chair; Carroll, and Larkin.

**Senate File 482 Reassigned**

Judiciary: Lamberti, Chair; Kreiman, and Nutt.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 500**

Ways and Means: Greig, Chair; Drake, and Weigel.

**House Study Bill 501**

Ways and Means: Dinkla, Chair; Larkin, and Renken.

**House Study Bill 502**

Labor and Industrial Relations: Kremer, Chair; Lord, and Murphy.

**House Study Bill 503**

Labor and Industrial Relations: Sukup, Chair; Metcalf, and Taylor.

**House Study Bill 504**

Appropriations: Millage, Chair; Gipp, and Murphy.

**House Study Bill 505**

Ways and Means: Nutt, Chair; Gries, and Weigel.

**House Study Bill 506**

Ways and Means: Dinkla, Chair; Brammer, and Main.

**House Study Bill 507**

Ways and Means: Dinkla, Chair; Brammer, and Main.

**House Study Bill 508**

Ways and Means: Dinkla, Chair; Gries, and Holveck.

**House Study Bill 509**

Ways and Means: Halvorson, Chair; Bernau, Blodgett, Doderer, and Larson.

**House Study Bill 510**

Ways and Means: Halvorson, Chair; Bernau, and Dinkla.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 511 Transportation**

Relating to length and weight restrictions for operation of motor vehicles and combinations of motor vehicles in border cities and providing an effective date.

**H.S.B. 512 Transportation**

Relating to recreational trails appropriations.



# JOURNAL OF THE HOUSE

Fourth Calendar Day – Fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 11, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

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

The Journal of Wednesday, January 10, 1996 was approved.

## INTRODUCTION OF BILLS

**House File 2048**, by Cormack, a bill for an act relating to obtaining a permit or variance for storing or using waste tires.

Read first time and referred to committee on **environmental protection**.

**House File 2049**, by Van Fossen, Martin, Hurley, Harrison, Grubbs, and Bradley, a bill for an act to suspend motor vehicle licenses for violations of the criminal street gangs law.

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

**House File 2050**, by Doderer and Boddicker, a bill for an act relating to selection criteria preferences in the placement of children for adoption by or through the department of human services.

Read first time and referred to committee on **human resources**.

**House File 2051**, by Hammitt Barry and Witt, a bill for an act appropriating money from the general fund of the state to repair and renovate the soldiers and sailors monument of the civil war on the state capitol complex.

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

**House File 2052**, by Gries, Eddie, Branstad, Daggett, Halvorson, Kremer, Mertz, Renken, Vande Hoef, Tyrrell, Disney, Hanson, and Baker, a bill for an act relating to the compensation of merchant marines for active service, creating a merchant marine service compensation fund, providing for administrative procedures, providing for other properly related matters, making an appropriation, and providing a penalty.

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

**House File 2053**, by Rants, a bill for an act relating to child support by requiring a report of expenditures from recipients of support, by providing for income withholding only for payment of delinquent support, by allowing for modification of support orders if visitation requirements in an order are willfully disobeyed, by providing penalties, and by providing effective dates.

Read first time and referred to committee on **human resources**.

**House File 2054**, by Rants, a bill for an act relating to the abolition of the office of county recorder, the transfer of the powers and duties of the office of county recorder, and providing effective dates.

Read first time and referred to committee on **local government**.

**House File 2055**, by Mundie, a bill for an act relating to the exemption from the state sales, services, and use taxes for computers sold or leased to insurance companies.

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

### 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 January 10, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2030, a bill for an act relating to state and county mental health and developmental disability funding provisions and including an applicability provision and an effective date.

JOHN F. DWYER, Secretary

### ADOPTION OF SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

Brunkhorst of Bremer called up for consideration the Supplemental Report of the Committee on Mileage, found on page 10 of the House Journal, and moved its adoption.

The motion prevailed and the report was adopted.

### HOUSE FILES WITHDRAWN

Martin of Scott asked and received unanimous consent to withdraw **House Files 291 and 440**, from further consideration by the House.

Welter of Jones asked and received unanimous consent to withdraw **House File 509** from further consideration by the House.

Greiner of Washington asked and received unanimous consent to withdraw **House File 287** from further consideration by the House.

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw **House File 228** from further consideration by the House.

On motion by Gipp of Winneshiek, the House was recessed at 9:00 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:03 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

#### CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 104

Nelson of Pottawattamie called up for consideration House Concurrent Resolution 104, a concurrent resolution designating the week of January 7-14, 1996, as Children's Week in Iowa.

#### SENATE CONCURRENT RESOLUTION 102 SUBSTITUTED FOR HOUSE CONCURRENT RESOLUTION 104

Nelson of Pottawattamie asked and received unanimous consent to substitute Senate Concurrent Resolution 102 for House Concurrent Resolution 104

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 102

Nelson of Pottawattamie called up for consideration Senate Concurrent Resolution 102, a concurrent resolution designating the week of January 7-14, 1996, as Children's Week in Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### HOUSE CONCURRENT RESOLUTION 104 WITHDRAWN

Nelson of Pottawattamie asked and received unanimous consent to withdraw House Concurrent Resolution 104 from further consideration by the House.

#### CONSIDERATION OF HOUSE RESOLUTION 101

Meyer of Sac called up for consideration House Resolution 101, a resolution urging the environmental protection commission amend its proposed rules to provide that owners of confinement feeding operations who are subject to pending violations of environmental standards be required to obtain construction permits, with report of committee recommending amendment and passage.

Meyer of Sac offered amendment H-5001 filed by the committee on agriculture as follows:

H-5001

1 Amend House Resolution 101 as follows:  
2 1. By striking page 1, line 3, through page 3,  
3 line 12, and inserting the following:  
4 "A House Resolution to urge that the environmental  
5 protection commission amend its proposed rules  
6 to provide that owners of confinement feeding  
7 operations who are subject to pending enforcement  
8 actions, referred to the attorney general's office,  
9 be required to obtain construction permits.  
10 *Whereas*, in 1995, the Iowa General Assembly enacted  
11 House File 519 (1995 Iowa Acts, chapter 195), which  
12 establishes environmental standards of operation by  
13 animal feeding operations; and  
14 *Whereas*, House File 519 requires the department of  
15 natural resources to adopt rules relating to the  
16 construction of animal feeding operations; and  
17 *Whereas*, the environmental protection commission's  
18 proposed rules relating to animal feeding operations,  
19 including construction permit requirements, were  
20 published for notice and comment in the Iowa  
21 Administrative Bulletin on November 8, 1995; *Now*  
22 *Therefore*,  
23 *Be It Resolved By The House Of Representatives*,  
24 That the environmental protection commission is urged  
25 to amend its proposed rule 567 — 65.6(1)(b) to  
26 provide that a person who otherwise would not be  
27 required to obtain a construction permit for a  
28 confinement feeding operation, other than a small  
29 animal feeding operation as provided in 567 —  
30 65.6(2), be required to obtain a construction permit  
31 pursuant to House File 519 and rules adopted by the  
32 commission, if an enforcement action, referred to the  
33 attorney general's office, is pending against a  
34 confinement feeding operation in which the person has  
35 an interest; and  
36 *Be It Further Resolved*, That a copy of this  
37 resolution be sent to the director of the department  
38 of natural resources for presentation to the  
39 environmental protection commission.

Koenigs of Mitchell offered the following amendment H-5002, to the committee amendment H-5001, filed by him from the floor and moved its adoption:

H-5002

1 Amend the amendment, H-5001, to House Resolution  
2 101 as follows:

3 1. Page 1, line 9, by inserting after the word  
 4 "permits" the following: ", and to provide for the  
 5 filing of manure management plans with counties".

6 2. Page 1, by inserting after line 35 the  
 7 following:

8 "*Be It Further Resolved*, That the proposed rules be  
 9 amended to provide that a manure management plan  
 10 required to be submitted to the department pursuant to  
 11 House File 519 and rules adopted by the commission  
 12 also be filed with the county board of supervisors in  
 13 the county where the confinement feeding operation is  
 14 located; and".

Amendment H-5002 was adopted.

Weigel of Chickasaw offered amendment H-5003, to the committee amendment H-5001, filed by him from the floor as follows:

H-5003

1 Amend the amendment, H-5001, to House Resolution  
 2 101 as follows:

3 1. Page 1, line 9, by inserting after the word  
 4 "permits" the following: ", and to provide for the  
 5 review and enforcement of manure management plan  
 6 requirements".

7 2. Page 1, by inserting after line 35 the  
 8 following:

9 "*Be It Further Resolved*, That the proposed rules be  
 10 amended to provide that a manure management plan which  
 11 is required by the commission to be submitted to the  
 12 department, but which is not filed as part of a  
 13 construction permit application, be subject to review  
 14 and enforcement by the department; and".

The following amendment H-5004, to amendment H-5003, to the committee amendment H-5001, filed by Weigel of Chickasaw from the floor, was adopted by unanimous consent:

H-5004

1 Amend the amendment H-5003 to amendment H-5001 to,  
 2 House Resolution 101 as follows:

3 1. Page 1, line 4, by striking the word "and".

On motion by Weigel of Chickasaw, amendment H-5003, as amended, to the committee amendment H-5001, was adopted.

On motion by Meyer of Sac, the committee amendment H-5001, as amended, was adopted.

On motion by Meyer of Sac, House Resolution 101, as amended, was adopted.



**CERTIFICATES OF RECOGNITION**

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

1996\19 Guy and Opal Noble, New Market – For celebrating their Seventy-third wedding anniversary.

1996\20 Matthew Schroth, Hiawatha – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

**SUBCOMMITTEE ASSIGNMENTS****House Joint Resolution 9**

State Government: Churchill, Chair; Jacobs and Jochum.

**House Joint Resolution 2001**

State Government: Churchill, Chair; Connors and Coon.

**House File 34 Reassigned**

State Government: Houser, Chair; Coon and Jochum.

**House File 199**

State Government: Churchill, Chair; Jacobs and Jochum.

**House File 207 Reassigned**

Natural Resources: Branstad, Chair; Mertz and Tyrrell.

**House File 249**

Commerce-Regulation: Metcalf, Chair; Doderer and Renken.

**House File 254 Reassigned**

Natural Resources: Branstad, Chair; Arnold and Cohoon.

**House File 263**

Commerce-Regulation: Metcalf, Chair; Cataldo and Renken.

**House File 264**

Commerce-Regulation: Metcalf, Chair; Renken and Weigel.

**House File 275 Resassigned**

Natural Resources: Huseman, Chair; Coon and May.

**House File 283**

Commerce-Regulation: Metcalf, Chair; Renken and Wise.

**House File 322 Reassigned**

Natural Resources: Huseman, Chair; Coon and May.

**House File 354**

Commerce-Regulation: Metcalf, Chair; Holveck and Renken.

**House File 411**

Commerce-Regulation: Metcalf, Chair; Doderer and Renken.

**House File 435**

Natural Resources: Branstad, Chair; Eddie and Shoultz.

**House File 446**

Commerce-Regulation: Metcalf, Chair; Holveck and Renken.

**House File 496**

Commerce-Regulation: Metcalf, Chair; Renken and Weigel.

**House File 498 Reassigned**

Environmental Protection: Bradley, Chair; Drees and Teig.

**House File 2008**

Education: Ollie, Chair; Brunkhorst and Veenstra.

**House File 2012**

Education: Daggett, Chair; Cohoon and Rants.

**House File 2013**

State Government: Tyrrell, Chair; Jochum and Renken.

**House File 2034**

Transportation: Weidman, Chair; Arnold and Cohoon.

**House File 2036**

Commerce-Regulation: Metcalf, Chair; Nelson of Pottawattamie and Renken.

**House File 2038**

Transportation: Nelson of Marshall, Chair; Heaton and Ollie.

**House File 2039**

Transportation: Blodgett, Chair; Carroll and Ollie.

**House File 2040**

Transportation: Blodgett, Chair; Carroll and Ollie.

**House File 2042**

Economic Development: Lord, Chair; Baker and Heaton.

**House File 2044**

State Government: Thomson, Chair; Tyrrell and Witt.

**House Concurrent Resolution 103**

State Government: Renken, Chair; Bradley and Witt.

**Senate File 5**

State Government: Churchill, Chair; Bernau and Jacobs.

**Senate File 98 Reassigned**

State Government: Drake, Chair; Cataldo and Coon.

**Senate File 331**

State Government: Renken, Chair; Cataldo and Disney.

**Senate File 376**

Commerce-Regulation: Cormack, Chair; McCoy and Van Fossen.

**Senate File 447 Reassigned**

Natural Resources: Klemme, Chair; Drees and Eddie.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 306 Reassigned**

Natural Resources: Klemme, Chair; Brauns and O'Brien.

**House Study Bill 511**

Transportation: Heaton, Chair; Ollie and Weidman.

**House Study Bill 512**

Transportation: Brauns, Chair; Eddie and May.

**House Study Bill 513**

Transportation: Welter, Chair; Cohoon and Eddie.

**House Study Bill 514**

Transportation: Salton, Chair; Grundberg and Ollie.

**House Study Bill 515**

Transportation: Welter, Chair; Branstad and McCoy.

**House Study Bill 516**

Transportation: Main, Chair; Larkin and Salton.

**House Study Bill 517**

Transportation: Arnold, Chair; Mundie and Weidman.

**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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly House Study Bill 504), relating to an appropriation to the judicial department for long-range and strategic planning and providing an effective date.

Fiscal note is not required.

Recommend **Do Pass** January 11, 1996.

## COMMITTEE ON JUDICIARY

**House File 16**, a bill for an act relating to certain minors' rights to object to voluntary commitment and providing for surrogate decision making by parents, legal guardians, or other legal representatives under certain circumstances.

Fiscal note is not required.

Recommend **Do Pass** January 10, 1996.

**House File 176**, a bill for an act relating to open alcoholic beverage container violations and driving records and providing a penalty.

Fiscal note is not required.

Recommend **Do Pass** January 10, 1996.

**House File 270**, a bill for an act relating to recognizing out-of-state law enforcement training for certification purposes in Iowa.

Fiscal note is not required.

Recommend **Do Pass** January 10, 1996.

**House File 329**, a bill for an act relating to an award of attorney fees in an action to enforce a mechanic's lien

Fiscal note is not required.

Recommend **Do Pass** January 10, 1996.

**House File 484**, a bill for an act authorizing the use of criminal contempt to enforce victim restitution orders

Fiscal note is not required.

Recommend **Do Pass** January 10, 1996.

**House File 523**, a bill for an act relating to the establishment of minimum standards for the training of telecommunicators.

Fiscal note is not required.

Recommend **Do Pass** January 10, 1996.

**RESOLUTIONS FILED**

**HCR 106**, by Salton, a concurrent resolution urging the United States Congress to enact legislation and appropriate funding to ensure that drainage district assessments are not adversely affected by federal acquisitions of lands in drainage districts.

Referred to committee on **agriculture**.

**SCR 102**, by committee on human resources, a concurrent resolution designating the week of January 7-14, 1996, as Children's Week in Iowa.

Filed on January 9, 1996 and laid over under **Rule 25**.

On motion by Gipp of Winneshiek, the House adjourned at 1:58 p.m. until 8:45 a.m., Friday, January 12, 1996.

# JOURNAL OF THE HOUSE

Fifth Calendar Day – Fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, January 12, 1996

The House met pursuant to adjournment at 8:48 a.m., Schulte of Linn in the chair.

Prayer was offered by Susan Severino, Administrative Assistant to the Majority Leader.

The Journal of Thursday, January 11, 1996 was approved.

## INTRODUCTION OF BILLS

**House File 2056**, by Jacobs, a bill for an act relating to qualifications for admission to the bar.

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

**House File 2057**, by Martin, Van Fossen, Nelson of Marshall, Garman, Boggess, Greiner, Grundberg, Grubbs, Kremer, Heaton, Welter, Brauns, Thomson, Daggett, Hammitt Barry, Hurley, and Bradley, a bill for an act relating to the postdelivery care requirements for mothers and newborns and providing for an exception of follow-up care outside of the hospital setting.

Read first time and referred to committee on **commerce-regulation**.

**House File 2058**, by Cohoon, a bill for an act increasing the fine for moving traffic violations in school zones.

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

**House File 2059**, by Rants and Klemme, a bill for an act relating to the submission of a change in the form of county government to the county electorate.

Read first time and referred to committee on **local government**.

**House File 2060**, by Blodgett, a bill for an act relating to the testing of records requirements regarding human immunodeficiency virus-related tests and making existing remedies applicable.

Read first time and referred to committee on **human resources**.

**House File 2061**, by Blodgett, a bill for an act relating to the immunity from civil liability for health care peer review committee members.

Read first time and referred to committee on **human resources**.

**House File 2062**, by Daggett, a bill for an act making an appropriation to the department of natural resources for statewide forestry and rural development through forestry projects in cooperation with resource, conservation, and development areas.

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

**House File 2063**, by Rants, a bill for an act relating to criminal activity, including the broadening of the definition of criminal gang activity, the forfeiture of gang property to fund enforcement of the Act, providing enhanced penalties for any gang-related criminal activity, and altering the definition of a dangerous weapon as it applies to all criminal statutes, including gang activity.

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

**House File 2064**, by Grundberg, a bill for an act relating to the cost of cremation permits.

Read first time and referred to committee on **commerce-regulation**.

#### SENATE MESSAGE CONSIDERED

**Senate File 2030**, by committee on ways and means, a bill for an act relating to state and county mental health and developmental disability funding provisions and including an applicability provision and an effective date.

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

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 121

Education: Garman, Chair; Baker and Lord.

##### House File 182 Reassigned

Judiciary: Millage, Chair; Hurley and Kreiman.

##### House File 220

Education: Gries, Chair; Hanson and Kreiman.

##### House File 225 Reassigned

Education: Gries, Chair; Daggett and Mascher.

##### House File 374

Education: Veenstra, Chair; Grundberg and Ollie.

##### House File 375 Reassigned

Education: Rants, Chair; Grundberg and Warnstadt.

**House File 389 Reassigned**

Education: Boddicker, Chair; Nelson of Marshall and Wise.

**House File 392 Reassigned**

Education: Garman, Chair; Baker and Nelson of Marshall.

**House File 402 Reassigned**

Education: Grundberg, Chair; Nelson of Pottawattamie and Rants.

**House File 404**

Education: Grundberg, Chair; Baker and Veenstra.

**House File 429 Reassigned**

Education: Rants, Chair; Gries and Wise.

**House File 432**

Education: Nelson of Marshall, Chair; Rants and Warnstadt.

**House File 455**

Education: Nelson of Marshall, Chair; Garman and Nelson of Pottawattamie.

**House File 459**

Education: Hanson, Chair; Brunkhorst and Nelson of Pottawattamie.

**House File 537**

Education: Grundberg, Chair; Mascher and Nelson of Marshall.

**House File 538**

Education: Brunkhorst, Chair; Kreiman and Lord.

**Senate File 258**

Judiciary: Hurley, Chair; Holveck and Millage.

**Senate File 420**

Education: Hanson, Chair; Gries and Wise.

**Senate File 483**

Education: Rants, Chair; Cohoon and Gries.

On motion by Gipp of Winneshiek, the House adjourned at 8:48 a.m., until 10:00 a.m., Tuesday, January 16, 1996.



# JOURNAL OF THE HOUSE

Ninth Calendar Day – Sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 16, 1996

The House met pursuant to adjournment at 10:03 a.m., Speaker Corbett in the chair.

Prayer was offered by the Honorable Horace Daggett, state representative from Union County.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Horace Daggett, state representative from Union County.

The Journal of Friday, January 12, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

O'Brien of Boone on request of Schrader of Marion.

## PETITION FILED

The following petition was received and placed on file:

By Gries of Crawford from the Westwood Community School District, Board of Directors, supporting changes in the Iowa Public Employees Retirement System which will facilitate its being made competitive with other national retirement programs for educators.

## HOUSE FILES WITHDRAWN

Hurley of Fayette asked and received unanimous consent to withdraw **House Files 9, 295 and 299** from further consideration by the House.

## SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage for the members of the House submits the following supplemental report:

Name	Round Trip Miles
Dionysius A. Koenigs .....	290

Respectfully submitted,  
ROBERT J. BRUNKHORST, Chair  
DAVID A. MILLAGE  
KEITH W. WEIGEL

## REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on administration and rules submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Administrative Assistant II To Speaker	A. John Davis	32-3 to 32-4	P-FT	01/12/96
Administrative Assistant II To Speaker	Jeffrey G. Mitchell	32-2 to 32-3	P-FT	01/12/96
Administrative Assistant II To Leader	Susan D. Severino	32-3 to 32-4	P-FT	01/12/96
Legislative Research Analyst	James M. Addy	27-2 to 27-3	P-FT	01/12/96
Legislative Research Analyst I	Lon W. Anderson	29-2 to 29-3	P-FT	04/05/96
Legislative Research Analyst I	Stacie S. Maass	29-3 to 29-4	P-FT	01/12/96
Legislative Research Analyst	Kimberly D. Statler	27-1 to 27-2	P-FT	02/09/96
Senior Legislative Research Analyst	Margaret A. Thomson	38-2 to 38-3	P-FT	01/12/96
Caucus Secretary	Ingrid L. Johnson	21-3 to 21-4	P-FT	03/22/96
Administrative Secretary To Leader	Becky L. Lorenz	21-1 to 21-2	P-FT	12/29/95
Confidential Secretary To Chief Clerk	Betty M. Soener	27-2 to 27-3	P-FT	01/12/96
Executive Secretary To Speaker	Susan B. Bruckshaw	24-1 to 24-2	P-FT	12/29/95

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Senior Journal Editor	Vivian M. Anders	30-5 to 30-6	P-FT	01/12/96
Compositor/Desk Top Specialist	David L. Stanley	17-2 to 17-3	P-FT	04/19/96
Assistant To The Legal Counsel	Doreen R. Terrell	19-1 to 19-2	S-O	02/23/96
Postmaster	William C. Walling	12-2 to 12-3	S-O	03/08/96
Assistant Sergeant-At-Arms	Marvin Hollingshead	14-2 to 14-3	S-O	01/04/96
Doorkeeper	Dwight H. Dugan	11-3 to 11-4	S-O	01/12/96
Doorkeeper	Alfred H. Edwards	11-3 to 11-4	S-O	01/12/96
Legislative Secretary	Cheryl K. Arnold	16-1 to 16-2	S-O	03/08/96
Legislative Secretary	Patricia A. Bradley	16-1 to 16-2	S-O	03/08/96
Legislative Secretary	Grace R. Branstad	15-3+2 to 15-4+2	S-O	01/12/96
Legislative Secretary	R. Jeannene Cochran	16-6+2 to 17-6+2	S-O	01/08/96
Legislative Secretary	Marjorie I. Connors	17-2 to 18-2	S-O	01/08/96
Legislative Secretary	Audrey J. Gibson	16-6+2 to 17-6+2	S-O	01/08/96
Legislative Committee Secretary	Constance K. Greig	17-1 to 17-2	S-O	02/23/96
Legislative Secretary	Nancy J. Hendrickson	16-1 to 16-2	S-O	03/08/96
Legislative Secretary	Joan M. Koenigs	16-4+2 to 16-5+2	S-O	03/22/96
Legislative Committee Secretary	Teresa L. Landmark	17-1 to 17-2	S-O	03/22/96
Legislative Secretary	Sharron M. Main	15-1 to 15-2	S-O	03/08/96

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Legislative Secretary	Dolores R. Matson	16-3+2 to 16-4+2	S-O	01/12/96
Legislative Committee Secretary	Twyla L. Miller	17-3+2 to 17-4+2	S-O	01/26/96
Legislative Secretary	M. Anne B. O'Connell	15-3+2 to 15-4+2	S-O	01/26/96
Legislative Secretary	Darlene M. Salton	16-1 to 16-2	S-O	03/22/96
Legislative Secretary	Wilma R. Scieszinski	16-3 to 15-3	S-O	01/08/96
Legislative Committee Secretary	Betty J. Sorenson	17-1 to 17-2	S-O	03/08/96
Legislative Secretary	Phyllis A. Stewart	16-1 to 16-2	S-O	03/08/96
Legislative Secretary	Jo Ann Thomas	16-3+2 to 16-4+2	S-O	02/23/96
Legislative Secretary	Sherry L. Van Hooser	15-1 to 15-2	S-O	03/08/96
Legislative Committee Secretary	Harriet Vande Hoef	18-4 to 18-5	S-O	01/26/96
Legislative Secretary	Janice G. Veenstra	15-1 to 15-2	S-O	03/08/96
Legislative Secretary	Barbara B. Wennerstrum	15-6 to 16-6	S-O	01/08/96

RANTS of Woodbury, Chair

### PRESENTATION OF VISITORS

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

Fifty-five fifth grade students from Wallace Elementary School, Des Moines, accompanied by Penny Rittgers. By Fallon of Polk.

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

A Report concerning the Hungry Canyons Conference, pursuant to Chapter 216.21, 1995 Acts of the Seventy-sixth General Assembly.

A Biennial report, pursuant to Chapter 7A.3(3), Code of Iowa

DEPARTMENT OF HUMAN SERVICES

A plan for improving the adequacy of reimbursements for family foster care, pursuant to Chapter 205.26(2), 1995 Acts of the Seventy-sixth General Assembly.

IOWA UTILITIES BOARD

A Final report of a study of the impacts of the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa, and Chapter 1184.26, 1994 Acts of the Seventy-fifth General Assembly.

STATE BOARD OF REGENTS

A Five Year Building Program, pursuant to Chapter 262A.3, Code of Iowa.

SUBCOMMITTEE ASSIGNMENTS

House File 244 Reassigned

Judiciary: Dinkla, Chair; Coon and Moreland.

House File 297 Reassigned

Judiciary: Coon, Chair; Schulte and Shoultz.

House File 325

Environmental Protection: Rants, Chair; Hahn and Mascher.

House File 2003

Judiciary: Kremer, Chair; Bernau and Coon.

House File 2006

Judiciary: Millage, Chair; Kreiman and Veenstra.

House File 2010

Judiciary: Grubbs, Chair; Kreiman and Millage.

House File 2016

Judiciary: Veenstra, Chair; Greiner and Moreland.

House File 2017

Judiciary: Kremer, Chair; Bell and Greiner.

House File 2025

Judiciary: Dinkla, Chair; Boddicker and Holveck.

House File 2028

Judiciary: Kremer, Chair; Harrison and Kreiman.

House File 2032

Environmental Protection: Teig, Chair; Gipp and Shoultz.

**House File 2033**

Judiciary: Harrison, Chair; Kreiman and Lamberti.

**House File 2037**

Judiciary: Veenstra, Chair; Moreland and Schulte.

**House File 2049**

Judiciary: Harrison, Chair; Doderer and Grubbs.

**House File 2054**

Local Government: Arnold, Chair; Drees and Weidman.

**House File 2059**

Local Government: Carroll, Chair; Klemme and Larkin.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S. B. 518 Ways and Means:**

Relating to the percentage of actual value at which residential property is assessed for valuations determined during the 1995 and 1996 assessment years and providing an effective and retroactive applicability date provision.

**H. S. B. 519 Commerce-Regulation**

Relating to certain franchise agreements by amending provisions relating to applicability, transfer, encroachment, termination, nonrenewal, repurchase of assets, independent sourcing, and enforcement.

**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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON TRANSPORTATION**

**House File 2001**, a bill for an act extending an exemption from federal motor carrier safety regulations for medically unqualified drivers and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass January 16, 1996

On motion by Siegrist of Pottawattamie, the House adjourned at 11:02 a.m., until 8:45 a.m., Wednesday, January 17, 1996.

# JOURNAL OF THE HOUSE

Tenth Calendar Day – Seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 17, 1996

The House met pursuant to adjournment at 8:47 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Kay Roath, Marion Street United Methodist Church, Boone.

The Journal of Tuesday, January 16, 1996 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Gries of Crawford from East Monona Community Schools, Board of Education favoring full funding of special education programs.

By Hanson of Black Hawk from two hundred seventeen constituents favoring House File 265, providing for transfer of state gas tax paid on motor fuel used in snowmobiles from the Motor Fuel Tax Fund to the Snowmobile Trail Fund.

## INTRODUCTION OF BILLS

**House File 2065**, by committee on appropriations, a bill for an act relating to an appropriation to the judicial department for long-range and strategic planning and providing an effective date.

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

**House File 2066**, by Warnstadt, Klemme, Nutt, and Rants, a bill for an act relating to the operation of motor vehicles in border cities and providing an effective date.

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

**House File 2067**, by Tyrrell, a bill for an act relating to the authority of a benefited fire district to provide emergency medical services.

Read first time and referred to committee on **local government**.

**House File 2068**, by Cormack, a bill for an act prohibiting the construction of a bridge at an historic ford in Dolliver memorial state park.

Read first time and referred to committee on **natural resources**.

**House File 2069**, by Daggett, a bill for an act relating to state aid to school districts by eliminating the provision limiting the state aid appropriation for the instructional support program and providing effective and applicability date provisions.

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

**House File 2070**, by Main, Hurley, Schulte, Lamberti, Harrison, McCoy, Moreland, Bell, Mertz, and Lord, a bill for an act relating to keeping confidential identifying information regarding a juvenile crime victim.

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

**House File 2071**, by Daggett, a bill for an act making an appropriation to the department of natural resources for statewide forestry and rural development through forestry projects in cooperation with resource, conservation, and development areas.

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

#### HOUSE FILE 341 WITHDRAWN

Kremer of Buchanan asked and received unanimous consent that House File 341 be withdrawn from further consideration by the House.

#### CERTIFICATES OF RECOGNITION

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

- 1996\21 Henrietta Moershel, Middle Amana – For celebrating her One hundredth birthday.
- 1996\22 Arlo and Lela Mohr, Camanche – For celebrating their Fiftieth wedding anniversary.
- 1996\23 Mark and Della Rowe, Clinton – For celebrating their Fiftieth wedding anniversary.
- 1996\24 Orlin and Pearl Hutt, Shenandoah – For celebrating their Seventieth wedding anniversary.
- 1996\25 Chad A. Carlisle, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\26 Harry and Velma Horton, Osceola – For celebrating their Sixty-fifth wedding anniversary.



- 1996\27 George and June Jennings, LeMars – For celebrating their Sixtieth wedding anniversary.
- 1996\28 Robert J. Winders, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\29 Matt Kilby, Carroll – For winning the state title in the Lincoln-Douglas Debate competition.
- 1996\30 Marjorie and Clyde Miller, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\31 Joyce and Elmer Barritt, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\32 Helen and James Iden, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\33 Loretta and Keith Wood, Council Bluffs – For celebrating their Fiftieth wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 50 Reassigned

Judiciary: Harrison, Chair; Kreiman and Kremer.

##### House File 2011

Ways and Means: Renken, Chair; Larkin and Main.

##### House File 2019

Ways and Means: Dinkla, Chair; Gries and Weigel.

##### House File 2020

Judiciary: Grubbs, Chair; Millage and Moreland.

##### House File 2023

Ways and Means: Halvorson, Chair; Doderer and Larson.

##### House File 2029

Education: Wise, Chair; Baker, Grundberg, Hanson, Mascher, Nelson of Marshall and Rants.

##### House File 2035

Ways and Means: Renken, Chair; Larkin and Rants.

##### House File 2041

Ways and Means: Renken, Chair; Lamberti and Larkin.

##### House File 2043

Ways and Means: Van Fossen, Chair; Jochum and Teig.

**House File 2046**

Ways and Means: Disney, Chair; Shoultz and Teig.

**House File 2050**

Human Resources: Veenstra, Chair; Burnett, Lord, Murphy and Salton.

**House File 2053**

Human Resources: Harrison, Chair; Fallon, Hammitt Barry, Hurley and Moreland.

**House File 2055**

Ways and Means: Drake, Chair; Brammer and Larson.

**House File 2056**

Judiciary: Dinkla, Chair; Holveck and Millage.

**House File 2058**

Judiciary: Greiner, Chair; Bell and Nutt.

**House File 2060**

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

**House File 2061**

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

**House File 2063**

Judiciary: Lamberti, Chair; Harrison and Kreiman.

**House File 2068**

Natural Resources: Weidman, Chair; Eddie and Mundie.

**House Concurrent Resolution 106**

Agriculture: Salton, Chair; Greig and Mertz.

**Senate File 2030**

Ways and Means: Halvorson, Chair; Dinkla and Myers.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT****House Study Bill 519**

Commerce-Regulation: Dinkla, Chair; Holveck, Metcalf, Renken and Weigel.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 520 Human Resources**

Relating to the use of alternative licensing for nursing facilities.

**H.S.B. 521 Human Resources**

Relating to medical services access through hospitals and providers in rural counties by enrollees of managed care plans or indemnity plans.

**H.S.B. 522 Human Resources**

Requiring the licensure of respiratory care therapists and creating a board for respiratory care practitioners.

**H.S.B. 523 Human Resources**

Relating to the statistical reporting of terminations of pregnancy and establishing penalties.

**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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Senate Joint Resolution 1**, a joint resolution proposing an amendment to the Constitution of the State of Iowa requiring the maintenance of a cash reserve.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5006 January 17, 1996.

**Pursuant to Rule 31.7, Senate Joint Resolution 1 was referred to the committee on ways and means.**

**COMMITTEE ON EDUCATION**

**House File 121**, a bill for an act relating to the taping and broadcasting of certain high school athletic events.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5005 January 17, 1996.

**RESOLUTION FILED**

**HCR 107**, by Warnstadt, a concurrent resolution posthumously honoring Mr. Loren Callendar, and recognizing his many contributions to city government and to the citizens of Siouxland.

Laid over under Rule 25.

## AMENDMENTS FILED

H—5005	H.F.	121	Committee on Education
H—5006	S.J.R.	1	Committee on Appropriations

On motion by Gipp of Winneshiek, the House adjourned at 8:54 a.m., until 8:45 a.m., Thursday, January 18, 1996.

# JOURNAL OF THE HOUSE

Eleventh Calendar Day -- Eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 18, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by the Honorable Ken Veenstra, state representative from Sioux County.

The Journal of Wednesday, January 17, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cphoon of Des Moines, on request of Nelson of Pottawattamie; Grubbs of Scott and Millage of Scott, on request of Gipp of Winneshiek.

## INTRODUCTION OF BILLS

**House File 2072**, by Rants, a bill for an act relating to taxation of industrial machinery, computers and equipment located in an urban renewal area and providing an applicability date and an effective date.

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

**House File 2073**, by Teig, a bill for an act relating to the confidentiality of identifying information regarding sexual abuse victims.

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

**House File 2074**, by Heaton, a bill for an act requiring an election prior to issuance of bonds by an aviation authority and providing an applicability provision and an effective date.

Read first time and referred to committee on **local government**.

**House File 2075**, by Brammer, a bill for an act repealing certain death-related taxes and increasing the tobacco products tax.

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

**House File 2076**, by Kreiman, a bill for an act relating to the taking of deer by landowners.

Read first time and referred to committee on **natural resources**.

**House File 2077**, by Heaton, a bill for an act relating to political activity by members of the natural resource commission.

Read first time and referred to committee on **local government**.

**House File 2078**, by Brammer, a bill for an act relating to tobacco products by increasing the tax imposed on cigarettes and appropriating and specifying the use of the additional tax moneys.

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

**House File 2079**, by Kreiman, a bill for an act relating to the extension of the deer hunting season for population control.

Read first time and referred to committee on **natural resources**.

**House File 2080**, by Kreiman, a bill for an act relating to school district directors, officers, area education directors, and teachers who act as school textbook or supply agents or dealers.

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

#### ADOPTION OF SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

Brunkhorst of Bremer called up for consideration the Supplemental Report of the Committee on Mileage, found of page 79 of the House Journal and moved its adoption.

The motion prevailed and the report was adopted.

On motion by Gipp of Winneshiek, the House was recessed at 8:56 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker Corbett in the chair.

#### SUBCOMMITTEE ASSIGNMENTS

##### House Joint Resolution 7 Reassigned

State Government: Disney, Chair; Connors and Thomson.

##### House File 2066

Transportation: Branstad, Chair; Main and Warnstadt.

##### House File 2067

Local Government: Disney, Chair; Connors and Weidman.

##### House File 2070

Judiciary: Schulte, Chair; Holveck and Veenstra.

**Senate File 384**

State Government: Tyrrell, Chair; Cataldo and Thomson.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 518**

Ways and Means: Halvorson, Chair; Bernau and Dinkla.

**House Study Bill 520**

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

**House Study Bill 521**

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

**House Study Bill 522**

Human Resources: Martin, Chair; Blodgett and Murphy.

**House Study Bill 523**

Human Resources: Schulte, Chair; Boddicker and Harper.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT**

**H.S.B. 524 State Government**

Relating to permissible fees and commission to be paid to certified public accountants and accounting practitioners.

On motion by Siegrist of Pottawattamie, the House adjourned at 1:08 p.m., until 9:30 a.m., Friday, January 19, 1996.

# JOURNAL OF THE HOUSE

Twelfth Calendar Day – Ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, January 19, 1996

The House met pursuant to adjournment at 9:32 a.m., Boddicker of Cedar in the chair.

Prayer was offered by the Honorable Dan Boddicker, state representative from Cedar County.

The Journal of Thursday, January 18, 1996, was approved.

## INTRODUCTION OF BILLS

**House File 2081**, by Mertz, a bill for an act relating to legalizing official acts performed by notaries public more than ten years earlier.

Read first time and referred to committee on **commerce-regulation**.

**House File 2082**, by Dinkla, a bill for an act relating to the method of filling vacancies for elective county offices.

Read first time and referred to committee on **state government**.

**House File 2083**, by Teig, a bill for an act relating to the office of secretary of agriculture and providing an applicability date.

Read first time and referred to committee on **state government**.

**House File 2084**, by Daggett, a bill for an act relating to school finance by providing for additional enrollment for school district transportation costs based upon a school district enrollment sparsity factor.

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

**House File 2085**, by Dinkla, a bill for an act relating to the state franchise tax which is imposed on financial institutions and providing an effective and a retroactive applicability date provision.

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

**House File 2086**, by Baker, a bill for an act relating to the definition of targeted small business for the purpose of eligibility for the targeted small business financial assistance program.

Read first time and referred to committee on **economic development**.



**House File 2087**, by Nutt, a bill for an act relating to alternate energy production and providing an applicability provision, a conditional repeal, and an effective date.

Read first time and referred to committee on **commerce-regulation**.

**House File 2088**, by Baker, a bill for an act relating to prohibitions concerning state employee disclosures of information and imposing a penalty.

Read first time and referred to committee on **state government**.

**House File 2089**, by Meyer, a bill for an act relating to the state fish and game protection fund by providing for payment of claims involving motor vehicle collisions with deer.

Read first time and referred to committee on **natural resources**.

**House File 2090**, by Baker, a bill for an act relating to and making an appropriation for the establishment of career opportunity academies.

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

**House File 2091**, by Larkin, O'Brien, Wise, Mertz, Nelson of Pottawattamie, Harper, Jochum, Myers, Bell, Drees, May, Cohoon, Witt, Connors, Schrader, Taylor, Mascher, Burnett, Koenigs, Weigel, Mundie, Ollie, Murphy, McCoy, Moreland, Brand, Holveck, Shoultz, Warnstadt, and Cataldo, a bill for an act relating to prison time served by persons convicted of an aggravated misdemeanor or greater offense, providing for a reduction in the amount of good and honor time that may be earned by forcible felons, providing for a legislative interim and a departmental study, providing for a pilot project, and making other related changes.

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

**House File 2092**, by Gipp, a bill for an act requiring a single registration plate for motor vehicles and providing an applicability provision and an effective date.

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

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

##### House Study Bill 524

State Government: Gipp, Chair; Connors, Ertl, Larkin and Tyrrell.

On motion by Gipp of Winneshiek, the House adjourned at 9:38 a.m., until 1:00 p.m., January 22, 1996.

# JOURNAL OF THE HOUSE

Fifteenth Calendar Day – Tenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 22, 1996

The House met pursuant to adjournment at 1:00 p.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Jack Gray, Calvary Christian Reformed Church, Orange City.

## PLEDGE OF ALLEGIANCE

The Colors were presented by the Grant Wood All-City Neighborhood Drum Corps, consisting of approximately one hundred twenty students from schools in Cedar Rapids and surrounding communities under the direction of Slayton Thompson. The Pledge of Allegiance was led by Tierra Allen, a member of the Corps, from Des Moines. "God Bless America" was sung, accompanied by a group of young violinists, also from the Cedar Rapids area. The Corps was accompanied by Lew Finch, Superintendent of Schools, Shiela Billington, Principal and Stu Yeager, Principal, all of Cedar Rapids, and many parents and chaperones.

The Journal of Friday, January 19, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Coon of Warren on request of Siegrist of Pottawattamie.

## PETITIONS FILED

The following petitions were received and placed on file:

By Gries of Crawford from The Albert City – Truesdale Community Schools, Board of Education, favoring maintain adequate funding for special education.

By Harper of Black Hawk from eighteen constituents favoring House File 265.

By Kremer of Buchanan from the Eastern Iowa Tourism Association favoring the Governor's request to appropriate \$2 million for promotion of Iowa's One hundred fiftieth birthday.

## INTRODUCTION OF BILLS

**House Joint Resolution 2003**, by Cormack, Churchill, Welter, Meyer, Klemme, Boddicker, Carroll, Brunkhorst, Huseman, Bradley, Arnold, Eddie, Ertl, Hammitt Barry, Nelson of Marshall, Hanson, Disney, Blodgett, Halvorson, Gries, Grubbs, Branstad, Greig, Fallon,

Moreland, McCoy, Heaton, Houser, O'Brien, Harrison, Lamberti, Sukup, Van Fossen, Teig, Thomson, Hurley, Nutt, Salton, Kremer, Coon, Lord, Larson, Schulte, Veenstra, Main, Garman, Mundie, and Rants, a joint resolution proposing an amendment to the Constitution of the State of Iowa to limit the number of terms for members of the Senate and the House of Representatives, and to limit the number of terms of Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of State, and Treasurer of State.

Read first time and referred to committee on state government.

**House File 2093**, by Warnstadt, a bill for an act requiring state agencies to adopt schedules for processing applications for licenses, permits, and registrations.

Read first time and referred to committee on state government.

#### HOUSE FILE 2062 WITHDRAWN

Daggett of Union asked and received unanimous consent to withdraw House File 2062 from further consideration by the House.

#### SUPPLEMENTAL REPORT OF COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following named person duly elected to an entitled to a seat in the House of Representatives for the 1996 Session of the Seventy-sixth General Assembly as shown by a duplicate copy of the certification of election on file in the office of the Secretary of State:

CERTIFICATION  
STATE OF IOWA  
Office of  
THE SECRETARY OF STATE

To the Honorable, the Clerk of the House of Representatives:

I, Paul D. Pate, Secretary of State of the State of Iowa; custodian of the files and records pertaining to the elections in the state,

DO HEREBY CERTIFY THAT the State Canvassing Board has declared that at a special election held on January 16, 1996, Robert J. Osterhaus was elected to fill a vacancy in the office of State Representative of the Thirty-Fourth district, for the balance of the term which began on January first, 1995.

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Statehouse, in Des Moines, this twenty-ninth day of January, 1996.

Paul D. Pate, Secretary of State

I hereby acknowledge receipt of the original copy of this document on January 29, 1996.

ELIZABETH A. ISAACSON,  
Chief Clerk of the House of Representatives

CHARLES LARSON, Chair  
LIBBY JACOBS  
BRIAN COON  
JACK HOLVECK  
LINDA NELSON

### OATH OF OFFICE

Churchill of Polk moved that a committee of two be appointed to escort Representative-elect Robert Osterhaus to the well of the House to be duly sworn and escorted to his seat.

The motion prevailed and the Speaker appointed as such committee Churchill of Polk and Schrader of Marion to escort Representative-elect Osterhaus.

The Chief Clerk administered the following oath of office:

"I do solemnly swear or affirm that I will support the Constitution of the United States and the Constitution of the State of Iowa and that I faithfully and impartially discharge the duties of the office of Representative in the General Assembly of the State of Iowa according to the best of my ability, so help me God."

ROBERT OSTERHAUS

The committee escorted Representative Osterhaus to his seat.

### CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 105

Nelson of Marshall called up for consideration House Concurrent Resolution 105, a concurrent resolution recognizing the women who have served Iowa as state legislators and celebrating 100 years of women elected to state legislatures.

Nelson of Marshall offered the following amendment H-5007 filed by her from the floor and moved its adoption:

H-5007

- 1 Amend House Concurrent Resolution 105 as follows:
- 2 1. Page 6, line 4, by striking the words "a copy"
- 3 and inserting the following: "copies".
- 4 2. Page 6, line 5, by inserting after the word
- 5 "the" the following: "Commission on the Status of
- 6 Women, which shall make every reasonable effort to
- 7 forward copies of this Resolution to the".

Amendment H-5007 was adopted.

On motion by Nelson of Marshall, the resolution, as amended, was adopted.

**COMMITTEE APPOINTMENTS**

The Speaker announced the following committee appointments:

- Representative Keith Kreiman ..... Judiciary, Ranking Member  
Replacing Representative Phil Brammer
- Representative Robert Osterhaus ..... Human Resources  
Economic Development  
Education  
Human Services Appropriations Subcommittee
- Representative Harold Van Maanen ..... Education  
Human Resources  
Economic Development

**ASSIGNMENT OF SEAT IN PRESS GALLERY**

The following named persons are accredited members of the press and are entitled to access to the press gallery:

- Ankeny Press Citizen ..... Dave DeValois  
Kelley Hilterbrand

**COMMUNICATIONS RECEIVED**

The following communications were received and filed in the office of the Chief Clerk:

**BOARD OF REGENTS**

The Annual Report for the Center for Health Effects of Environmental Contamination, pursuant to chapter 263.17(4B), Code of Iowa.

**COMPREHENSIVE PETROLEUM UST FUND BOARD**

The privatization study and evaluation of the commercial market, pursuant to chapter 215.31(2), 1995 Acts of the Seventy-sixth General Assembly.

**DEPARTMENT OF ECONOMIC DEVELOPMENT**

A report on available options and potential cost savings regarding privatizing computer services for primary research, pursuant to Chapter 204.1(1)(b), 1995 Acts of the Seventy-sixth General Assembly.

**DEPARTMENT OF ELDER AFFAIRS**

The Annual Report of the Long-Term Care Ombudsman program, pursuant to Chapter 249D.42, Code of Iowa.

**DEPARTMENT OF HUMAN SERVICES**

A report on court-ordered detoxification, pursuant to Chapter 205.3(9), 1995 Acts of the Seventy-sixth General Assembly.

**DEPARTMENT OF NATURAL RESOURCES**

A summary of activities for the 1995 certification programs, pursuant to Chapter 258A, Code of Iowa.

**DEPARTMENT OF PUBLIC HEALTH**

The Annual Report, pursuant to Chapter 272C.4(2)(b), Code of Iowa.

**Healthy Iowans 2000**

The annual progress report, pursuant to Chapter 212.5, 1995 Acts of the Seventy-sixth General Assembly.

**Home Care Aide/Chore Program**

The Annual Report, pursuant to Chapter 212.5, 1995 Acts of the Seventy-sixth General Assembly.

**DEPARTMENT OF PUBLIC SAFETY**

A report on demonstration projects, pursuant to Chapter 219.28(5), 1995 Acts of the Seventy-sixth General Assembly.

**INSURANCE COMMISSIONER**

A report concerning the elimination of age as a rating characteristic in the individual health insurance market, pursuant to Chapter 513C.5(2), Code of Iowa.

**SUBCOMMITTEE ASSIGNMENTS**

**House Joint Resolution 2003**

State Government: Churchill, Chair; Jacobs and Jochum.

**House File 2045**

Appropriations: Gipp, Chair; Ertl and Kreiman.

**House File 2051**

Appropriations: Brauns, Chair; Metcalf and Moreland.

**House File 2052**

Appropriations: Branstad, Chair; Grundberg and Ollie.

**House File 2069**

Appropriations: Millage, Chair; Gipp and Murphy.

**House File 2071**

Appropriations: Hahn, Chair; Koenigs and Meyer.

**House File 2090**

Appropriations: Millage, Chair; Gipp and Murphy.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT**

**H.S.B. 525 Judiciary**

Eliminating the minimum fine for a simple misdemeanor.

On motion by Siegrist of Pottawattamie, the House adjourned at 1:23 p.m., until 8:45 a.m., Tuesday, January 23, 1996.

# JOURNAL OF THE HOUSE

Sixteenth Calendar Day – Eleventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 23, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Mark Sherwood, Berean Baptist Church, Perry.

The Journal of Monday, January 22, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bernau of Story, on request of Schrader of Marion; Veenstra of Sioux, on request of Daggett of Union; Martin of Scott, on request of Kremer of Buchanan; Weigel of Chickasaw, on request of Koenigs of Mitchell; Doderer of Johnson, on request of Harper of Black Hawk and Moreland of Wapello, on request of Cataldo of Polk.

## INTRODUCTION OF BILLS

**House File 2094**, by Siegrist, Churchill, Disney, Grundberg, Jacobs, Metcalf, Fallon, Cataldo, McCoy, and Connors, a bill for an act prohibiting abuse of a human corpse, and providing a penalty.

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

**House File 2095**, by Brunkhorst, a bill for an act relating to interpreters for deaf and hard-of-hearing persons.

Read first time and referred to committee on **state government**.

## 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 January 18, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 103, a concurrent resolution posthumously honoring Mr. Loren Callendar, and recognizing his many contributions to city government and to the citizens of Siouxland.

JOHN F. DWYER, Secretary

## RESOLUTION FILED

**SCR 103**, by Hansen, a concurrent resolution posthumously honoring Mr. Loren Callendar, and recognizing his many contributions to city government and to the citizens of Siouxland.

Received and passed on file.

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 105** be immediately messaged to the Senate.

## CONSIDERATION OF BILLS

## Regular Calendar

**House File 2001**, a bill for an act extending an exemption from federal motor carrier safety regulations for medically unqualified drivers and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Carroll of Poweshiek 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. 2001)

The ayes were, 90:

Arnold	Bell	Blodgett	Boddicker
Boguess	Bradley	Brand	Branstad
Brauns	Brunkhorst	Carroll	Cataldo
Churchill	Cohoon	Connors	Cormack
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Warnstadt	Weidman	Welter	Wise
Witt	Mr. Speaker		
	Corbett		



The nays were, none:

Absent or not voting, 10:

Baker	Bernau	Brammer	Burnett
Coon	Doderer	Martin	Moreland
Veenstra	Weigel		

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

### Appropriations Calendar

**House File 2065**, a bill for an act relating to an appropriation to the judicial department for long-range and strategic planning and providing an effective date, was taken up for consideration.

Millage 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?" (H.F. 2065)

The ayes were, 91:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Carroll
Cataldo	Churchill	Cohoon	Connors
Cormack	Daggett	Dinkla	Disney
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Warnstadt	Weidman	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none:

Absent or not voting, 9:

Bernau	Brammer	Burnett	Coon
Doderer	Martin	Moreland	Veenstra
Weigel			

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2001 and 2065.**

### CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 107

Warnstadt of Woodbury called up for consideration **House Concurrent Resolution 107**, a concurrent resolution posthumously honoring Mr. Loren Callendar, and recognizing his many contributions to city government and to the citizens of Siouxland.

### SENATE CONCURRENT RESOLUTION 103 SUBSTITUTED FOR HOUSE CONCURRENT RESOLUTION 107

Warnstadt of Woodbury asked and received unanimous consent to substitute Senate Concurrent Resolution 103 for House Concurrent Resolution 107.

Warnstadt of Woodbury called up for consideration **Senate Concurrent Resolution 103**, a concurrent resolution posthumously honoring Mr. Loren Callendar, and recognizing his many contributions to city government and to the citizens of Siouxland, and moved its adoption.

The motion prevailed and the resolution was adopted.

### Regular Calendar

**House File 329**, a bill for an act relating to an award of attorney fees in an action to enforce a mechanic's lien, with report of committee recommending passage, was taken up for consideration.

Dinkla of Guthrie 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. 329)

The ayes were, 92:

Arnold  
Boddicker  
Branstad  
Carroll

Baker  
Bogges  
Brauns  
Cataldo

Bell  
Bradley  
Brunkhorst  
Churchill

Blodgett  
Brand  
Burnett  
Cohon

Connors	Cormack	Daggett	Dinkla
Disney	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Warnstadt	Weidman
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none:

Absent or not voting, 8:

Bernau	Brammer	Coon	Doderer
Martin	Moreland	Veenstra	Weigel

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

**House File 121**, a bill for an act relating to the taping and broadcasting of certain high school athletic events, with report of committee recommending amendment and passage, was taken up for consideration.

Kreiman of Davis asked and received unanimous consent to defer action on amendment H-3230.

Kreiman of Davis offered the following amendment H-5005 filed by the committee on education and moved its adoption:

H-5005

- 1 Amend House File 121 as follows:
- 2 1. Page 1, by striking lines 6 through 15 and
- 3 inserting the following: "video tape retransmission
- 4 of a high school athletic tournament contest or event
- 5 if the video tape retransmission does not occur
- 6 earlier than twenty-four hours after the".

The committee amendment H-5005 was adopted, placing out of order amendment H-3230 filed by the committee on education on March 7, 1995 and amendment H-3343, to the committee amendment H-3230, filed by Nelson of Marshall on March 20, 1995.

Kreiman of Davis 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. 121)

The ayes were, 92:

Arnold	Baker	Bell	Blodgett
Boddicker	Boguess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Cormack	Daggett	Dinkla
Disney	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Warnstadt	Weidman
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none:

Absent or not voting, 8:

Bernau	Brammer	Coon	Doderer
Martin	Moreland	Veenstra	Weigel

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

**House File 16**, a bill for an act relating to certain minors' rights to object to voluntary commitment and providing for surrogate decision making by parents, legal guardians, or other legal representatives under certain circumstances, was taken up for consideration.

Lamberti 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. 16)

The ayes were, 92:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Cormack	Daggett	Dinkla
Disney	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Warnstadt	Weidman
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none:

Absent or not voting, 8:

Bernau	Brammer	Coon	Doderer
Martin	Moreland	Veenstra	Weigel

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 16 and 121; Senate Concurrent Resolution 103.**

### HOUSE CONCURRENT RESOLUTION 107 WITHDRAWN

Warnstadt of Woodbury asked and received unanimous consent that House Concurrent Resolution 107 be withdrawn from further consideration by the House.

## EXPLANATION OF VOTE

I was temporarily absent from the House chamber on January 23, 1996. Had I been present, I would have voted "aye" on House Files 16, 121, 329, 2001 and 2065, and Senate Concurrent Resolution 103.

MARTIN of Scott

## CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\34 Grant Wood All City Drum Corps, Cedar Rapids – For leading the Iowa House of Representatives in the Pledge of Allegiance, Monday, January 22, 1996.
- 1996\35 Bill Bates, Storm Lake – For being selected to The Times Hall of Fame.
- 1996\36 Thelma L. Poole, Council Bluffs – For celebrating her Ninetieth birthday.
- 1996\37 M.E. "Barney" Rew, Council Bluffs – For celebrating his Ninetieth birthday.
- 1996\38 Verjane and Edward Steensen, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\39 Marjore and Walter Ousley, Centerville – For celebrating their Fiftieth wedding anniversary.
- 1996\40 Mary Lee and Elzie Williams, Camanche – For celebrating their Fiftieth wedding anniversary.
- 1996\41 Alice and Paule Knudson, Clinton – For celebrating their Fiftieth wedding anniversary.
- 1996\42 Sadie Huizenga, Camanche – For celebrating her Eightieth birthday.
- 1996\43 Albert Grady, Clinton – For celebrating his Eightieth birthday.
- 1996\44 Duncan Glab, President Morrison Brothers, Dubuque – For his Fifty years of service to Morrison Brothers.
- 1996\45 Brad Taylor Roland-Story High School, Story City – For being selected the 1995-96 Iowa Vocational Agriculture Teacher of the Year.

- 1996\46 Dallas Kray Roland-Story High School, Story City – For being selected the 1995-96 Iowa Athletic Director of the Year.
- 1996\47 Joshua Bundt, Glidden – For his appointment to the U.S. Military Academy at West Point.
- 1996\48 Jason Andrew, Colo – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

**SUBCOMMITTEE ASSIGNMENTS****House File 47**

State Government: Houser, Chair; Cataldo and Disney.

**House File 2047**

Commerce-Regulation: Metcalf, Chair; Cataldo, Cormack, Doderer and Sukup.

**House File 2057**

Commerce-Regulation: Metcalf, Chair; Cataldo, Cormack, Doderer and Sukup.

**House File 2064**

Commerce-Regulation: Van Fossen, Chair; Baker and Sukup.

**House File 2073**

Judiciary: Schulte, Chair; Kreiman and Veenstra.

**House File 2074**

Local Government: Brauns, Chair; Disney and Mertz.

**House File 2076**

Natural Resources: Arnold, Chair; Cohoon and Thomson.

**House File 2077**

Local Government: Klemme, Chair; Connors and Hanson.

**House File 2079**

Natural Resources: Garman, Chair; Huseman and May.

**House File 2080**

Education: Kreiman, Chair; Garman and Gries.

**House File 2082**

State Government: Jacobs, Chair; Connors and Drake.

**House File 2083**

State Government: Drake, Chair; Houser and Taylor.

**House File 2084**

Education: Daggett, Chair; Osterhaus and Van Maanen.

**House File 2086**

Economic Development: Nelson of Marshall, Chair; Larson and Mascher.

**House File 2088**

State Government: Coon, Chair; Connors and Gipp.

**House File 2089**

Natural Resources: Greig, Chair; Bell and Tyrrell.

**House File 2092**

Transportation: Eddie, Chair; Grundberg and Koenigs.

**House File 2093**

State Government: Disney, Chair; Brammer and Renken.

**House File 2095**

State Government: Thomson, Chair; Gipp and Jochum.

**Senate File 416**

Judiciary: Millage, Chair; Grubbs and Moreland.

**Senate File 2030 Reassigned**

Ways and Means: Blodgett, Chair; Dinkla and Myers.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 526 Appropriations**

Relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date.

**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.

ELIZABETH A. ISAACSON

Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**House Concurrent Resolution 106**, a concurrent resolution urging the United States Congress to enact legislation and appropriate funding to ensure that



drainage district assessments are not adversely affected by federal acquisitions of lands in drainage districts.

Fiscal Note is not required.

Recommend **Do Pass and laid over under Rule 25**, January 22, 1996.

COMMITTEE ON STATE GOVERNMENT

**House File 2044**, a bill for an act relating to the authority of cities and counties to restrict public indecent exposure and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 22, 1996.

On motion by Siegrist of Pottawattamie, the House adjourned at 9:35 a.m. until 8:45 a.m., Wednesday, January 24, 1996.

# JOURNAL OF THE HOUSE

Seventeenth Calendar Day – Twelfth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 24, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend David Splett, St. Paul Lutheran Church, Eldora.

The Journal of Tuesday, January 23, 1996 was approved.

## SPECIAL PRESENTATION

Prior to reconvening, the House, in recognition of Arts Day at the Capitol, was entertained by the Pioneer String Quartet. Members of the quartet were: Alice Vermeer, Linda Pfund, violin; Charles Miranda, viola; and Joseph Rodgers, cello. They are also members of the Des Moines Symphony.

The House rose and expressed its appreciation.

## PETITIONS FILED

The following petitions were received and placed on file:

By Gries of Crawford from the Carroll Community School District Board of Directors, favoring maintaining the current level of funding for special needs programs.

By Gries of Crawford from the Western Hills Area Education Agency, favoring changes in the Iowa Public Employees Retirement System which will facilitate its being made competitive with other retirement programs for educators nationally.

By Meyer of Sac from the Eastwood Community School District Board of Directors favoring maintaining the current level of funding for special needs programs.

By Meyer of Sac from the Anthon-Oto Community School Board of Directors favoring changes in the Iowa Public Employees Retirement System which will facilitate its being made competitive with other retirement programs for educators nationally.

## INTRODUCTION OF BILLS

**House File 2096**, by Bradley and Moreland, a bill for an act providing for the establishment of a lien by licensed professionals against damages collected by an injured patient.

Read first time and referred to committee on **commerce-regulation**.

**House File 2097**, by Halvorson, a bill for an act relating to postconviction release bonds.

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

**House File 2098**, by Grundberg, a bill for an act relating to a sales tax exemption for certain aircraft and providing an immediate effective date.

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

**House File 2099**, by Ollie, Mascher, Myers, and Doderer, a bill for an act relating to the nonconsensual termination of or serious injury to a human pregnancy, and providing penalties.

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

**House File 2100**, by Rants, a bill for an act exempting from the sales tax motor vehicles purchased solely for installation and assembly of heavy duty equipment.

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

**House File 2101**, by Kremer, a bill for an act relating to windshield wiper operation and lighted headlamps, and making a penalty applicable.

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

**House File 2102**, by Burnett, a bill for an act relating to the dates on which city hospital or health care facility trustees take and depart from office.

Read first time and referred to committee on **state government**.

**House File 2103**, by Fallon, a bill for an act relating to the provision of a copy of records of services provided by a member of a licensed or certified profession to a person named in the record upon the request of the named person.

Read first time and referred to committee on **human resources**.

**SPONSOR ADDED**  
(House File 2063)

Warnstadt of Woodbury requested to be added as a sponsor of House File 2063.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on the morning of January 23, 1996. Had I been present, I would have voted "aye" on

House Files 16, 121, amendment H—5005 to House File 121, House Files 329, 2001, 2065 and Senate Concurrent Resolution 103.

MORELAND of Wapello

I was necessarily absent from the House chamber on January 23, 1996. Had I been present, I would have voted "aye" on House Files 16, 121, 329, 2001 and 2065, and Senate Concurrent Resolution 103.

VEENSTRA of Sioux

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF EDUCATION

The "Truancy Report for the 1994-1995 School Year," pursuant to Chapter 218.1(1), 1995 Acts of the Seventy-sixth General Assembly.

#### DEPARTMENT OF MANAGEMENT

The Targeted Small Business and Contract Compliance Report, pursuant to Chapter 19B.7, Code of Iowa.

#### DEPARTMENT OF NATURAL RESOURCES

The 1996 Iowa Comprehensive Energy Plan, pursuant to Chapter 473.7, Code of Iowa.

#### DEPARTMENT OF TRANSPORTATION

The 1996-2000 Transportation Improvement Report, pursuant to Chapter 307A.2(12), Code of Iowa.

The 1995 Iowa Airport Sufficiency Ratings, pursuant to Chapter 328.12, Code of Iowa.

#### IOWA INSURANCE COMMISSIONER

A report on health care coverage costs for mental health and substance abuse treatment services under the basic and standard health benefit plans, pursuant to Chapter 73.1(2), 1995 Acts of the Seventy-sixth General Assembly.

### CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

1996\49 Major Charles Vollmer, Chief Deputy, Scott County Sheriff's Department, Davenport - For his Thirty-one years of distinguished law enforcement service to the citizens of Scott County.

## SUBCOMMITTEE ASSIGNMENTS

**House File 2056 Reassigned**

Judiciary: Millage, Chair; Grubbs and Holveck.

**House File 2081**

Commerce-Regulation: Churchill, Chair; Larson and Wise.

**House File 2087**

Commerce-Regulation: Nutt, Chair; Holveck and Renken.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

**House Study Bill 526**

Appropriations: Millage, Chair; Gipp and Murphy.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 527 Transportation**

Relating to the establishment of an anatomical gift awareness and transplantation fund to be administered by and an anatomical gift advisory committee to be established within the Iowa department of public health.

**H.S.B. 528 Commerce-Regulation**

Relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

**H.S.B. 529 State Government**

Relating to setting the compensation for publication of certain notices by the superintendent of printing.

**H.S.B. 530 Human Resources**

Relating to the payment by third parties of physician assistants and advanced registered nurse practitioners.

**H.S.B. 531 Ways and Means**

Relating to industrial machinery, computers and equipment for purposes of sales and property taxation and providing an effective date and applicability date.

**H.S.B. 532 Agriculture**

Providing for the organizational of cooperative corporations, providing for fees, and providing for penalties.

## 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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

## COMMITTEE ON HUMAN RESOURCES

**House File 2061**, a bill for an act relating to the immunity from civil liability for health care peer review committee members.

Fiscal Note is not required.

Recommended **Do Pass** January 23, 1996.

**Committee Bill** (Formerly House File 2060), a bill for an act relating to the testing of records requirements regarding human immunodeficiency virus-related tests and making existing remedies applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 23, 1996.

## COMMITTEE ON JUDICIARY

**House File 526**, a bill for an act to permit the court to require victim-offender reconciliation under certain circumstances.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5009** January 23, 1996.

**House Concurrent Resolution 28**, a concurrent resolution requesting that the united States Congress repeal the decriminalization of status offenses mandate contained in the federal Juvenile Justice Delinquency Prevention Act of 1974.

Fiscal note is not required.

Recommended **Do Pass and laid over under Rule 25** January 23, 1996.

## COMMITTEE ON STATE GOVERNMENT

**House Joint Resolution 2003**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to limit the number of terms for members of the Senate and the House of Representatives, and to limit the number of terms of Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of State, and Treasurer of State.

Fiscal note is not required.

Recommend **Do Pass** January 24, 1996.

## COMMITTEE ON TRANSPORTATION

**House File 2066**, a bill for an act relating to the operation of motor vehicles in border cities and providing an effective date.

Fiscal note is not required.

Recommend **Do Pass** January 23, 1996.

**Committee Bill** (Formerly House Study Bill 515), providing for a permanent registration plate for motor trucks and truck-tractors licensed pursuant to multistate registration.

Fiscal Note is required.

Recommended **Amend and Do Pass** January 23, 1996.

#### COMMITTEE ON WAYS AND MEANS

**Senate File 2030**, a bill for an act relating to state and county mental health and developmental disability funding provisions and including an applicability provision and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5008** January 23, 1996.

**Committee Bill** (Formerly House Study Bill 509), relating to taxation within the state by changing the computation of the inflation factor for the tax brackets of the state individual income tax, the method for the computation of state income tax on shareholders of corporations whose income is taxed directly to its shareholders, exemptions from the state inheritance tax, and appropriating moneys to a special taxpayer relief account for purposes of providing tax relief and providing effective and retroactive and other applicability date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 22, 1996.

**Committee Bill** (Formerly Study Bill 518), relating to the percentage of actual value at which residential property is assessed for valuations determined during the 1995 and 1996 assessment years and providing an effective and retroactive applicability date provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 22, 1996.

#### AMENDMENTS FILED

H—5008	S.F.	2030	Committee on Ways and Means
H—5009	H.F.	526	Committee on Judiciary

On motion by Siegrist of Pottawattamie, the House adjourned at 9:08 a.m., until 8:45 a.m., Thursday, January 25, 1996.

# JOURNAL OF THE HOUSE

Eighteenth Calendar Day – Thirteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 25, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Dan Lozer, Tabor Congregational United Church of Christ and the Presbyterian Church of Randolph.

The Journal of Wednesday, January 24, 1996 was approved.

## INTRODUCTION OF BILLS

**House File 2104**, by Hurley, a bill for an act relating to prison time served by persons convicted of an aggravated misdemeanor or greater offense, by providing for a reduction in the amount of good and honor time that may be earned by forcible felons, providing for a pilot project, and making other related changes.

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

**House File 2105**, by Brauns, Tyrrell, Houser, Martin, Daggett, Boggess, Bradley, Heaton, Lord, Branstad, Harrison, Drake, Cormack, Klemme, Rants, Arnold, and Nutt, a bill for an act relating to the time and the criteria for filing of claims for refund under the state individual income tax by retired federal employees as a result of the unconstitutional taxation of federal pensions and providing an effective date.

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

**House File 2106**, by Coon, a bill for an act relating to agency rules, by providing for the periodic review of the rules.

Read first time and referred to committee on **state government**.

**House File 2107**, by committee on human resources, a bill for an act relating to the requirements regarding human immunodeficiency virus-related tests and making existing remedies applicable.

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

**House File 2108**, by Brunkhorst, a bill for an act relating to requirements for an impact evaluation prior to approval of a general permit to discharge stormwater.

Read first time and referred to committee on **natural resources**.



**House File 2109**, by Harrison, Boggess, Bradley, Branstad, Brauns, Brunkhorst, Carroll, Coon, Daggett, Disney, Doderer, Drake, Eddie, Ertl, Gipp, Greiner, Grubbs, Hammitt Barry, Hanson, Heaton, Hurley, Huseman, Klemme, Kremer, Lamberti, Larson, Lord, Main, Martin, Mascher, Myers, Rants, Renken, Salton, Schulte, Sukup, Teig, Thomson, Tyrrell, Van Fossen, Vande Hoef, Van Maanen, Veenstra, Witt, Ollie, Halvorson, Welter, Mundie, Blodgett, Fallon, Garman, Larkin, and Millage, a bill for an act relating to nonconsensual termination of or serious injury to a pregnancy and providing penalties.

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

**House File 2110**, by Grubbs, a bill for an act relating to judgments against prisoners.

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

**House File 2111**, by committee on ways and means, a bill for an act relating to taxation within the state by changing the computation of the inflation factors for the tax brackets and standard deduction of the state individual income tax, exemptions from the state inheritance tax, and appropriating moneys to a special taxpayer relief account for purposes of providing tax relief and providing effective and retroactive and other applicability date provisions.

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

**House File 2112**, by committee on ways and means, a bill for an act relating to the general fund levy rate limit for cities and providing effective and applicability date provisions.

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

#### SPECIAL ORDER CALENDAR

The Speaker announced that **House File 2111**, formerly on the Ways and Means Calendar, was placed on the **Special Order Calendar for February 1, 1996**.

#### 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 January 24, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2071, a bill for an act creating an advisory commission on intergovernmental relations, specifying its membership and its powers and duties, providing for other properly related matters, and providing an effective date.

Also: That the Senate has on January 24, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2072, a bill for an act relating to implements of husbandry by providing for machinery towed by a motor vehicle or farm tractor, and providing an effective date.

JOHN F. DWYER, Secretary

### RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for immediate consideration of **Senate File 2030**.

The House stood at ease at 8:57 a.m., until the fall of the gavel.

The House resumed session at 10:00 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn, on request of Wise of Lee.

### CONSIDERATION OF BILLS

#### Ways and Means Calendar

**Senate File 2030**, a bill for an act relating to state and county mental health and developmental disability funding provisions and including an applicability provision and an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Blodgett of Cerro Gordo offered the following amendment H-5008 filed by the committee on ways and means and moved its adoption:

H-5008

- 1 Amend Senate File 2030, 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. 100. Section 331.424A, subsection 4, Code
- 6 Supplement 1995, is amended to read as follows:
- 7 4. For the fiscal year beginning July 1, 1996, and
- 8 for each subsequent fiscal year, the county shall
- 9 certify a levy for payment of services. Unless
- 10 otherwise provided by state law, for each fiscal year,
- 11 county revenues from taxes imposed by the county
- 12 credited to the services fund shall not exceed an
- 13 amount equal to the amount of base year expenditures

14 for services in the fiscal year beginning July 1,  
15 1993, and ending June 30, 1994, as defined in section  
16 331.438, less the amount of property tax relief to be  
17 received pursuant to section 426B.2, subsections 1 and  
18 3, in the fiscal year for which the budget is  
19 certified. The county auditor and the board of  
20 supervisors shall reduce the amount of the levy  
21 certified for the services fund by the amount of  
22 property tax relief to be received.”

23 2. Page 1, by striking lines 1 through 9.

24 3. Page 1, by inserting after line 9 the  
25 following:

26 “Sec. 200. Section 331.438, subsection 1, Code  
27 Supplement 1995, is amended to read as follows:

28 1. For the purposes of section 331.424A, this  
29 section, and section 331.439, and chapter 426B, unless  
30 the context otherwise requires:

31 a. “Base year expenditures” means the actual the  
32 amount selected by a county and reported to the county  
33 finance committee pursuant to this paragraph. The  
34 amount selected shall be equal to the amount of net  
35 expenditures made by a the county for qualified mental  
36 health, mental retardation, and developmental  
37 disabilities services provided in either of the  
38 following fiscal year beginning July 1, 1993, and  
39 ending June 30, 1994. years:

40 (1) The actual amount reported to the state on  
41 October 15, 1994, for the fiscal year beginning July  
42 1, 1993.

43 (2) The net expenditure amount contained in the  
44 county's final budget certified in accordance with  
45 chapter 24 for the fiscal year beginning July 1, 1995,  
46 and reported to the county finance committee.

47 b. “Qualified mental health, mental retardation,  
48 and developmental disabilities services” means the  
49 services specified on forms issued by the county  
50 finance committee following consultation with the

Page 2

1 state-county management committee.

2 b. c. “State payment” means the payment made by  
3 the state to a county determined to be eligible for  
4 the payment in accordance with section 331.439.”

5 4. Page 1, lines 18 and 19, by striking the words  
6 “allowed an inflation factor adjustment” and inserting  
7 the following: “authorized an allowed growth factor  
8 adjustment as established by the general assembly”.

9 5. Page 1, by striking lines 25 and 26, and  
10 inserting the following: “recommend an allowed growth  
11 factor adjustment to the governor by November 15 for”  
12 the succeeding fiscal year.”

13 6. Page 1, line 27, by striking the word  
14 “inflation” and inserting the following: “allowed”

15 growth”.

16 7. Page 1, by striking lines 29 through 31, and  
17 inserting the following: “investments for economy and  
18 efficiency.”

19 8. Page 1, line 32, by striking the word  
20 “council’s” and inserting the following:  
21 “committee’s”.

22 9. Page 1, line 33, by striking the word  
23 “inflation” and inserting the following: “allowed  
24 growth”.

25 10. Page 2, by striking lines 2 through 7.

26 11. Page 2, by inserting before line 8 the  
27 following:

28 “Sec. 300. Section 426B.2, subsection 1, paragraph  
29 c, Code Supplement 1995, is amended to read as  
30 follows:

31 c. One-third based upon the county’s proportion of  
32 all counties’ base year expenditures, as defined in  
33 section 331.438, Code 1995, and reported to the state  
34 on October 15, 1994.”

35 12. By striking page 2, line 15, through page 3,  
36 line 14, and inserting the following:

37 “Sec. 4. BASE YEAR DEFINITION ESTABLISHED. For  
38 purposes of establishing the amount of a county’s base  
39 year expenditures under section 331.438, subsection 1,  
40 as enacted by this Act, unless a county submits a  
41 revision request in accordance with the provisions of  
42 this section, the amount the county shall be deemed to  
43 have selected for the county’s base year expenditures  
44 is the amount of mental health, mental retardation,  
45 and developmental disabilities expenditures in the  
46 county’s certified budget for fiscal year 1995-1996  
47 the county reported to the county finance committee by  
48 December 1, 1995. A revision request must be  
49 submitted in writing to the county finance committee  
50 which may accept or reject the revision in whole or in

### Page 3

1 part. The revised amount shall be either the amount  
2 specified in section 331.438, subsection 1, paragraph  
3 “a”, subparagraph (1), or correction of the amount  
4 reported by December 1, 1995, to the county finance  
5 committee. The request for revision must be submitted  
6 within fourteen days of the effective date of this  
7 section, and a decision by the county finance  
8 committee to accept or reject the revised amount must  
9 be issued within twenty-eight days of the effective  
10 date of this section. The decision of the county  
11 finance committee is final.”

12 13. Page 3, by inserting after line 14 the  
13 following:

14 “Sec. 400. APPEAL FOR PROPERTY TAXES IN EXCESS OF  
15 LIMITATION. Notwithstanding section 444.25A,

16 subsection 3, the requirement for a county to submit  
 17 budget forms by March 1, 1996, to be considered for  
 18 appeal, is changed to March 15, 1996, for budgets  
 19 submitted for the fiscal year beginning July 1, 1996,  
 20 and ending June 30, 1997.

21 Sec. 500. COUNTY MANAGEMENT PLAN SUBMISSION DATE.

22 Notwithstanding section 331.439, subsection 1,  
 23 paragraph "c", subparagraph (1), a county may apply to  
 24 the director of human services for an extension of not  
 25 more than thirty days beyond the April 1, 1996,  
 26 deadline for submission of the county's plan for  
 27 mental health service management for the fiscal year  
 28 beginning July 1, 1996. The director may grant the  
 29 extension if the director determines there are  
 30 exceptional circumstances which warrant the extension.

31 Sec. \_\_\_\_ MEDICAL ASSISTANCE COSTS FOR SERVICES TO  
 32 MINORS WITH MENTAL RETARDATION. There is appropriated  
 33 from the property tax relief fund created in section  
 34 426B.1 to the department of human services to  
 35 supplement the medical assistance appropriation for  
 36 the fiscal year beginning July 1, 1996, and ending  
 37 June 30, 1997, the following amount, or so much  
 38 thereof as is necessary, to be used for the purposes  
 39 designated:

40 For the nonfederal share of the costs of services  
 41 provided to minors with mental retardation under the  
 42 medical assistance program to meet the requirements of  
 43 section 249A.12, subsection 4:

44 ..... \$ 6,600,000

45 Notwithstanding section 426B.2, subsection 1, the  
 46 amount of moneys distributed under that subsection  
 47 shall be \$71.4 million."

48 14. Page 3, line 15, by striking the word and  
 49 figure "Section 4" and inserting the following:  
 50 "Sections 100, 200, 300, 4, 400, 500,".

#### Page 4

1 15. Page 3, line 29, by striking the word  
 2 "inflation" and inserting the following: "allowed  
 3 growth".

4 16. Title page, line 2, by inserting after the  
 5 word "funding" the following: "and related".

6 17. Title page, by striking line 3 and inserting  
 7 the following: "appropriation, an effective date, and  
 8 an applicability provision."

9 18. By renumbering and revising internal  
 10 references as necessary.

The committee amendment H-5008 was adopted.

Blodgett 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. 2030)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen			
Presiding			

The nays were, none:

Absent or not voting, 3:

Brammer                      Koenigs                      Moreland

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:

Moreland of Wapello on request of Cataldo of Polk.

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that Senate File 2030 be immediately messaged to the Senate.

### REMOVED FROM SPECIAL ORDER CALENDAR

The Speaker announced that House File 2111, previously placed on the Special Order Calendar, was removed and placed on the Ways and Means Calendar.

On motion by Gipp of Winneshiek the House was recessed at 10:10 a.m., until 1:00 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker pro tempore Van Maanen of Marion in the chair.

**INTRODUCTION OF BILLS**

**House File 2113**, by committee on transportation, a bill for an act providing for a permanent registration plate for motor trucks and truck tractors licensed pursuant to multistate registration.

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

**House File 2114**, by committee on appropriations, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date.

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

**SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE**

Mr. Speaker: your committee appointed to determine the mileage for the members of the House submits the following supplemental report:

Name	Round Trip Miles
Robert J. Osterhaus .....	364

Respectfully submitted,  
ROBERT J. BRUNKHORST, Chair  
DAVID A. MILLAGE  
KEITH W. WEIGEL

**SUBCOMMITTEE ASSIGNMENTS**

**House File 2072**

Ways and Means: Rants, Chair; Myers and Van Fossen.

**House File 2091**

Judiciary: Grubbs, Chair; Hurley and Kreiman.

**House File 2094**

Judiciary: Lamberti, Chair; Bernau and Nutt.

**House File 2096**

Commerce-Regulation: Lamberti, Chair; Brunkhorst and Wise.

**House File 2097**

Judiciary: Greiner, Chair; Lamberti and Moreland.

**House File 2098**

Ways and Means: Renken, Chair; Rants and Weigel.

**House File 2099**

Judiciary: Harrison, Chair; Grubbs and Kreiman.

**House File 2100**

Ways and Means: Renken, Chair; Rants and Weigel.

**House File 2102**

State Government: Disney, Chair; Bernau and Ertl.

**House File 2104**

Judiciary: Grubbs, Chair; Hurley and Kreiman.

**House File 2109**

Judiciary: Harrison, Chair; Grubbs and Kreiman.

**House File 2110**

Judiciary: Grubbs, Chair; Moreland and Schulte.

**Senate Joint Resolution 1**

Ways and Means: Halvorson, Chair; Bernau and Dinkla.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 528**

Commerce-Regulation: Churchill, Chair; Doderer, Larson, Van Fossen and Weigel.

**House Study Bill 529**

State Government: Bradley, Chair; Jacobs and Taylor.

**House Study Bill 530**

Human Resources: Boddicker, Chair; Harper, Lord, Myers and Veenstra.

**House Study Bill 531**

Ways and Means: Larson, Chair; Myers and Rants.

**House Study Bill 532**

Agriculture: Meyer, Chair; Drees and Huseman.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 533 Agriculture**

Eliminating the requirement to commence litigation involving shipments of plants infested with gypsy moths, and providing an effective date.



## 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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly House Study Bill 526), relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 24, 1996.

### RESOLUTION FILED

**HCR 108**, by Wise, a concurrent resolution relating to the International NAFTA Superhighway and requesting the Director of the State Department of Transportation to join the I-35 Corridor Coalition and requesting private matching moneys to be solicited for payment of membership fees.

Referred to committee on **transportation**.

### AMENDMENTS FILED

H—5010	H.J.R.	2003	Tyrrell of Iowa
H—5011	H.F.	2111	Halvorson of Clayton
H—5012	H.F.	2112	Blodgett of Cerro Gordo
H—5013	H.F.	526	Doderer of Johnson

On motion by Siegrist of Pottawattamie, the House adjourned at 1:10 p.m., until 8:45 a.m., Friday, January 26, 1996.

# JOURNAL OF THE HOUSE

Nineteenth Calendar Day – Fourteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, January 26, 1996

The House met pursuant to adjournment at 8:48 a.m., Siegrist of Pottawattamie in the chair.

Prayer was offered by the Honorable Robert Brunkhorst, state representative from Bremer County.

The Journal of Thursday, January 25, 1996 was approved.

## INTRODUCTION OF BILLS

**House File 2115**, by Cohoon, a bill for an act increasing the speed limit on certain highways and providing an effective date.

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

**House File 2116**, by Van Fossen and Sukup, a bill for an act providing for the mailing of notices of violation from the Iowa ethics and campaign disclosure board by certified mail.

Read first time and referred to committee on **state government**.

## 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 January 25, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2022, a bill for an act relating to the collection and use of tonnage fees for the disposal of solid waste, and providing an effective date.

Also: That the Senate has on January 25, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2063, a bill for an act establishing a school improvement technology program to fund instructional technology for school districts, the Iowa braille and sight saving school, the state school for the deaf and the Price laboratory school, providing for properly related matters, and making appropriations.

Also: That the Senate has on January 25, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2081, a bill for an act relating to school finance by increasing the foundation base level for special education and providing an effective date.

Also: That the Senate has on January 25, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2082, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an effective date.

JOHN F. DWYER, Secretary

### REPORT OF HOUSE ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 3, your committee on administration submits the following to be employed in the indicated positions, and at the indicated classification, grades and steps, and the changes in the classification of the indicated officers and employees to be effective on the date indicated:

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Secretary	Susan M. Betsinger	16-1 to 16-2	S-O	03/08/96
Legislative Secretary	Frank H. Boggess	15-1 to 15-2	S-O	03/08/96
Legislative Secretary	Ann D. Osterhaus	15-1	S-O	01/22/96

RANTS of Woodbury, Chair

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on January 25, 1996. Had I been present, I would have voted "aye" on Senate File 2030.

MORELAND of Wapello

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF EDUCATION

A report on the development of management information systems for community colleges and school district data, pursuant to Chapter 218.1, 1995 Acts of the Seventy-sixth General Assembly.

The "Permanent School Fund Study," pursuant to Chapter 218.17, 1995 Acts of the Seventy-sixth General Assembly.

#### DEPARTMENT OF HUMAN SERVICES

A report on the feasibility of establishing community-based residential programs, pursuant to Chapter 205.1(5), 1995 Acts of the Seventy-sixth General Assembly.

## DEPARTMENT OF JUSTICE

A report on the legal issues, costs, and alternatives to civil commitment of violent sex offenders, pursuant to Chapter 144.7, 1995 Acts of the Seventy-sixth General Assembly.

## DEPARTMENT OF MANAGEMENT

A Statement of Standing Appropriations Report, pursuant to Chapter 8.6(2), Code of Iowa.

## DEPARTMENT OF TRANSPORTATION

The Annual Report of the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

## IOWA BUSINESS DEVELOPMENT FINANCE CORPORATION

The Annual Financial Report, pursuant to Chapters 15E.147 and 15E.131, Code of Iowa.

On motion by Disney of Polk, the House adjourned at 8:53 a.m., until 1:00 p.m., Monday, January 29, 1996.

# JOURNAL OF THE HOUSE

Twenty-second Calendar Day – Fifteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 29, 1996

The House met pursuant to adjournment, at 1:10 p.m. Speaker Corbett in the chair.

Prayer was offered by Reverend Sushil Joseph, Dallas Center United Methodist Church, Dallas Center.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Reverend Sushil Joseph, Dallas Center.

The Journal of Friday, January 26, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn and Taylor of Linn, until their arrival, both on request of Jochum of Dubuque; Harrison of Scott, until his arrival, on request of Van Fossen of Scott; Harper of Black Hawk, on request of Nelson of Pottawattamie.

## INTRODUCTION OF BILL

**House File 2117**, by Martin, Van Fossen, and Harrison, a bill for an act relating to the powers and duties of landowners and tenants in manufactured home parks, providing for other properly related matters, providing for injunctive relief and civil penalties, and including an applicability provision.

Read first time and referred to committee on **local government**.

## SENATE MESSAGES CONSIDERED

**Senate File 2022**, by Priebe, a bill for an act relating to the collection and use of tonnage fees for the disposal of solid waste, and providing an effective date.

Read first time and referred to committee on **environmental protection**.

**Senate File 2063**, by committee on education, bill for an act establishing a school improvement technology program to fund instructional technology for school districts, the Iowa braille and sight saving school, the state school for the deaf and the Price laboratory school, providing for properly related matters, and making appropriations, and providing an effective date.

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

**Senate File 2071**, by committee on state government, a bill for an act creating an advisory commission on intergovernmental relations, specifying its membership and its powers and duties, providing for other properly related matters, and providing an effective date.

Read first time and referred to committee on **state government**.

**Senate File 2072**, by committee on agriculture, a bill for an act relating to implements of husbandry by providing for machinery towed by a motor vehicle or farm tractor, and providing an effective date.

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

**Senate File 2081**, by committee on education, a bill for an act relating to school finance by increasing the foundation base level for special education and providing an effective date.

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

**Senate File 2082**, by committee on education, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an effective date.

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

#### HOUSE FILE 2108 REREFERRED

The Speaker announced that House File 2108, previously referred to committee on **natural resources**, was rereferred to committee on **environmental protection**.

#### SPONSOR ADDED

(House File 2101)

Mundie of Webster requested to be added as a sponsor of House File 2101.

#### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### CIVIL RIGHTS COMMISSION

The Annual Report, pursuant to Chapter 17, Code of Iowa.

**CERTIFICATES OF RECOGNITION**

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

- 1996\50 Dorothy and Carl Jessen, Council Bluffs – For celebrating their Sixtieth wedding anniversary.
- 1996\51 Etta Goos, Council Bluffs – For celebrating her Ninetieth birthday.
- 1996\52 Dortha and Donald Pearson, Corning – For celebrating their Seventieth wedding anniversary.
- 1996\53 Ron Caddell, Carter Lake – For being selected Carter Lake's Citizen of the Year.
- 1996\54 Peter Hansen, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\55 Justin Brooks, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\56 Nick Dighton, Davenport – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\57 Malinda Hinckley, Maquoketa – For celebrating her Ninety-seventh birthday.
- 1996\58 Mr. and Mrs. Frank J. Neal, Colfax – For celebrating their Fiftieth wedding anniversary.
- 1996\59 Betty and Don Henningsen, Maquoketa – For celebrating their Fiftieth wedding anniversary.
- 1996\60 Evelyn Rowan, Clinton – For celebrating her Eightieth birthday.
- 1996\61 Beulah and Everett Shannon, Baldwin – For celebrating their Fiftieth wedding anniversary.

**SUBCOMMITTEE ASSIGNMENT****House File 2117**

Local Government: Jacobs, Chair; Martin and Mundie.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 534 Ways and Means**

Relating to the motor vehicle fuel tax law and providing effective and retroactive applicability dates.

**H.S.B. 535 Education**

Establishing a school improvement technology program, providing for properly related matters, and making appropriations.

**H.S.B. 536 Transportation**

Relating to transportation by granting the state department of transportation condemnation rights for utility facility replacement, providing for entry onto private property for sounding and drilling, relating to the disposal of abandoned vehicles, transferring motorcycle rider education responsibilities, and providing for release of retained funds for public improvements.

**H.S.B. 537 Transportation**

Relating to transportation-related sanctions by increasing penalties for certain offenses, prohibiting the issuance of temporary restricted licenses for certain offenses, providing scheduled fines for various violations, prohibiting certain activities of motor vehicle dealers, and allowing the issuance of a uniform citation and complaint to a corporation for certain violations.

**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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY**

**House File 210**, a bill for an act authorizing a court to require a criminal offender as part of a restitution order to make financial contributions to a local anticrime organization.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 1996

**House File 391**, a bill for an act requiring the department of corrections to conduct a study relating to the number and treatment of inmates with mental illness in institutions under the control of the department.

Fiscal Note is not required.

Recommended **Do Pass** January 25, 1996.

**House File 2017**, a bill for an act relating to immunity from assault charges for the use of force by a person to stop a fight or disturbance at a school or school function.



Fiscal Note is not required.

Recommended **Do Pass** January 25, 1996.

### RESOLUTION FILED

**HCR 109**, by Fallon, Baker, Siegrist and Grundberg, a concurrent resolution designating June 15, 1996, as the day to celebrate the ending of slavery and to recognize the worth and value of all people.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—5014	H.F.	2066	Warnstadt of Woodbury
H—5015	H.J.R.	2003	Tyrrell of Iowa
			Vande Hoef of Osceola
H—5016	H.F.	2114	Millage of Scott
H—5017	H.F.	2111	Dinkla of Guthrie
			Wise of Lee
			O'Brien of Boone
			Warnstadt of Woodbury
			Myers of Johnson
			Nelson of Pottawattamie
			McCoy of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 1:23 p.m. until 8:45 a.m., Tuesday, January 30, 1996.

# JOURNAL OF THE HOUSE

Twenty-third Calendar Day – Sixteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 30, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was sung by Harriet Vande Hoef, Harris, Secretary to Representative Richard Vande Hoef.

The Journal of Monday, January 29, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Houser of Pottawattamie, on request of Siegrist of Pottawattamie.

## INTRODUCTION OF BILLS

**House File 2118**, by Fallon; a bill for an act increasing the hourly minimum wage requirement in Iowa.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2119**, by Kremer, a bill for an act relating to acquired immune deficiency syndrome classification, notification, and testing procedures.

Read first time and referred to committee on **human resources**.

**House File 2120**, by Larson, a bill for an act relating to the unemployment compensation employer contribution rates.

Read first time and referred to committee on **labor and industrial relations**.

## SPECIAL PRESENTATION

Bell of Jasper presented to the House a delegation from Smila, Ukraine, sister city of Newton. Members of the delegation were: Oleksandr Kotkolo, Mayor; Yuri Malovichko, Seman Yatsenko, Oleksandr Boldirev and Anatoliy Ratai.

Also accompanying the delegation was Victor Kyryck, Consulate General from Ukraine, stationed in Chicago and Yuri Pavlov, Consul for Economic Affairs.

Mr. Kyryck addressed the House briefly.

The House rose and expressed its welcome.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2066**, a bill for an act relating to the operation of motor vehicles in border cities and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Warnstadt of Woodbury offered the following amendment H-5014 filed by him and moved its adoption:

H-5014

- 1 Amend House File 2066 to read as follows:
- 2 1. Page 1, line 18, by inserting after the figure
- 3 "1974" the following: "and to the interstate system
- 4 as provided in 23 U.S.C. § 127 and 49 U.S.C. }
- 5 31112(c), as amended by 1995 Pub. L. No. 104-59".

Amendment H-5014 was adopted.

Branstad of Winnebago 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. 2066)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammit Barry
Hanson	Harper	Heaton	Holveck
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor

Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

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

**House File 2044**, a bill for an act relating to the authority of cities and counties to restrict public indecent exposure and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Thomson 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. 2044)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Heaton	Holveck
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Brammer

Harrison

Houser

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2044 and 2066.**

**House File 2061**, a bill for an act relating to the immunity from civil liability for health care peer review committee members, with report of committee recommending passage, was taken up for consideration.

Blodgett 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?" (H.F. 2061)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Heaton	Holveck	Hurley	Huseman
Jacobs	Jochum	Klumme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Connors	Grubbs	Harrison
Houser			

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

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2061** be immediately messaged to the Senate.

**House File 2113**, a bill for an act providing for a permanent registration plate for motor trucks and truck tractors licensed pursuant to multistate registration, was taken up for consideration.

Welter of Jones 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. 2113)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Heaton	Holveck
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Wernstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Brammer

Harrison

Houser

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

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2113** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:25 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker Corbett in the chair.

### QUORUM CALL

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

### CONSIDERATION OF BILLS

#### Appropriations Calendar

**House File 2114**, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date, was taken up for consideration.

The House stood at ease at 1:08 p.m., until the fall of the gavel.

The House resumed session at 2:12 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Millage of Scott offered amendment H-5016 filed by him as follows:

H-5016

- 1 Amend House File 2114 as follows:
- 2 1. Page 2, by inserting after line 18 the
- 3 following:
- 4 "Sec. \_\_\_\_ DEPARTMENT OF PERSONNEL. There is
- 5 appropriated from the Iowa public employees'
- 6 retirement system fund to the department of personnel
- 7 for the fiscal year beginning July 1, 1995, and ending
- 8 June 30, 1996, to supplement the appropriation made in
- 9 1995 Iowa Acts, chapter 219, section 16, subsection 1,
- 10 the following amount, or so much thereof as is

- 11 necessary, to be used for the purpose designated:  
 12 For salaries, support, maintenance, and other  
 13 operational purposes to pay the costs of the Iowa  
 14 public employees' retirement system:  
 15 ..... \$ 150,000".  
 16 2. By renumbering as necessary.

Millage of Scott offered the following amendment H-5023, to amend-  
 ment H-5016, filed by Van Maanen of Marion from the floor and moved  
 its adoption:

H-5023

- 1 Amend the amendment, H-5016, to House File 2114 as  
 2 follows:  
 3 1. Page 1, by inserting after line 1 the  
 4 following:  
 5 " Page 2, by striking lines 10 through 18."  
 6 2. Page 1, line 2, by striking the words and  
 7 figure "after line 18" and inserting the following:  
 8 "before line 19".  
 9 3. By renumbering as necessary.

Amendment H-5023 was adopted.

On motion by Millage of Scott, amendment H-5016, as amended,  
 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

McCoy of Polk, on request of Connors of Polk.

Millage 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?" (H.F. 2114)

The ayes were, 87:

Arnold	Baker	Bell	Bernau
Blodgett	Boggess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Halvorson	Hammitt Barry
Hanson	Harper	Heaton	Hurley
Huseman	Jacobs	Jochum	Klemme
Kreiman	Kremer	Lamberti	Larkin



Larson	Lord	Main	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, 8:

Boddicker	Cormack	Ertl	Hahn
Holveck	Koenigs	Ollie	Shoultz

Absent or not voting, 5:

Brammer	Harrison	Houser	McCoy
Moreland			

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

**Rule 76:** Under the provisions of Rule 76, conflict of interest, Moreland of Wapello refrained from voting.

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2114** be immediately messaged to the Senate.

#### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

##### CITIZEN'S AIDE/OMBUDSMAN Small Business Ombudsman Program

The Quarterly Report, December 15, 1995, pursuant to Chapter 28E, Code of Iowa.

##### COMMUNITY HEALTH MANAGEMENT INFORMATION SYSTEM

The Iowa community health management information system report, pursuant to Chapter 144C, Code of Iowa.

##### DEPARTMENT OF PUBLIC HEALTH

The Annual Report for the use of the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

The public health nursing program annual report, pursuant to Chapter 212.4(6), 1995 Acts of the Seventy-sixth General Assembly.

Division of Substance Abuse and Health Promotion

The substance abuse report, pursuant to Chapter 125.21, Code of Iowa.

COMPREHENSIVE PETROLEUM UNDERGROUND  
STORAGE TANK BOARD

A Final Report, pursuant to Chapter 215.31(2), 1995 Acts of the Seventy-sixth General Assembly.

CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\62 Aggie and Bob Weare, Carter Lake – For celebrating their Fiftieth wedding anniversary.
- 1996\63 Bernice and Clarence Dodson, Corydon – For celebrating their Sixtieth wedding anniversary.
- 1996\64 Lois and Addison Bowsby, Osceola – For celebrating their Fiftieth wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

House Joint Resolution 17

State Government: Renken, Chair; Brammer and Ertl.

House File 2048

Environmental Protection: Teig, Chair; Gipp and Shultz.

House File 2101

Transportation: Grundberg, Chair; Arnold and Koenigs.

House File 2103

Human Resources: Carroll, Chair; Hurley and Moreland.

House File 2106

State Government: Coon, Chair; Connors and Tyrrell.

House File 2116

State Government: Gipp, Chair; Jacobs and Jochum.

**Senate File 2071**

State Government: Thomson, Chair; Connors and Renken.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 527**

Transportation: Blodgett, Chair; May and Welter.

**House Study Bill 532 Reassigned**

Agriculture: Meyer, Chair; Huseman and Weigel.

**House Study Bill 533**

Agriculture: Mertz, Chair; Boggess and Greiner

**House Study Bill 535**

Education: Grubbs, Chair; Brunkhorst and Cohoon.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 538 Ways and Means**

Relating to the taxation of foreign corporations and providing an effective and retroactive applicability date provision.

**H.S.B. 539 Human Resources**

Relating to the documentation and reporting requirements of hospitals and organ procurement organizations relating to anatomical gifts.

**H.S.B. 540 Human Resources**

Relating to the authority of a medical examiner to release and permit the removal of a body part in certain instances for the purposes of making an anatomical gift.

**H.S.B. 541 Human Resources**

Relating to the disbursement of the remaining funds in a nonguaranteed irrevocable burial trust fund following satisfaction of payment in accordance with an agreement for funeral merchandise and funeral services.

**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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

**COMMITTEE ON EDUCATION**

House File 459, a bill for an act relating to an extension of the compulsory school attendance age.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5020 January 29, 1996.

#### COMMITTEE ON STATE GOVERNMENT

House File 199, a bill for an act limiting the number of terms a person may serve as secretary of agriculture and providing applicability and effective date provisions.

Fiscal Note is not required.

Recommended Do Pass January 29, 1996.

Senate File 73, a bill for an act requiring licensure of certain social workers, providing an effective date, imposing fees, and making penalties applicable.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5018 January 29, 1996.

#### AMENDMENTS FILED

H-5018	S.F.	73	Committee on State Government
H-5019	H.F.	2111	Weigel of Chickasaw
H-5020	H.F.	459	Committee on Education
H-5021	H.F.	2111	Shoultz of Black Hawk
			Murphy of Dubuque
			Doderer of Johnson
			Harper of Black Hawk
			Jochum of Dubuque
			Myers of Johnson
			Burnett of Story
			Mascher of Johnson
			Mundie of Webster
			Koenigs of Mitchell
			Taylor of Linn
			Kreiman of Davis
			Wise of Lee
			Osterhaus of Jackson
			Drees of Carroll
			Baker of Polk
			Fallon of Polk
			Schrader of Marion
			Cohoon of Des Moines
H-5022	H.F.	526	Doderer of Johnson
			Dinkla of Guthrie
H-5024	H.F.	2111	O'Brien of Boone
			May of Worth

H—5025	H.F.	391	Boddicker of Cedar Grundberg of Polk
H—5026	H.F.	2112	Disney of Polk
H—5027	H.J.R.	2003	Fallon of Polk Witt of Black Hawk Larkin of Lee Mascher of Johnson Taylor of Linn
H—5028	H.F.	2111	Shoultz of Black Hawk
H—5029	H.F.	2111	Cataldo of Polk
H—5030	H.F.	2111	Carroll of Poweshiek
H—5031	H.F.	2111	Weigel of Chickasaw
H—5032	H.F.	2111	Shoultz of Black Hawk Murphy of Dubuque Doderer of Johnson Harper of Black Hawk Jochum of Dubuque Myers of Johnson Ollie of Clinton Nelson of Pottawattamie May of Worth Warnstadt of Woodbury Mertz of Kossuth Cataldo of Polk Osterhaus of Jackson Drees of Carroll Baker of Polk Fallon of Polk Cphoon of Des Moines
			Moreland of Wapello Brand of Benton Bell of Jasper Weigel of Chickasaw Larkin of Lee Burnett of Story Mascher of Johnson Mundie of Webster Koenigs of Mitchell Taylor of Linn Kreiman of Davis Wise of Lee O'Brien of Boone Connors of Polk Witt of Black Hawk Schrader of Marion

On motion by Siegrist of Pottawattamie, the House adjourned at 2:50 p.m., until 8:45 a.m., Wednesday, January 31, 1996.

# JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day – Seventeenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 31, 1996

The House met pursuant to adjournment at 8:50 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Glenn Kappelmann, First Lutheran Church and Vernon Lutheran Church, Dows.

The Journal of Tuesday, January 30, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harrison of Scott, for the remainder of the week, on request of Siegrist of Pottawattamie.

## INTRODUCTION OF BILLS

**House File 2121**, by O'Brien, a bill for an act relating to a sales, services, and use tax exemption for admissions for access to railroad trains operated for amusement purposes and providing an effective and retroactive applicability date provision.

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

**House File 2122**, by Harper, a bill for an act relating to work performance of certain supervisory positions in the department of human services.

Read first time and referred to committee on **human resources**.

**House File 2123**, by Blodgett and Greig, a bill for an act adopting the uniform transfer on death security registration Act.

Read first time and referred to committee on **commerce-regulation**.

**House File 2124**, by Tyrrell, a bill for an act relating to reports to a consumer reporting agency of an overdue amount of child support owed by an obligor.

Read first time and referred to committee on **human resources**.

**House File 2125**, by Murphy, a bill for an act requiring the use of safety belts on certain buses, applying penalties, and providing applicability and effective date provisions.

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

**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 January 30, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2066, a bill for an act relating to assisted suicide and providing criminal penalties.

Also: That the Senate has on January 30, 1996, 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 2030, a bill for an act relating to state and county mental health and developmental disability funding provisions and including an applicability provision and an effective date.

JOHN F. DWYER, Secretary

**ASSIGNMENT OF SEATS IN PRESS GALLERIES**

The following named persons are accredited members of the press, TV, and radio stations and are entitled to access to the press galleries:

- Star Newspaper ..... Cynthia Hickman
- WHO Radio ..... Jeneane Beck

On motion by Siegrist of Pottawattamie, the House was recessed at 8:58 a.m., until 1:00 p.m.

**AFTERNOON SESSION**

The House reconvened at 1:05 p.m., Arnold of Lucas in the chair.

**INTRODUCTION OF BILLS**

**House File 2126**, by Disney, a bill for an act relating to permissible acts related to real estate sales, exchanges, purchases, rentals, leases, or advertising by nonlicensees.

Read first time and referred to committee on **state government.**

**House File 2127**, by Doderer, a bill for an act relating to the exemption of certain individual property management accounts from certification and auditing requirements.

Read first time and referred to committee on **commerce-regulation.**

## 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 January 31, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2083, a bill for an act relating to minimum instructional time requirements for a school week.

Also: That the Senate has on January 31, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2087, a bill for an act providing that appeal of certain sentences be by writ of certiorari.

JOHN F. DWYER, Secretary

## SENATE MESSAGES CONSIDERED

**Senate File 2066**, by committee on judiciary, a bill for an act relating to assisted suicide and providing criminal penalties.

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

**Senate File 2083**, by committee on education, a bill for an act relating to minimum instructional time requirements for a school week.

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

**Senate File 2087**, by committee on judiciary, a bill for an act providing that appeal of certain sentences be by writ of certiorari.

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

## SPONSOR WITHDRAWN (House Joint Resolution 2003)

Main of Jefferson requested to be withdrawn as a sponsor of House Joint Resolution 2001.

## COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

### DEPARTMENT OF CORRECTIONS

A report on the cost analysis of new construction or remodeling for community corrections' needs, pursuant to Chapter 207.4(3), 1995 Acts of the Seventy-sixth General Assembly.



### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\65 Alice and Howard Herbold, Newton – For celebrating their Fiftieth wedding anniversary.
- 1996\66 Wilda and Dean Barry, Woodbine – For celebrating their Fiftieth wedding anniversary.
- 1996\67 Veva and Forrest Hodgson, Pleasantville – For celebrating their Sixty-fourth wedding anniversary.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 2118

Labor and Industrial Relations: Boddicker, Chair; Jochum and Renken.

#### House File 2120

Labor and Industrial Relations: Sukup, Chair; Nelson of Pottawattamie and Lord.

#### Senate File 2063

Education: Grubbs, Chair; Brunkhorst and Cohoon.

#### Senate File 2081

Education: Grubbs, Chair; Gries and Mascher.

#### Senate File 2082

Education: Gries, Chair; Grubbs and Ollie.

### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

#### House Study Bill 539

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

#### House Study Bill 540

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

#### House Study Bill 541

Human Resources: Boddicker, Chair; Moreland and Van Maanen.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### H.S.B. 531.1 (Revised) Ways and Means

Relating to industrial machinery, computers and equipment for

purposes of sales taxation and property taxation and providing an effective date and applicability date.

#### **H.S.B. 542 Commerce-Regulation**

Relating to certain franchise agreements by amending provisions relating to the definition of a franchise, and applicability, transfer, encroachment, termination, nonrenewal, repurchase of assets, independent sourcing, and enforcement.

#### **H.S.B. 543 Commerce-Regulation**

Relating to the sale of title insurance in this state.

#### **H.S.B. 544 Human Resources**

Relating to patient access through managed care plans or indemnity plans with limited provider networks to defined physicians.

#### **H.S.B. 545 Technology**

Relating to permissible uses of the Iowa communications network by authorized users.

#### **H.S.B. 546 Technology**

Relating to the availability of the official register to members of the general assembly and the general public.

#### **H.S.B. 547 Commerce-Regulation**

Relating to unemployment insurance benefits by providing for employer contributions and liability for benefits regarding successor employers.

#### **H.S.B. 548 Commerce-Regulation**

Adopting the uniform statutory rule against perpetuities.

#### **H.S.B. 549 Commerce-Regulation**

Relating to the licensure and practice and land surveying.

#### **H.S.B. 550 Commerce-Regulation**

Relating to the duties of the department of inspections and appeals concerning the administration of certain health care statutes and the conducting of audits.

#### **H.S.B. 551 Commerce-Regulation**

Relating to the appointment of the director of the department of commerce.

**H.S.B. 552 Commerce-Regulation**

Relating to the unlawful practice of architecture, professional engineering, and land surveying, and establishing a civil penalty.

**H.S.B. 553 State Government**

Relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date.

**H.S.B. 554 Commerce-Regulation**

Relating to the procedures for disposition of the contents of a decedent's safe deposit box.

**H.S.B. 555 Education**

Relating to content for United States history courses taught in secondary schools.

**H.S.B. 556 Transportation**

Relating to hazardous materials transportation.

**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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY**

**Senate File 482**, a bill for an act establishing economic and other penalties for certain criminal activity.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H-5035** January 30, 1996.

**COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS**

**House File 18**, a bill for an act relating to arbitrator considerations in binding arbitration of public employment collective bargaining disputes.

Fiscal Note is not required.

**Recommended Do Pass** January 30, 1996.

**House File 61**, a bill for an act providing immunity from civil liability for an employer who in good faith discloses information about a current or former employee of the employer.

Fiscal Note is not required.

Recommended **Do Pass** January 30, 1996.

#### COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House File 466), relating to the exclusion of century farms from economic development areas for purposes of urban renewal and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 30, 1996.

#### RESOLUTION FILED

**HCR 110**, by Tyrrell, a concurrent resolution requesting the State Department of Transportation to establish a scenic route designation.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—5033	S.F.	2030	Senate Amendment
H—5034	H.J.R.	2003	Moreland of Wapello
H—5035	S.F.	482	Committee on Judiciary

On motion by Siegrist of Pottawattamie, the House adjourned at 1:08 p.m., until 8:45 a.m., Thursday, February 1, 1996.

# JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day – Eighteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 1, 1996

The House met pursuant to adjournment at 8:55 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend John Schauer, St. Paul Lutheran Church, Ida Grove.

The Journal of Wednesday, January 31, 1996 was approved.

## INTRODUCTION OF BILLS

**House File 2128**, by Kreiman, a bill for an act relating to services for children and families and making an appropriation.

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

**House File 2129**, by Wise, a bill for an act relating to the use of flashing warning lamps on school buses.

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

**House File 2130**, by Tyrrell, a bill for an act creating an Amana road fund board, providing for use of road moneys by the board, and providing an effective date.

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

**House File 2131**, by Greiner and Branstad, a bill for an act relating to solid waste, by providing for an optional county solid waste tonnage fee, permitting a penalty for late payments, providing for city or county inspections of the unloading of solid waste, and providing an effective date.

Read first time and referred to committee on **environmental protection**.

**House File 2132**, by Schulte, a bill for an act relating to the theft of video rental property and making penalties applicable.

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

**House File 2133**, by Fallon, a bill for an act creating a temporary state gambling impact and policy committee, providing for its membership, powers, and duties, making an appropriation, and providing an effective date.

Read first time and referred to committee on **state government**.

## ADOPTION OF SUPPLEMENTAL REPORT OF COMMITTEE ON MILEAGE

Brunkhorst of Bremer called up for consideration the Supplemental Report of the committee on mileage, found on page 125 of the House Journal, and moved its adoption.

The motion prevailed and the report was adopted.

## CONSIDERATION OF BILLS Regular Calendar

**House File 210**, a bill for an act authorizing a court to require a criminal offender as part of a restitution order to make financial contributions to a local anticrime organization, with report of committee recommending passage, was taken up for consideration.

Boddicker of Cedar 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. 210)

The ayes were, 94:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammit Barry	Hanson	Harper
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were none.

Absent or not voting, 6:

Bernau	Brammer	Eddie	Harrison
Larkin	Larson		

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

**House File 2017**, a bill for an act relating to immunity from assault charges for the use of force by a person to stop a fight or disturbance at a school or school function, with report of committee recommending passage, was taken up for consideration

Kremer of Buchanan 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. 2017)

The ayes were, 84:

Arnold	Baker	Blodgett	Boddicker
Boguess	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Drake	Drees
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Heaton	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Lord	Main	Martin	May
Mertz	Metcalf	Meyer	Millage
Mundie	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Van Maanen, Presiding

The nays were, 11:

Bell	Bernau	Doderer	Harper
Holveck	Mascher	McCoy	Moreland
Murphy	Shoultz	Witt	

Absent or not voting, 5:

Brammer  
Larson

Eddie

Harrison

Larkin

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 210 and 2017.**

On motion by Siegrist of Pottawattamie, the House was recessed at 9:28 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

### INTRODUCTION OF BILLS

**House File 2134**, by Jacobs, Disney, Gipp, Jochum, Cataldo, Teig, Taylor, and Siegrist, a bill for an act relating to housing development, including tax increment financing, and making an appropriation for housing programs.

Read first time and referred to committee on **local government.**

**House File 2135**, by Connors, a bill for an act relating to unclaimed property held by the state, the social security numbers of the owners of the property, fraudulent practices to obtain the property, and establishing a penalty.

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

**House File 2136**, by Jochum, a bill for an act relating to the inclusion of a communication or contact agreement in an order for the termination of parental rights or in an adoption decree if the child had previously received child foster care.

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

**House File 2137**, by committee on ways and means, a bill for an act relating to the time and the criteria for filing of claims for refund under the state individual income tax by retired federal employees as a result of the unconstitutional taxation of federal pensions and providing an effective date.



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

**House File 2138**, by Daggett, a bill for an act relating to contracts for mutual aid between fire departments regarding emergency services.

Read first time and referred to committee on **state government**.

**House File 2139**, by Schrader, a bill for an act exempting property of a resident debtor from foreign tax judgments on retirement income.

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

**House File 2140**, by committee on ways and means, a bill for an act relating to the motor vehicle fuel tax law and providing effective and retroactive applicability dates.

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

**House File 2141**, by Holveck, Grundberg, Jacobs, and Connors, a bill for an act relating to candidate filing deadlines for certain city elections.

Read first time and referred to committee on **state government**.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Larkin of Lee, on request of Cohoon of Des Moines.

#### SENATE AMENDMENT CONSIDERED

Blodgett of Cerro Gordo called up for consideration **Senate File 2030**, a bill for an act relating to state and county mental health and developmental disability funding provisions and including an applicability provision and an effective date, amended by the House, further amended by the Senate amendment H-5033 as follows:

H-5033

- 1 Amend the House amendment, S-5010, to Senate File
- 2 2030, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking line 23.
- 5 2. By renumbering as necessary.

The House stood at ease at 1:05 p.m., until the fall of the gavel.

The House resumed session at 1:48 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Blodgett of Cerro Gordo, moved that the House concur in the Senate amendment H-5033, to the House amendment.

Roll call was requested by Schrader of Marion and Cataldo of Polk.

Rule 75 was invoked.

On the question "Shall Senate amendment H-5033, to the House amendment, be adopted?" (S.F. 2030)

The ayes were, 36:

Arnold	Baker	Bell	Bernau
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 59:

Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 5:

Brammer	Ertl	Harrison	Larkin
Millage			

The motion lost and the House refused to concur in the Senate amendment H-5033, to the House amendment.

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2030** be immediately messaged to the Senate.

**HOUSE FILE 2138 REREFERRED**

The Speaker announced that House File 2138, previously referred to committee on **state government** was rereferred to committee on **local government**.

**EXPLANATIONS OF VOTE**

I was temporarily absent from the House chamber on February 1, 1996. Had I been present, I would have voted "aye" on House Files 210 and 2017.

EDDIE of Buena Vista

I was necessarily absent from the House chamber on the morning of February 1, 1996. Had I been present, I would have voted "aye" on House Files 210 and 2017.

LARSON of Linn

**COMMUNICATIONS RECEIVED**

The following communications were received and filed in the office of the Chief Clerk:

**CENTER FOR AGRICULTURAL SAFETY AND HEALTH**

The Annual Report, pursuant to Chapter 262.78(6), Code of Iowa.

**DEPARTMENT OF ECONOMIC DEVELOPMENT**

A summary on a proposed decision making process for managing the Community Economic Betterment Account program to maximize resources and to avoid the need for supplemental appropriations in the future, pursuant to Chapter 202.2(8), 1995 Acts of the Seventy-sixth General Assembly.

The Annual Report of the Iowa Conservation Corps, pursuant to Chapter 15.226, Code of Iowa.

**DEPARTMENT OF HUMAN RIGHTS****Commission on the Status of Women**

The Annual Report of the Commission on the Status of Women, pursuant to Chapter 216A.149, Code of Iowa.

**DEPARTMENT OF REVENUE AND FINANCE**

The Annual Report, pursuant to Chapter 7A.3(1), Code of Iowa.

**STATE BOARD OF REGENTS**

A report providing the current status on purchase and use of soybean-based inks, purchase of starch-based plastic garbage can liners, and purchase of plastic products for which starch-based alternatives are available, pursuant to Chapter 262.9, Code of Iowa.

## TREASURER OF STATE

The Linked Investment Annual Report for the Year 1995 for horticulture and alternative crops, targeted small business, main street preservation and rural small business transfer, pursuant to Chapter 12.38, Code of Iowa.

## CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\68 Dave Boyd, Griswold – For being selected a 1995 Iowa Master Pork Producer.
- 1996\69 Trooper Thomas Estrada, Cedar Rapids – For helping snowbound motorists and for other heroic acts during the blizzard of January 26, 1996.
- 1996\70 Duane Cave, Cherokee – For being selected a 1995 Iowa Master Pork Producer.

## SUBCOMMITTEE ASSIGNMENTS

## House File 2075

Ways and Means: Renken, Chair; Brammer and Greig.

## House File 2078

Ways and Means: Renken, Chair; Brammer and Dinkla.

## House File 2085

Ways and Means: Halvorson, Chair; Dinkla and Shoultz.

## House File 2105

Ways and Means: Drake, Chair; Jochum and Van Fossen.

## House File 2119

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

## House File 2122

Human Resources: Van Maanen, Chair; Ertl and Harper.

## House File 2124

Human Resources: Harrison, Chair; Fallon, Hammitt Barry, Hurley and Moreland.

## House File 2126

State Government: Disney, Chair; Tyrrell and Witt.

**House File 2141**

State Government: Jacobs, Chair; Connors, Drake, Gipp and Jochum.

**Senate File 2083**

Education: Garman, Chair; Grundberg and Kreiman.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 534**

Ways and Means: Van Fossen, Chair; Larkin and Main.

**House Study Bill 538**

Ways and Means: Rants, Chair; Holveck and Nutt.

**House Study Bill 542**

Commerce-Regulation: Dinkla, Chair; Holveck, Metcalf, Renken and Weigel.

**House Study Bill 543**

Commerce-Regulation: Metcalf, Chair; Baker and Nutt.

**House Study Bill 544**

Human Resources: Boddicker, Chair; Brand and Martin.

**House Study Bill 547**

Commerce-Regulation: Jacobs, Chair; Nelson of Pottawattamie and Van Fossen.

**House Study Bill 548**

Commerce-Regulation: Lamberti, Chair; Jacobs and McCoy.

**House Study Bill 549**

Commerce-Regulation: Sukup, Chair; Brunkhorst and Wise.

**House Study Bill 550**

Commerce-Regulation: Van Fossen, Chair; Cormack and Doderer.

**House Study Bill 551**

Commerce-Regulation: Brunkhorst, Chair; Larson and Wise.

**House Study Bill 552**

Commerce-Regulation: Sukup, Chair; Brunkhorst and Wise.

**House Study Bill 553**

State Government: Jacobs, Chair; Connors, Drake, Gipp and Jochum.

**House Study Bill 554**

Commerce-Regulation: Churchill, Chair; McCoy and Van Fossen.

**House Study Bill 555**

Education: Boddicker, Chair; Nelson of Marshall and Osterhaus.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 557 Human Resources**

Relating to the prohibition of the preventing or impeding of the donation of an anatomical gift and providing sanctions.

**H.S.B. 558 Education**

Relating to school finance, by providing for funding advances based upon increased student enrollment, and providing an effective date.

**H.S.B. 559 Education**

Relating to school finance, by providing for funding advances based upon increased student enrollment, and providing an effective date.

**H.S.B. 560 Education**

Relating to the establishing of the reading-for-rewards grant program and making an appropriation.

**H.S.B. 561 Judiciary**

Relating to the validity of foreign marriages.

**H.S.B. 562 Natural Resources**

Relating to the regulation of motorboats on certain artificial lakes, and providing an effective date.

## 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON COMMERCE-REGULATION

House File 2036, a bill for an act relating to certain telephone companies and permitting their reorganization as cooperative associations.

Fiscal Note not required.

Recommended Do Pass February 1, 1996.

Committee Bill (Formerly House Study Bill 528), relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

Fiscal Note not required.

Recommended Do Pass February 1, 1996.

## COMMITTEE ON EDUCATION

**Senate File 2082**, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** January 31, 1996.

## COMMITTEE ON WAYS AND MEANS

**Senate Joint Resolution 1**, a joint resolution proposing an amendment to the Constitution of the United States of Iowa requiring the maintenance of a cash reserve.

Fiscal Note is not required.

Recommended **Amend and Do Pass, with amendment H—5036** January 31, 1996.

**Committee Bill** (Formerly House File 2105), relating to the time and the criteria for filing of claims for refund under the state individual income tax by retired federal employees as a result of the unconstitutional taxation of federal pensions and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 31, 1996.

**Committee Bill** (Formerly House Study Bill 534), relating to the motor vehicle fuel tax law and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 31, 1996.

## AMENDMENTS FILED

H—5036	S.J.R.	1	Committee on Ways and Means
H—5037	H.F.	2111	Weigel of Chickasaw
H—5038	H.J.R.	2003	Cataldo of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 2:07 p.m., until 8:45 a.m., Friday, February 2, 1996.

# JOURNAL OF THE HOUSE

Twenty-sixth Calendar Day — Nineteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 2, 1996

The House met pursuant to adjournment at 8:58 a.m., Speaker Corbett in the chair.

The Journal of Thursday, February 1, 1996 was approved.

## INTRODUCTION OF BILLS

**House File 2142**, by Harper, a bill for an act designating certain victim services providers as mandatory reporters of child abuse.

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

**House File 2143**, by Tyrrell, a bill for an act concerning the payment of medical costs by prisoners and inmates.

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

## 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 February 1, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2070, a bill for an act providing for legislative appointments to the state child day care advisory council.

Also: That the Senate has on February 1, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2080, a bill for an act relating to nonsubstantive Code corrections, and providing effective and retroactive applicability dates.

JOHN F. DWYER, Secretary

## COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 11, 1996, and is on file in the office of the Chief Clerk:

January 8, 1996

Chief Clerk  
House of Representatives  
Statehouse  
LOCAL



Dear Chief Clerk:

There are transmitted herewith claims against the State of Iowa to be filed with the Appropriations Committee of the House of Representatives.

These include 273 claims of general nature that were denied by the State Appeal Board during April 1995 through December 1995.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,  
Michael L. Fitzgerald  
Chairperson  
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD  
SUBMITTED TO THE 76TH GENERAL ASSEMBLY  
April 1995 Through December 1995

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G910313	John A. Rodriguez	Des Moines, IA	Outdated Invoice	\$194.33
G921255	McFarland Clinic	Ames, IA	Outdated Invoice	\$454.50
G940029	George G. Ide c/o John Loughlin	Cherokee, IA	Contract	\$5,939.50
G940328	Lester Bruce c/o Craig Dreismeier	Council Bluffs, IA	License Refund	\$418.00
G940537	Chris W. Folvag	Waukesha, WI	License Refund	\$169.00
G940538	Chris W. Folvag	Waukesha, WI	License Refund	\$200.00
G940728	Youth & Shelter Services, Inc.	Ames, IA	Court Ordered Services	\$4,462.50
G950086	Coastal Refining Marketing, Inc	Houston, TX	Motor Fuel Tax Refund	\$6,015.20
G950118	Gaylen R. Harberts	Cedar Falls, IA	License Refund	\$20.77
G950181	Iowa Lutheran Hospital	Des Moines, IA	Court Ordered	\$605.95

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G950246	Mercy Health Center	Dubuque, IA	Medical Service	\$3,377.80
G950295	Cerro Gordo County Auditor	Mason City, IA	Commitment Costs	\$175.00
G950296	Cerro Gordo County Auditor	Mason City, IA	Commitment Costs	\$1,155.00
G950298	Cerro Gordo County Auditor	Mason City, IA	Commitment Costs	\$570.00
G950299	Cerro Gordo County Auditor	Mason City, IA	Commitment Costs	\$1,214.10
G950300	Cerro Gordo County Auditor	Mason City, IA	Commitment Costs	\$676.00
G950408	Tanager Place	Cedar Rapids, IA	Provider Services	\$230.35
G950419	Mankato Clinic, Ltd	Mankato, MN	Medical Service	\$328.00
G950425	Families, Inc.	West Branch, IA	Family Services	\$150.08
G950598	Four Oaks, Inc.	Cedar Rapids, IA	Provider Services	\$90.66
G950682	Linn County Auditor	Cedar Rapids, IA	Family Farm Credit	\$35,164.91
G950723	City of Mitchellville Fire Department	Mitchellville, IA	Outdated Invoice	\$248.00
G950751	Richard L. Larkin	Fort Madison, IA	Back Pay	\$100.00
G951038	Broadlawns Medical Center	Des Moines, IA	Medical Fees	\$2,140.85
G951145	David Newlon c/o Richard Maher	Glenwood, IA	Revenue Stamp Refund	\$1,439.00
G951214	Hillcrest Family Service	Dubuque, IA	Residential Services	\$236.78
G951216	Esther Lund	Story City, IA	Income Tax Refund	\$1,236.00
G951264	Quakerdale	New Providence, IA	Provider Services	\$655.00
G951326	Gordon Eklund	Eldora, IA	Ag Land Tax Refund	\$22,697.00
G951351	IMMC Family Ecology Center	Des Moines, IA	Medical Services	\$133.80

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G951485	MATURA Action Corporation	Creston, IA	Coordination Fee	\$41.75
G951543	Norstan Communications	Des Moines, IA	Outdated Invoice	\$3,525.00
G951555	North Iowa Mercy Health Center	Mason City, IA	Medical Fees	\$3,502.35
G951570	Glen Mills Schools	Philadelphia, PA	Provider Services	\$42.90
G951608	Dr. Thomas Rexroth	W. Burlington, IA	Chiropractic Care	\$1,446.00
G951661	Jeanette W. Edwards	Des Moines, IA	Income Tax Refund	\$567.00
G951662	Jeanette W. Edwards	Des Moines, IA	Income Tax Refund	\$787.00
G951668	Billy Marshall	Wapello, IA	Income Tax Refund	\$2,699.00
G951669	John T. Gartzke	Jonesville, IA	Income Tax Refund	\$434.00
G951670	Harold & Betty Krile c/o Christopher Bjornstad	Spencer, IA	Income Tax Refund	\$751.00
G951671	D. Lorraine Patterson c/o Christopher Bjornstad	Spencer, IA	Income Tax Refund	\$1,558.00
G951672	Ruth Stivers	Davenport, IA	Income Tax Refund	\$679.00
G951680	Broadlawns Medical Center	Des Moines, IA	Medical Fees	\$4,686.07
G951685	Robert H. Thimmesch	New Albin, IA	Income Tax Refund	\$7,500.00
G951686	Orville & Betty Somermeyer	Mount Pleasant, IA	Income Tax Refund	\$1,509.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G951689	Arthur D. Pugh	Columbus, IA Junction	Income Tax Refund	\$524.00
G951726	William Harry Polchow	Bettendorf, IA	Income Tax Refund	\$1,478.00
G951729	James L. Harwood	Colfax, CA	License Refund	\$780.00
G951730	Mildered A. Boyle	Morning Sun, IA	Income Tax Refund	\$1,184.00
G951747	Carolyn Lee Northrup	Cedar Rapids, IA	Provider Service	\$330.74
G951750	Leona Newmire	Iowa City, IA	License Refund	\$18.00
G951757	Family Service	Sioux City, IA	Family Therapy	\$679.29
G951758	Family Service	Sioux City, IA	Family Therapy	\$163.96
G951785	Wayne & Teresa Cromer	Des Moines, IA	Income Tax Refund	\$1,540.00
G951788	Kenneth Johnson	Davenport, IA	Income Tax Refund	\$367.00
G951789	Kenneth Johnson	Davenport, IA	Income Tax Refund	\$881.00
G951790	Kenneth Johnson	Davenport, IA	Income Tax Refund	\$2,395.00
G951791	Kenneth Johnson	Davenport, IA	Income Tax Refund	\$367.00
G951799	Norma Jean Asplund	Bettendorf, IA	Income Tax Refund	\$2,124.00
G951812	Families, Inc	West Branch, IA	Provider Services	\$28.41
G951816	Families, Inc	West Branch, IA	Provider Services	\$198.87
G951818	Families, Inc	West Branch, IA	Provider Services	\$164.20

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G951819	Families, Inc	West Branch, IA	Provider Services	\$291.04
G951821	Families, Inc	West Branch, IA	Provider Services	\$56.82
G951823	Families, Inc	West Branch, IA	Provider Services	\$209.16
G951828	Calvin O. Levorson	Riceville, IA	Income Tax Refund	\$1,292.00
G951830	Albert & Cecile Lehman, Jr.	Bettendorf, IA	Income Tax Refund	\$4,067.00
G951836	Family Resources, Inc.	Davenport, IA	Provider Services	\$367.50
G951846	Michael J. Tompos, Sr.	Bettendorf, IA	Income Tax Refund	\$1,798.07
G951853	Louise C. Millick c/o J. David McFerren	Davenport, IA	Income Tax Refund	\$177.00
G951858	Families, Inc	West Branch, IA	Purchase of Service	\$1,741.69
G951863	Harold R. Rammelsberg	Atkins, IA	Income Tax Refund	\$3,140.00
G951865	Glenn J. Konrady	Ida Grove, IA	Income tax Refund	\$102.00
G951882	Families, Inc	West Branch, IA	Purchase of Service	\$1,741.69
G951886	Donald Dyson	Albia, IA	License Refund	\$130.00
G951912	Morri & Arloa Dahl	Sloan, IA	Income Tax Refund	\$1,917.73
G951917	Robert & Mireille Vercellotti	Bettendorf, IA	Income Tax Refund	\$2,882.00
G951935	Leota K. Sparks	Davenport, IA	Income Tax Refund	\$3,953.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G951940	IMMC Family Ecology Center	Des Moines, IA	Medical Fees	\$110.02
G951941	Patrick & Roberta Gallagher	Ankeny, IA	Income Tax Refund	\$1,675.00
G951943	James J. Murray	Dubuque, IA	Income Tax Refund	\$389.00
G951946	James J. Murray	Dubuque, IA	Income Tax Refund	\$527.00
G951952	Martha Adams	Dubuque, IA	Income tax Refund	\$109.00
G951953	Radiology Nuclear Medicine	Omaha, NE	Medical Fees	\$171.00
G951955	Charles Nemecek	Bettendorf, IA	Income Tax Refund	\$1,313.00
G952006	Virginia Blind	Davenport, IA	Income Tax Refund	\$835.00
G952016	Lola Virginia Haskins	Lawton, IA	Income Tax Refund	\$2,453.00
G952017	Families, Inc.	West Branch, IA	Residential Treatment	\$229.88
G952018	Families, Inc.	West Branch, IA	Residential Treatment	\$393.00
G952019	Families, Inc.	West Branch, IA	Residential Treatment	\$32.84
G952020	Families, Inc.	West Branch, IA	Residential Treatment	\$65.68
G952022	Families, Inc.	West Branch, IA	Residential Treatment	\$943.01
G952023	Families, Inc.	West Branch, IA	Residential Treatment	\$923.92
G952024	Families, Inc.	West Branch, IA	Residential Treatment	\$142.05
G952025	Families, Inc.	West Branch, IA	Residential Treatment	\$274.78

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G952028	Families, Inc.	West Branch, IA	Residential Treatment	\$385.23
G952029	Families, Inc.	West Branch, IA	Residential Treatment	\$610.67
G952030	Families, Inc.	West Branch, IA	Residential Treatment	\$249.43
G952031	Families, Inc.	West Branch, IA	Residential Treatment	\$122.50
G952035	Families, Inc.	West Branch, IA	Residential Treatment	\$494.76
G952102	Family Resources, Inc.	Davenport, IA	Purchase of Service	\$7.32
G952123	Radiology Nuclear Medicine, Inc	Omaha, NE	Medical Servcies	\$171.00
G952177	Carl L. Matthews	Moline, IL	Income Tax Refund	\$525.44
G952190	Craig & Ann Williamson	Sedona, AZ	License Refund	\$9.00
G952197	Curtis Vasen	Davenport, IA	Income Tax Refund	\$217.00
G952198	Robert Johnson	Davenport, IA	Income Tax Refund	\$2,214.00
G952199	Wayne Zielstorff	Davenport, IA	Income Tax Refund	\$31.00
G952200	Patricia Young	Davenport, IA	Income Tax Refund	\$518.00
G952201	Ethel Eikam	Davenport, IA	Income Tax Refund	\$219.00
G952206	Midland Transportation Co	Marshalltown, IA	Registration Refund	\$358.00
G952210	LaVerne & Emily Burken	Urbandale, IA	Income Tax Refund	\$701.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G952214	Irene M. Stutt	Creston, IA	Income tax Refund	\$467.00
G952225	Irma R. Irwin	Davenport, IA	Income Tax Refund	Unspecified
G952232	David S. Orsinger	Des Moines, IA	License Refund	\$26.00
G952235	Dorothy Jess	Davenport, IA	Income Tax Refund	\$1,013.00
G952236	James D. Thompson	Ankeny, IA	Insurance Refund	\$357.00
G952237	James D. Thompson	Ankeny, IA	Travel Expense	\$203.28
G952239	Raymond & Sanghae McDowell	Davenport, IA	Income Tax Refund	\$1,787.00
G952244	Henry Kester	Rockport, TX	License Fee Refund	Unspecified
G952249	Lynda D. Vierkandt	Tama, IA	Reimbursement	\$526.50
G952251	Darlene Kron	Iowa City, IA	Income Tax Refund	\$581.00
G952270	John & Alice Meginnes	Des Moines, IA	Income Tax Refund	\$752.00
G952271	John & Alice Meginnes	Des Moines, IA	Income Tax Refund	\$769.00
G952272	John & Alice Meginnes	Des Moines, IA	Income Tax Refund	\$810.00
G952273	John & Alice Meginnes	Des Moines, IA	Income Tax Refund	\$802.00
G952280	Charles Nemecek	Bettendorf, IA	Income Tax Refund	\$1,360.00
G952296	Kenneth Storm	Sioux City, IA	Income Tax Refund	\$1,437.00



<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G952297	Tamara Lee Klayer	Davenport, IA	Child Support Refund	\$494.00
G952298	Merrill & Dorothy Christensen	Atlantic, IA	Income Tax Refund	\$2,543.00
G952315	Thomas Berens	Davenport, IA	Income Tax Refund	\$1,035.00
G952325	Scott & Carol Humphrey	New Providence, IA	License Refund	\$120.00
G952338	Darren Halbur	Overland Park, KS	License Fee	\$67.39
G952344	Boys & Girls Home Residential Treatment Centers	Sioux City, IA	Interpreter Services	\$2,568.75
G952349	Boys & Girls Home Residential Treatment Centers	Sioux City, IA	Interpreter Services	\$1,642.35
G952358	Families, Inc.	West Branch, IA	Outdated Invoice	\$197.04
G952359	Families, Inc.	West Branch, IA	Outdated Invoice	\$98.52
G952360	Families, Inc.	West Branch, IA	Outdated Invoice	\$312.51
G952379	Dr. Stephen Gruba	Corning, IA	Medical Fees	\$24.00
G952382	Leon L. Steele	Coralville, IA	Income Tax Refund	\$2,989.00
G952385	Cellular Plus	Philadelphia, PA	Outdated Invoice	\$311.85
G952394	Poweshiek County Mental Health Center	Grinnell, IA	Provider Services	\$162.20
G952403	Vivienne F. Mohr	Le Claire, IA	Income Tax Refund	\$1,167.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G952420	Ralph Trout	Logan, IA	Income Tax Refund	\$3,261.00
G952432	James M. Finn	Kasson, MN	IRP Refund	\$84.03
G952440	Child Psychiatry Associates	Des Moines, IA	Court Ordered Services	\$100.00
G952441	Child Psychiatry Associates	Des Moines, IA	Court Ordered Services	\$270.00
G952442	Child Psychiatry Associates	Des Moines, IA	Court Ordered Services	\$90.00
G952445	Joseph F. Schuckert	Dubuque, IA	Income Tax Refund	\$451.00
G952463	Patrick W. Priester	Bettendorf, IA	Income Tax Refund	\$1,268.00
G952486	Cedarloo Psychiatric Clinic	Waterloo, IA	Medical Fees	\$933.00
G952506	Tori Lea Autry dba Autry Reporting	Sioux City, IA	Court Reporting	\$30.00
G952514	Jack & Betty Guy	Lu Verne, IA	Income Tax Refund	\$1,782.00
G952517	Steven Joy	Mechanicsville, IA	Atty Fees	\$300.00
G952519	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$220.00
G952525	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$245.76
G952529	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$409.80
G952530	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$546.40
G952534	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$618.40
G952535	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$711.16

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G952536	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$649.32
G952538	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$247.51
G952542	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$335.16
G952543	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$367.08
G952544	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$319.20
G952548	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$272.16
G952549	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$233.28
G952550	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$181.44
G952557	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$463.20
G952558	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$532.68
G952559	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$486.36
G952565	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$318.40
G952566	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$366.16
G952567	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$334.32
G952568	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$247.50
G952569	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$57.60
G952570	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$112.50

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G952575	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$950.28
G952577	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$385.80
G952578	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$866.52
G952579	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$813.60
G952581	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$279.20
G952585	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$278.40
G952586	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$293.16
G952587	Mother Goose Child Care & Preschool	Council Bluffs, IA	Child Care	\$321.08
G952622	Robert T. & Dora Shepp	Mount Pleasant, IA	Income Tax Refund	\$1,959.00
G952628	Plymouth County Auditor	Le Mars, IA	Commitment Costs	\$56.50
G952629	Plymouth County Auditor	Le Mars, IA	Commitment Costs	\$231.00
G952630	Plymouth County Auditor	Le Mars, IA	Commitment Costs	\$779.45
G952647	Iowa Lutheran Hospital	Des Moines, IA	Court Ordered Services	\$5,950.82
G952658	Cynthia Correy	Des Moines, IA	Medical Transportation	\$450.00
G952673	Russell Cummins	Onawa, IA	Income Tax Refund	\$807.00
G952674	Walter Ledbetter	Salem, IA	Income Tax Refund	\$1,578.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G952681	John K. Clark	Davenport, IA	Income Tax Refund	\$3,313.00
G952683	Four Oaks, Inc.	Cedar Rapids, IA	Provider Services	\$156.05
G952697	Morris Fried, Jr.	Urbandale, IA	Income Tax Refund	\$1,748.00
G952709	Mahaska County Auditor	Oskaloosa, IA	Outdated Invoice	\$13,512.45
G952710	ROC Enterprises, Inc.	Dubuque, IA	Fuel Tax Refund	Unspecified
G952713	Jerry W. Lopour	Rolfe, IA	Income Tax Refund	\$1,422.00
G952714	Dorothy Wright	Russell, IA	Income Tax Refund	\$1,281.00
G952730	Glen G. Eaton	Des Moines, IA	Income Tax Refund	\$1,390.00
G952733	Billie Turley	Mount Pleasant, IA	Income Tax Refund	\$2,569.00
G952735	Charles & Marian Kimsey	Pilot Mound, IA	Income Tax Refund	\$6,021.00
G952757	The Crittenton Center	Sioux City, IA	Outdated Invoice	\$403.76
G952759	Martha L. Stark	Lucas, IA	Income Tax Refund	\$3,391.00
G952760	Olsten Staffing Services	Melville, NY	Temporary Help	\$294.00
G952762	Stephen & Patty Matis	Cedar Rapids, IA	Income Tax Refund	\$2,795.00
G952765	Four Oaks, Inc.	Cedar Rapids, IA	Provider Services	\$403.20
G952766	Four Oaks, Inc.	Cedar Rapids, IA	Provider Services	\$263.34
G952768	Con-struct, Inc.	Marshalltown, IA	License Refund	\$169.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G952782	Stella Brown	Burlington, IA	Income Tax Refund	\$1,050.00
G952783	Families, Inc.	West Branch, IA	Purchase Of Service	\$1,741.69
G952785	Families, Inc.	West Branch, IA	Purchase of Service	\$539.79
G952786	Families, Inc.	West Branch, IA	Purchase of Service	\$98.52
G952787	Families, Inc.	West Branch, IA	Purchase of Service	\$225.12
G952788	Families, Inc.	West Branch, IA	Purchase of Service	\$458.50
G952790	Plains Area Mental Health	Cherokee, IA	Purchase of Services	\$121.00
G952805	L. M. Tesdell Living Trust, L. M. Tesdell Trustee	Bella Vista, AR	License Refund	\$161.25
G952809	Vocational Development Center, Inc.	Council Bluffs, IA	Purchase of Service	\$82.11
G952810	Vocational Development Center, Inc.	Council Bluffs, IA	Purchase of Service	\$82.11
G952811	Vocational Development Center, Inc.	Council Bluffs, IA	Purchase of Service	\$27.37
G952812	Vocational Development Center, Inc.	Council Bluffs, IA	Purchase of Service	\$27.37
G952813	Larry Dean Petersen	Grinnell, IA	Reimbursement	\$208.00
G952814	Olsten of Des Moines	Melville, NY	Temporary Help	\$330.00
G952816	Olsten of Des Moines	Melville, NY	Temporary Help	\$401.80

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G952818	Olsten of Des Moines	Melville, NY	Temporary Help	\$264.00
G952819	Olsten of Des Moines	Melville, NY	Temporary Help	\$330.00
G952820	Olsten Of Des Moines	Melville, NY	Temporary Help	\$330.00
G952821	Olsten Of Des Moines	Melville, NY	Temporary Help	\$388.00
G952822	Olsten Of Des Moines	Melville, NY	Temporary Help	\$330.00
G952823	John D. Walker	Bentonville, AR	License Fee Refund	Unspecified
G952850	Fairfax Identity Labs	Fairfax, VA	Lab Fees	\$270.00
G952851	Fairfax Identity Labs	Fairfax, VA	Lab Fees	\$270.00
G952852	Fairfax Identity Labs	Fairfax, VA	Lab Fees	\$270.00
G952862	Four Oaks, Inc.	Cedar Rapids, IA	Residential Treatment	\$731.40
G952867	Four Oaks, Inc.	Cedar Rapids, IA	Residential Treatment	\$375.84
G952870	Four Oaks, Inc.	Cedar Rapids, IA	Residential Treatment	\$132.00
G952882	Thomas and Amphorn McShane	Ida Grove, IA	Income Tax Refund	\$2,623.00
G952886	William R. Camden	Knoxville, IA	Income Tax Refund	\$1,100.00
G952904	Michael R. Brown	Fairfield, IA	Atty Fees	\$798.10
G952920	George R. Trullender	Ida Grove, IA	Income Tax Refund	\$1,920.00
G952928	David Craven, MD	Des Moines, IA	Medical Services	\$47.40

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G952940	Willaim Broeker	Leavenworth, KS	License Refund	\$114.00
G952941	Ann & Bill Broeker	Leavenworth, KS	License Refund	\$85.36
G952944	G & S Trucking, Inc.	Davenport, IA	Fuel Tax Refund	\$534.15
G952956	Midwest Psychotherapy	Omaha, NE	Therapy	\$220.88
G952957	Everett & Dorothy Halstead	Grundy Center, IA	Income Tax Refund	\$1,575.00
G952960	B & P Equipment, Inc.	Hampton, IA	IRP Refund	\$1,100.00
G952984	George Community Development Corp.	George, IA	Sales Tax Refund	\$1,513.02
G952989	Family Resources, Inc.	Davenport, IA	Provider Services	\$135.00
G953014	Lambert Hamlin Corp.	Sioux City, IA	License Refund	Unspecified
G953038	D.K. Goetz	Tipton, IA	License Refund	\$156.75
G953051	Mercy Center	Council Bluffs, IA	Provider Services	\$88.00
G953071	Families, Inc.	West Branch, IA	Provider Services	\$131.37
G953077	Rudy F. Simon	Des Moines, IA	Income Tax Refund	Unspecified
G953083	Midwest Psychotherapy	Omaha, NE	Family Therapy	\$105.36
G953112	Philip B. Mears	Iowa City, IA	Atty Fees	\$342.00
G953115	Virginia M. Luther	Creston, IA	Income Tax Refund	\$1,293.00
G953119	Ronald Martin	Tipton, IA	Reimbursement	\$87.00



<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G953120	Michael Lee Williamson	Fort Dodge, IA	Reimbursement	\$78.00
G953121	Jack J. and Suzan Bienfang	Grundy Center, IA	Income Tax Refund	\$1,387.00
G960004	Clarinda Youth Corp.	Clarinda, IA	Provider Services	\$760.88
G960063	Joyce Kimzey	Des Moines, IA	Professional Fees	\$1,516.00
G960067	Children & Families of Iowa	Des Moines, IA	Provider Services	\$532.42
G960130	Clarinda Youth Corp.	Clarinda, IA	Maintenance	\$1,216.84
G960131	Clarinda Youth Corp.	Clarinda, IA	Maintenance	\$83.92
G960137	Clarinda Youth Corp.	Clarinda, IA	Maintenance	\$1,350.72
G960140	Clarinda Youth Corp.	Clarinda, IA	Maintenance	\$2,920.30
G960141	Clarinda Youth Corp.	Clarinda, IA	Maintenance	\$1,755.36
G960225	Orlyn J. Marcus	Kissimmee, FL	License Refund	\$178.00
G960229	The Law Brief Company, Inc.	Creston, IA	Outdated Invoice	\$423.93
G960256	Court Reporters of Omaha	Boys Town, NE	Court Reporter Fees	\$84.50
G960355	Joe Frasco, Jr.	Merino, CO	License Refund	\$300.00
G960366	Karen Seigworth	Mukwonago, WI	License Refund	\$104.00

**COMMUNICATION FROM THE  
DEPARTMENT OF MANAGEMENT**

The following communication was received from the Department of Management on January, 11, 1996, and is on file in the office of the Chief Clerk:

January 8, 1996

Chief Clerk  
House of Representatives  
Statehouse  
LOCAL

Dear Chief Clerk:

In accordance with Section 669.12, Code of Iowa, we are hereby submitting to the General Assembly all General Tort Claims, Highway Tort Claims and Settlements & Judgments (general torts and highway) paid during 1995 under Chapter 669.

The attached report shows the claim number, claimant's name, a brief description of the claim, the amount requested and the amount approved.

Sincerely,  
Gretchen Tegeler  
Director  
Department of Management

Receipt of the above is hereby acknowledged.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

CHAPTER 669 TORT CLAIMS APPROVED  
BY THE STATE APPEAL BOARD — 1995

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T930043	Florence Dettmer	DOT construction caused flooding to claimant's property.	\$250.00	\$100.00
T930101	Iowa Mutual Insurance Company as Suborgee of Frank & Julia Schweiger	State owned vehicle struck claimant's vehicle.	\$5,466.00	\$5,937.51
T930173	Timothy P. Miller and Cindy S. Miller, Parents, and Rachel Miller	Claimant's daughter was injured when an IV was improperly placed.	\$225,000.00	\$35,000.00
T930388	Charles Leroy Cox	Error on driver's license record caused false arrest.	\$36.75	\$36.75

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T930392	Farmers Insurance Company, Inc., as Subrogee of Wendell Keith	State driver rearended claimant's vehicle.	\$7,523.47	\$7,523.47
T930560	Dawn S. Syhlman	DOT construction caused flooding on claimant's property.	\$20,452.00	\$9,000.00
T930561	Vance D. Knutson	DOT construction caused flooding on claimant's property.	See T930560	See T930560
T930564	Marcia L. Knutson	DOT construction caused flooding on claimant's property.	See T930560	See T930560
T930657	Maquoketa Newspapers, Inc., Health Plan as Subrogee for Julia Schveiger	State owned vehicle struck claimant's vehicle.	\$3,619.99	\$3,619.99
T930688	Shelter Insurance Company as Subrogee of Patrice and Eric Sargent	State vehicle collided with vehicle.	\$3,330.06	\$3,330.06
T930834	Marilyn A. & Richard L. Emerson	Claimant slipped and fell in the parking lot at the University of Northern Iowa.	\$125,000.00	\$65,000.00
T930953	Ronnie Dale Bryant	State driver sideswiped claimant's vehicle.	\$1,846.16	\$1,661.54
T940023	Tim & Kelly Hoepfner	DOT construction caused flooding to claimant's property.	\$1,000.00	\$400.00
T940037	Patrice F. Sargent	Claimant's vehicle was struck by a cargo truck owned by the Iowa National Guard.	\$3,600.00+	See T940037

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T940038	Patrice F. Sargent	Claimants vehicle was struck by a cargo truck owned by the Iowa National Guard.	\$3,600.00+	\$4,250.00
T940101	Isabel T. Ramirez	Claimant property was flooded after DOT construction.	\$54,289.75	\$824.93
T940234	Donald E. and Nancy L. Stewart	DOT construction caused flooding on claimant's property.	\$922,200.00	\$2,700.00
T940258	Keith Lyle Green	DOT construction caused flooding on claimant's property.	\$36,960.55	\$911.33
T940302	Midland Savings Bank FSB	State vehicle sideswiped claimant's vehicle.	\$1,491.58	\$1,073.87
T940330	Mid-States	State vehicle collided with claimant's vehicle.	\$1,558.53	\$1,548.79
T940335	EMC Insurance Companies as Subrogee of Daniel and Janet Heupel	A pole fell on the claimant's vehicle.	\$1,163.65	\$1,263.65
T940341	Amy Beth Schoeneman	Claimant tripped and fell at U of I.	\$15,000.00	\$7,000.00
T940385	David A. Bauder	Error on driver's license record.	\$619.00	\$254.00
T940425	Darren Cornwell	Claimant was injured when he tripped and fell while walking on the ISU campus.	Unspecified	\$40,000.00
T940429	Raymond Feltes, Jr.	DOT vehicle struck claimant's parked vehicle.	\$1,467.31	\$1,000.00
T940441	Wendell J. Schmitz	DOT snowplow struck claimant's mailbox.	\$25.00	\$25.00
T940454	Joseph L. Fackler, Indiv & as Executor of the Estate of Marcella Fackler	Incorrect procedures used when administering chemotherapy.	\$100,000.00	\$12,000.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T940464	Colonial Insurance Company of CA	State vehicle collided with vehicle.	\$1,248.08	\$1,248.08
T940469	Interstate Power Company	DOT vehicle struck utility pole.	\$481.02	\$481.02
T940497	Linda S. Erickson	State vehicle rearended claimant's vehicle.	\$470.25	\$446.25
T940516	Mary Ellen Silver	Vehicle damaged by street cleaner.	\$1,371.22	\$685.61
T940517	Easter Cannon for the Estate of Charles Cannon	Property was lost by staff.	\$447.00	\$416.00
T940529	American State Insurance as Subrogee of Carrie A. Noe	State owned vehicle rearended claimant's vehicle.	\$1,810.88	\$2,310.88
T940544	Lumbermens Mutual Casualty Co. as Subrogee of Henry and Sharon Marquard	Mudslide from DOT construction damaged claimant's vehicle.	\$1,004.11	\$940.58
T940566	Sherry L. Fidler	DOT vehicle rearended claimant's vehicle.	\$5,225.43+	\$2,000.00
T940602	Dorothy Ann Drake	Claimant's property was damaged.	\$69.79	\$69.79
T940608	Douglas Aurand	DOT construction caused flooding to claimant's property.	\$7,379.86	\$1,299.50
T940612	Brandon W. Cady	DOT vehicle rearended claimant's vehicle.	\$2,933.00	See T950225
T940619	Troy J. Henderson	State driver lost part of a load which damaged claimant's vehicle.	\$1,244.67	\$1,094.86
T940632	Stephanie Holcomb	Claimant stepped in a pothole on the UNI campus and injured her ankle.	\$200.00	\$400.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950002	Auto Owners Insurance Co. as Subrogee of Sharon Nash	Claimant's vehicle collided with a stray calf owned by Iowa State University.	\$4,262.76	\$4,262.76
T950006	John D. & Jayneen Arrasmith	DOT highway construction caused flooding on claimant's property.	\$38,241.23	\$3,500.00
T950007	GRE Insurance Group as Subrogee of Tony Phelps	DOT snowplow struck claimant's vehicle.	\$8,809.00	See T960001
T950015	Larry E. Main	Overspray killed some of claimant's corn crop.	\$675.00	\$550.00
T950018	EMCASCO Insurance Co as Subrogee of Debra Wylie	Claimant was injured when a ceiling light fell on her head.	\$192.00	\$192.00
T950031	Jeffery Scott Peterson	DOT construction caused flooding on claimant's property.	\$16,581.20	\$4,500.00
T950044	Keith Aurthur	While an inmate at the Iowa State Penitentiary, the claimant was attacked by another inmate.	\$10,000.00	\$500.00
T950050	Jim Nieuwenhuis	Claimant's daughter was injured while wading in a creek at a state park.	\$629.85	\$629.85
T950054	Ronald D. Abel	DOT construction damaged claimant's tile.	\$1,349.25	\$1,200.00
T950061	Allied Mutual Insurance Company as Subrogee of Galen and Pamela McCullough	DOT failed to place warning signs at an intersection.	\$302.65	\$302.65
T950067	Carolyn Marie Brumfield	Claimant's vehicle was damaged by a parking gate arm.	\$120.00	\$120.00
T950069	Diana J. Pastor	Gravel thrown in repair of parking lot damaging vehicle.	\$2,968.08	\$2,000.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950074	Clarence A. Hagebock	Claimant's socks were lost by the staff of the Iowa Veterans Home.	\$50.00	\$50.00
T950075	Jane Elizabeth Flower	State driver lost control of the vehicle and the passenger was injured.	\$235.50	\$235.50
T950085	Sara Leanne Bloom	State driver lost control of the vehicle and the passenger was injured.	\$452.50	\$452.50
T950110	Barbara R. Ettinger	Claimant's parked vehicle was struck by a state owned vehicle.	\$3,214.56	\$2,039.64
T950119	State Farm Insurance as Subrogee of Norman Day	DOT vehicle's door struck claimant's vehicle.	\$\$1,325.55	\$1,032.00
T950125	Pat Eugene Pakorney	Claimants daughter was injured at a state park when she stepped on a broken piece of glass.	\$204.65	\$204.65
T950131	Donna Sue Lawler	Rocks thrown from weedeater damaged claimant's vehicle.	\$510.08	\$510.08
T950143	American Family Insurance as Subrogee of Mark Stites	DOT truck threw debris at claimant's windshield.	\$361.87	\$361.87
T950151	City of Coralville	State vehicle sideswiped claimant's vehicle.	\$1,273.00	\$1,276.00
T950152	Samuel J. Cogdill	State vehicle sideswiped claimant's vehicle.	\$1,237.55	\$1,237.55
T950170	John Dee Rasberry	Claimant was injured when he was exposed to sulfur dioxide in the lab at ISU.	\$125.00	\$125.00
T950171	Heidi Anne Rasberry	Claimant was injured when she was exposed to sulfur dioxide in the lab at ISU.	\$125.00	\$125.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950172	Thomas W. Brueggemeyer	Claimant was injured after he was exposed to sulfur dioxide in the ISU lab.	\$125.00	\$125.00
T950173	Jana Lee Rasberry	Claimant was injured after being exposed to sulfur dioxide in the ISU lab.	\$125.00	\$125.00
T950175	Gerald C. & Shirley Ann Sunner	State vehicle struck claimant's vehicle.	\$21,561.50	\$9,275.00
T950177	Brent Matthew Phares	State owned crane backed into claimant's vehicle.	\$880.09	\$880.09
T950189	USWest Communications	DOT damaged cable while digging.	\$833.68	\$833.68
T950191	Daryl Keith Miller	While living on the grounds at the Iowa Veterans Home, claimant's residence was set on fire.	\$4,918.70	\$1,000.00
T950193	Jason A. Loving	DOT mower threw object which damaged claimant's vehicle.	\$145.02	\$145.02
T950194	Donita Gray-Krueger	State driver lost control of the vehicle and the claimant was injured.	\$527.50	\$527.50
T950199	Jacqueline E. McClelland	DOT hand trimmer threw rocks at claimant's vehicle damaging the windshield.	\$260.00	\$259.27
T950204	Marj Richardson	DOT vehicle rearended claimant's vehicle.	\$1,958.09	\$1,958.09
T950206	Joe E. Clausen	DOT mower threw debris at claimant's vehicle and caused damage.	\$245.00	\$237.24
T950221	Carroll D Bryan	State vehicle rearended claimant's vehicle.	\$1,061.68	\$1,061.68



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T950223	James W. Rook	Claimant tripped and fell while at the Iowa State Fairgrounds.	Undetermined	\$7,500.00
T950225	State Farm Insurance as Subrogee of Brandon Cady	DOT vehicle rearended claimant's vehicle.	\$2,852.04	\$2,000.00
T950226	John Yori	Claimant's vehicle was damaged by debris thrown from DOT mower.	Undetermined	\$552.25
T950231	Tim Dawson, Consulting Service	Vehicle damaged by debris thrown from a weedeater.	\$169.39	\$169.39
T950234	Frank Schweiger, Individually and as Guardian of Katie Schweiger	State vehicle collided with claimant's vehicle.	\$60,821.00	\$38,125.00
T950235	Julia M. Schweiger	State vehicle collided with claimant's vehicle.	\$105,466.00	See T950234
T950236	Diana Lynn Garrett	DOT mower threw object which damaged claimant's vehicle.	\$414.56	\$301.83
T950243	Helen Maupin	Claimant slipped and fell while at the Iowa State Penitentiary.	\$4,750.00	\$4,000.00
T950245	Sara Jane Houglund	While working in a barn at the fair grounds, claimant stepped on a loosebaord and fell through the rafters to the ground.	Undetermined	\$556.38
T950247	Susan L. Welsh in Behalf of Amelia D. Welsh	Claimant was injured when a projector screen fell on her.	\$106.00	\$106.00
T950248	City of Milton	DOT mower hit manhole cover with brush cutter.	\$149.00	\$149.00
T950253	Larry Dean Youngs	State vehicle struck claimant's vehicle.	\$713.78	\$713.78

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T950261	Norma Jean Baughman	State vehicle struck vehicle in which the claimant was a passenger.	\$479.92	\$704.42
T950265	Robert A. & Joan M. Hughes	DOT construction caused claimant's property to be flooded.	\$9,321.00	\$2,000.00
T950267	Marlene Pierce	DOT construction damaged claimant's property.	\$31,699.00	\$2,250.00
T950269	Kathryn Kay Bailey	DOT mower threw rocks at claimant's vehicle.	\$502.08	\$420.72
T950273	Tollie Freightways, Inc.	Claimant's tire was damaged after driving over objects in the road.	\$397.95	\$397.95
T950277	John D. McIntyre	Claimant's clothing was ripped on a ride at the fair.	\$35.00	\$35.00
T950281	Byron C. Sweeting	Claimant's tiling system was damaged due to DOT construction.	Unspecified	\$5,000.00
T950283	State Farm Insurance as Subrogee of Kathleen Kane	Claimant's vehicle was damaged by parking gate arm.	\$94.34	\$94.34
T950285	Larry W. Slaughter	State vehicle sideswiped claimant's vehicle.	\$837.00	\$837.00
T950291	Dennis E. Bailey	DOT truck threw debris at claimant's vehicle.	\$540.98	\$540.98
T950292	Jerry Douglas Emmert	State vehicle backed into claimant's vehicle.	\$831.60	\$831.60
T950293	Judith A. Speth	State vehicle rearended claimant's vehicle.	\$931.57	\$855.69
T950295	Dan F. Gast	Crop damage due to archaeological investigation.	\$300.00	\$300.00
T950296	Delbert Heitmann	DOT vehicle collided with claimant's vehicle.	\$545.86	\$545.86

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T950297	Tom G. Stork	Claimant's property was stolen while it was in the state's possession.	\$3,458.44	\$3,458.44
T950301	Lucile Deremer Kepner	Claimant incurred injuries when she tripped on a sidewalk at the State Capitol.	Undetermined	\$4,500.00
T950309	Robert E. Idler	Daughter was injured while at a state park.	\$1,001.75	\$1,001.75
T950310	Kathleen Drey	State driver sideswiped claimant's vehicle.	\$286.20	\$286.20
T950312	Jack L. Slinker	Unattended DOT vehicle rolled into claimant's vehicle.	\$1,344.44	\$1,344.94
T950316	Michael Marean	DOT vehicle lost a load of rocks which damaged claimant's vehicle.	\$258.17	\$226.95
T950317	Danielle L. Sack	A screen fell damaging claimant's vehicle.	Undetermined	\$324.78
T950318	Linda Susan Lovik	State owned vehicle backed into claimant's vehicle.	\$1,431.58	\$1,056.76
T950320	Mitchell Bronston	Claimant's property was misplaced by staff.	\$32.75	\$32.75
T950321	USAA as Subrogee of Frank Hladky	State vehicle collided with claimant's vehicle.	\$3,529.62	\$2,647.22
T950324	Robert Gates	DOT mower threw rocks at claimant's vehicle.	\$215.76	\$215.76
T950325	Craig Utech	Unattended state vehicle struck claimant's vehicle.	\$864.61	\$1,095.00
T950335	Dianne Maurer	Claimant's vehicle was damaged when it ran over a hole in the road.	\$511.21	\$511.41
T950339	M. Shane Rustin	Claimant's vehicle was damaged after driving over a hole in the road.	\$60.89	\$75.84

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950341	Forest City Regional Medical Center Inc	DOT snowplow struck claimant's sign.	\$1,300.00	\$1,300.00
T950342	Farm Bureau Insurance Co. as Subrogee of Julie M. Johnson	State vehicle collided with claimant's vehicle.	\$2,000.74	\$2,000.74
T950343	United Services Automobile Association as Subrogee of Larry J. Krug	Claimant's vehicle was damaged by debris thrown from a state owned lawn mower.	\$378.06	\$378.06
T950344	Heather J. Snelson	Claimant's vehicle was damaged when it struck a DOT sign that blew into the roadway.	\$1,578.19	\$1,578.19
T950347	Manuel Jimenez	State vehicle rearended claimant's vehicle.	\$1,246.77	\$631.62
T950351	Julie Ann Claus	State vehicle backed into claimant's vehicle.	\$260.97	\$255.85
T950352	Karl L. Hansen	State driver drove away with the gas hose.	\$127.35	\$127.35
T950353	Donald James Murtha	DOT gravel truck hit a bump and rocks fell onto claimant's vehicle causing damage.	Undetermined	\$615.70
T950356	Myron Samuels	State vehicle rearended claimant's vehicle.	\$664.95	\$664.98
T950370	Leila L. Bell	Claimant tripped and fell at the state fair.	Undetermined	\$3,300.00
T950371	State Farm Mutual Insurance Company as Subrogee of Leonard P. and Lillian T. Zintek	State vehicle operator failed to yield the right of way at a stop light and collided with claimant's vehicle.	\$3,250.01	\$3,247.01

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T950372	United Fire and Casualty Company as Subrogee of Frank and Jeanne Gretter	Claimant's vehicle was rearended by state owned vehicle.	Undetermined	\$4,731.75
T950379	David Dean Phipps	Claimant's crops were damaged during an archaeological investigation.	\$1,040.00	\$1,040.00
T950384	Vincent P. Gray	Property was damaged by the staff at the Iowa Veterans Home.	\$23.00	\$23.00
T950387	Woodbury County	Claimant's employee sustained injuries when the vehicle he was riding in was struck by a state vehicle.	\$480.85	\$440.85
T950388	Cara Clayton-Menke	State driver backed into claimant's vehicle.	\$920.34	\$920.34
T950392	Karen Lynn Smith	State vehicle backed into claimant's vehicle.	Undetermined	\$370.25
T950393	Timothy J. Campbell	DOT sander threw debris at claimant's vehicle.	\$10.49	\$10.49
T950396	Ralph Prior	DOT tractor backed into claimant's vehicle.	\$1,450.00	\$1,600.75
T950400	Letha Jan DeMoss	Claimant's vehicle was damaged by parking gate arm.	\$373.57	\$373.57
T950401	Dana Dale Evans	Claimant's vehicle was struck by a tractor removing snow at the Glenwood State Hospital School.	\$195.19	\$195.19
T950402	David Bangert	Crop damage due to archaeological investigation.	\$205.00	\$205.00
T950405	Kevin M. Strang	State owned mower damaged claimant's motorcycle.	\$424.84	\$110.99

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950406	State Farm Insurance as Subrogee of Robert Weber	State driver failed to observe claimant's vehicle.	\$424.84	\$417.46
T950407	Edward D. Nelson	DOT vehicle struck claimant's vehicle.	\$568.49	\$568.49
T950408	Kelly P. Mulvihill	DOT vehicle struck claimant's vehicle.	\$1,181.33	\$1,181.33
T950412	William R. Edwards	DOT plow pushed snow off of overpass and onto claimant's vehicle.	\$395.01	\$395.01
T950413	Jerry Niedert	DOT vehicle backed into claimant's vehicle.	\$1,815.40	\$1,975.42
T950415	Kim S. Green	Claimant fell on a board outside of the ISU stadium.	\$1,000.00	\$1,000.00
T950418	John Clark	State vehicle made an improper lane change.	\$764.30	\$764.30
T950419	Macy E Garwood	Withdrawal Letter sent to AGO..it was then forwarded to SAB office.	\$450,000.00	\$100,000.00
T950420	Macy E Garwood	Withdrawal letter was sent to AGO, then it was forwarded to the SAB Office.	\$450,000.00	See T950419
T950421	Clara M. Garwood	Letter was sent to AGO, then forwarded to SAB office.	\$100,000.00	See T950419
T950422	Clara M. Garwood	Letter was first sent to AGO, then it was forwarded to SAB Office.	\$100,000.00	See T950419
T950423	John F. Foster	DOT snowplow backed into claimant's vehicle.	\$1,500.00	\$695.09
T950424	Paul Quam	State vehicle collided with claimant's vehicle.	Undetermined	\$874.74
T950428	Jane Hetzler Switzer	Claimant injured her leg on a wooden bleacher at UNI.	Undetermined	\$184.89

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950431	Allstate Insurance as Subrogee of Helen J. Seaman	Claimant's vehicle was damaged by debris thrown by a weed wacker.	\$119.89	\$119.89
T950432	Eugene Gray	State vehicle sideswiped claimant's vehicle.	\$41.74	\$41.74
T950437	Midland Properties Inc Attn Jim R. Pawloski	DOT plow pushed snow off of overpass and onto claimant's vehicle.	\$1,843.84	See T950496
T950438	David A. Martens	Rocks fell off of a DOT truck and onto claimant's vehicle.	\$329.54	\$183.89
T950448	Grimell Mutual Reinsurance Company as Subrogee of Penny Taylor	Claimant's vehicle was hit by a state owned vehicle.	\$4,983.01	\$7,028.60
T950448b	Grimell Mutual Reinsurance Company as Subrogee of Jon M. Nielsen	Claimant received injuries when the vehicle he was riding in was struck by a state owned vehicle.	\$1,900.34	See T950448
T950448c	Grimell Mutual Reinsurance Company as Subrogee of Rachel Doyle	Claimant sustained injuries when the vehicle she was riding in was struck by a state owned vehicle.	\$485.00	See T950448
T950450	Michael Anderson	Claimant's vehicle struck a pothole.	\$325.00	\$325.08
T950453	Jon L. Fagre	State vehicle sideswiped claimant's parked vehicle.	\$458.00	\$458.20
T950456	Joanne Leffler	State driver backed into claimant's vehicle.	\$589.80	\$649.71
T950466	Larry Maasdam	DOT vehicle backed up and pushed a pipe through claimant's window.	\$940.37	\$940.37

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T950467	Art Mehsling	DOT snowplow threw rocks at claimant's windshield.	\$213.23	\$210.00
T950468	Thomas Summy	Claimant's vehicle was damaged by a parking gate arm.	\$93.98	\$93.98
T950470	Joseph M. Connolly	State vehicle lost control and struck claimant's vehicle.	Undetermined	\$185.24
T950473	Larry Iseton	DOT sand truck threw debris at the claimant's vehicle.	\$175.00	\$186.29
T950476	Dwight Young	DOT snowplow collided with claimant's vehicle.	\$2,308.62	\$2,308.62
T950477	Linda Louise Ellis	DOT snowplow knocked over a light pole and the claimant's vehicle hit it.	\$511.98	\$359.34
T950479	E.T. Prasse, Jr.	State vehicle rearended claimant's vehicle.	Undetermined	\$607.02
T950480	Kevin R. Szcodronski	State vehicle sideswiped claimant's vehicle.	\$354.12	\$354.12
T950481	Michael Meyer	DOT vehicle damaged store door and window.	\$545.55	\$272.78
T950482	Virgil K. Martinek	Rock from DOT plow damaged claimant's windshield.	\$167.81	\$167.81
T950483	American Family Insurance as Subrogee of Kathy Oliver	State driver rearended claimant's vehicle.	\$1,279.71	\$1,574.71
T950484	Jessica Wilgenbusch	State vehicle backed into claimant's vehicle.	\$1,296.08	\$1,286.08
T950485	Kimberly A. Elsberry	State vehicle backed into claimant's vehicle.	\$481.73	\$473.21
T950486	Michelle M. Thornton	Claimant's vehicle was struck by a DOT vehicle.	\$2,525.68	\$2,562.09



<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950488	Casey Dale Sly	Rock from DOT mower damaged claimant's vehicle.	\$492.26	\$492.26
T950490	Diana L. Velez	Claimant's textbooks were misplaced in the office move.	\$3,000.00	\$2,000.00
T950494	Jacquelyn J. Dahl	Claimant tripped and fell while at a state park.	\$675.00	\$675.00
T950496	GRE Insurance Group as Subrogee of Midland Properties	DOT plow pushed snow off of an overpass and onto claimant's vehicle.	Undetermined	\$1,620.83
T950498	Walter J. VerVynck	DOT vehicle backed into claimant's vehicle.	\$3,240.38	\$1,200.00
T950500	Sheryl Kay Peters	State driver struck claimant's vehicle.	\$2,907.67	\$1,688.69
T950501	David H. Buck	State vehicle backed into claimant's vehicle.	\$385.99	\$385.99
T950505	Glen M. Sander	State driver struck claimant's vehicle.	\$321.36	\$321.36
T950510	USWest Communications	DOT damaged underground tile.	\$166.04	\$166.04
T950512	Kathleen A. House	DOT snowplow threw debris at claimant's vehicle.	Undetermined	\$261.33
T950516	American States Insurance as Subrogee of Lana Troy	State vehicle collided with claimant's vehicle.	\$6,529.90	\$5,223.92
T950517	Ethel Yoder	Claimant's vehicle was damaged by the parking gate arm.	Undetermined	\$158.99
T950519	Ye Huang	State owned vehicle backed into claimant's vehicle.	Undetermined	\$445.13

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950522	Bill Bross	DOT plow turned in front of claimant causing his vehicle to hit the median.	\$285.07	\$285.07
T950523	Terry C. Drake	DOT delineator fell off and claimant's vehicle ran over it.	\$220.50	\$165.38
T950525	Ricky E. Speck	DOT snowplow backed into claimant's vehicle.	\$1,325.00	\$1,300.80
T950527	John Owen Dahl, Jr.	Claimant's license was mistakenly voided.	\$41.00	\$41.00
T950529	Dawn Hartig	Patient's personal items were misplaced by staff.	\$505.00	\$505.00
T950530	Virginia Arnold	Claimant's glasses were broken by UIHC staff.	\$222.00	\$222.00
T950532	Marissa Joanne Montag	State owned vehicle sideswiped claimant's vehicle.	\$1,036.75	\$891.57
T950533	Marjorie M. McLaughlin	State owned vehicle sideswiped claimant's vehicle.	Undetermined	\$637.36
T950534	Stefanie Sue Forrester	State vehicle struck claimant's vehicle.	Undetermined	\$2,356.56
T950535	Cathy Lynn Belcher	DOT plow pushed snow off of an overpass and onto claimant's vehicle.	\$245.91	\$213.15
T950536	Stefanie R. Warren	DOT sandtruck threw sand at claimant's windshield.	\$246.80	\$246.80
T950539	Tory Bennett	State owned vehicle backed into claimant's vehicle.	\$768.81	\$1,716.65
T950541	Sharon M. Wilson	DOT sandtruck threw debris at claimant's windshield.	Undetermined	\$282.84
T950542	First National Bank (Video Place Building)	State vehicle damaged claimant's building.	\$906.25	\$906.25

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950543	Dorothy Allen	State vehicle struck claimant's vehicle.	\$417.46	\$424.84
T950544	Paula Mowery	State owned vehicle struck claimant's vehicle.	\$1,950.00	\$1,750.00
T950545	Nancy L. Steffensen	State driver rear-ended claimant's vehicle.	\$88.50	\$88.50
T950547	Michael J. Winger	Claimant's vehicle was damaged when a sign fell from a bridge onto his car.	\$893.94	\$500.00
T950555	Jennifer Janzen	Due to a back injury, claimant did not receive a scholarship from Iowa State University.	\$195,000.00	\$15,000.00
T950556	Rainsoft of Des Moines	State owned skid loader damaged claimant's van while unloading salt.	\$664.05	\$332.02
T950561	William A. Dunkelberger	DOT vehicle backed into claimant's vehicle.	\$3,239.97	\$3,239.97
T950564	Gunnar Pedersen	ISU cattle damaged crops.	\$300.00	\$300.00
T950567	Cheri Renae Rodberg	DOT snowplow slid into claimant's vehicle.	\$2,153.30	\$1,815.31
T950573	Mary Virginia Burrus	State driver lost control of the vehicle and struck claimant's vehicle.	\$1,605.39	\$1,605.39
T950574	Bonnie Osgood	DOT construction caused flooding on claimant's property.	\$3,522.00	\$150.00
T950577	Nicole Hilbert	Claimant slipped and fell at UNI.	\$544.00	\$544.00
T950582	DeVore-Buban Motors, Inc.	State driver rear-ended claimant's vehicle.	\$1,739.05	\$1,739.05
T950583	Christopher J. Eddy	State driver backed into claimant's vehicle.	\$400.00	\$867.68

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950584	Robert Kent Bonwell	State driver hit claimant's parked vehicle.	Unspecified	\$336.63
T950589	Mildred G. Johnson	State driver failed to yield to claimant's vehicle.	Unspecified	\$738.84
T950592	John Jay Nelson	While performing his job duties, the claimant's eyeglasses were broken.	\$77.00	\$77.00
T950593	Raymond E. Osborn	State vehicle struck claimant's vehicle.	\$2,726.14	\$2,643.91
T950594	John D. Davidson	Patients dentures were misplaced.	\$800.00	\$800.00
T950596	Mary Jean Emrich	Claimant fell while riding the Cambus.	\$255.00	\$255.00
T950597	Roxane Marie Simon	DOT vehicle backed into claimant's vehicle.	Unspecified	\$503.68
T950598	Yu-Huei Wang	State driver backed into claimant's vehicle.	\$1,320.15	\$1,057.45
T950601	Allied Insurance Co. as Subrogee of Nancy Kathryn Goreham	A DOT snowplow collided with claimant's vehicle.	\$3,350.55	3,548.01
T950604	Kathryn Mae Smith	State vehicle collided with vehicle.	\$3,188.68	\$3,073.11
T950606	Diane Sullivan	State driver backed into claimant's vehicle.	\$478.31	\$478.31
T950609	Lori L. Johannesen	DOT sandtruck threw sand at claimant's vehicle.	\$1,182.44	\$766.82
T950618	Rodney A. Rasmussen	ISU cattle got loose and damaged claimant's crops.	\$1,323.00	\$1,323.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950620	Harold A. Moeller	State vehicle struck claimant's vehicle.	\$1,270.00	\$1,340.00
T950623	Diane M. Hueschen	DOT snowplow threw debris at claimant's vehicle.	Unspecified	\$214.39
T950624	Lori Lee Shaffer	DOT sandtruck threw sand at claimant's vehicle.	\$302.29	\$282.95
T950625	Indianola Municipal Utilities	DOT vehicle backed into lightpole.	\$871.22	\$871.22
T950627	Leader National Insurance Company as Subrogee of Cindy Mitchell	DOT snowplow slid into claimant's vehicle.	\$2,703.62	\$2,703.62
T950632	Melvin W. Gregory	State driver rearended claimant's vehicle.	\$919.83	\$919.83
T950634	Patricia A. Tenborg	State vehicle sideswiped claimant's vehicle.	\$933.99	\$933.99
T950637	Paul Douglas Olsan	Tire damaged by broken glass.	\$62.49	\$62.49
T950648	John Marshall Mitchell	DOT vehicle struck claimant's parked vehicle.	\$2,585.82	\$850.00
T950650	Harold A. Lathrop	DOT vehicle struck claimant's mailbox.	\$317.00	\$357.00
T950651	Rochelle Ann Miller	A piece of metal broke off of a DOT plow and damaged claimant's vehicle.	Unspecified	\$1,982.26
T950652	Rochelle Ann Miller	A piece of metal broke off of a DOT plow and damaged claimant's vehicle.	Unspecified	See T950651
T950654	James Heilskov	DOT vehicle backed into claimant's vehicle.	\$799.30	\$799.30

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950656	State Farm Insurance as Subrogee of Lois Rebecca Holz	State vehicle sideswiped claimant's vehicle.	\$695.71	\$695.71
T950657	Mary Moriarity	Claimant's vehicle was damaged by the UIHC valet service.	\$233.21	\$233.21
T950665	Daniel Keith Arnamon	DOT sandtruck threw sand at claimant's vehicle.	\$256.50	\$256.50
T950666	Kurt A. Seger	Claimant's vehicle was damaged by the parking gate arm.	\$139.78	\$139.78
T950669	Gary Kennedy	State driver backed into claimant's vehicle.	\$350.00	\$313.58
T950671	Climate Engineers, Inc.	State driver rearended claimant's vehicle.	\$576.94	\$576.94
T950672	Nick Rogers	DOT sandtruck threw rocks at claimant's windshield.	\$621.00	\$461.20
T950680	Verle G. Bottlen	DOT plow threw rocks and ice at claimant's vehicle.	Undetermined	\$114.15
T950681	Michael Kelly	Claimant's glasses were misplaced by UIHC staff.	\$324.00	\$324.00
T950692	Ellen Charlotte James	Claimant's vehicle was damaged by snow removal equipment used by the Woodward State Hospital School.	\$100.00	\$100.00
T950698	Quentin Paul Colton	State driver backed into claimant's vehicle.	\$1,010.51	\$1,010.51
T950699 Millard	Richard Duane claimant's vehicle.	State driver backed into	\$234.74	\$203.77
T950700	Jennifer L. Yoder	State driver sideswiped claimant's vehicle.	\$690.19	\$690.19
T950702	Donna M Maixner	DOT snowplow threw rocks at claimant's windshield.	\$276.30	\$276.30

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950705	Betty Anastasia Witter	State vehicle backed into claimant's vehicle.	\$1,222.85	\$1,222.85
T950707	Patricia J. Potratz	State driver rearended claimant's vehicle.	\$608.96	\$406.13
T950710	Scott Schild, Inc.	DOT sandtruck threw sand at claimant's vehicle.	\$374.02	\$374.02
T950711	Richard Holbrook	Claimant's razor was broken when it inadvertently went through the laundry.	Unspecified	\$39.96
T950712	Roxanne Christiansen	DOT sandtruck threw rocks at claimant's windshield.	\$266.30	\$180.37
T950713	Janet Ann Bush	Claimant's vehicle was damaged by the parking gate arm.	\$243.43	\$243.43
T950715	Paul Pate	Claimant's vehicle was damaged by debris which fell from the capitol.	\$252.40	\$252.40
T950720	Darwin Danielson	State driver sideswiped claimant's vehicle.	\$583.88	\$583.88
T950725	Paul R. Andrys	State vehicle backed into claimant's vehicle.	\$1,334.73	\$1,342.21
T950731	Heuss Printing, Inc.	State vehicle backed into claimant's vehicle.	\$252.50	\$252.50
T950734	Phyllis Elaine Jensen	DOT sandtruck threw rocks at claimant's vehicle.	\$522.56	\$522.56
T950736	Douglas G. Bauman	State owned vehicle struck claimant's vehicle.	\$3,000.00	\$3,376.22
T950738	Dan Steward	Claimant's coat was destroyed in a fire at the Cherokee Mental Health Institute.	\$74.35	\$74.35

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950739	United Services Automobile Association As Subrogee of Gerald M. Jordan, Jr. 3026854	State vehicle backed into claimant's vehicle.	Undetermined	\$544.38
T950740	James E. Buss	DOT sandtruck threw rocks at claimant's vehicle.	\$536.16	\$352.65
T950741	Harold S. Jackson Jr.	Claimant's vehicle was damaged by UIHC valet service.	\$441.05	\$441.05
T950745	Karen Disbrow	Claimant's contacts were misplaced by UIHC staff.	\$150.00	\$150.00
T950746	United Fire & Casualty Insurance Company as Subrogee of A & J classic Cars	Claimant's flatbed truck was struck by a DOT vehicle.	\$6,300.00	\$6,300.00
T950747	Kenneth Idler	DOT vehicle rearended claimant's vehicle.	\$2,625.00	\$1,150.00
T950749	Terri L. Hull	DOT vehicle struck claimant's parked vehicle.	\$1,400.00	\$1,185.51
T950750	Yvonna Marie Allen	Vehicle was damaged by a resident of the GSHS.	Undetermined	\$1,677.34
T950752	Sherilyn Ann Blow	State driver sideswiped claimant's vehicle.	\$700.00	\$695.04
T950754	Tom Javanovic	Loose gravel was thrown at claimant's vehicle.	\$1,134.23	\$567.12
T950756	Carol M. Watters	Excess rocks on road were thrown onto claimant's vehicle.	Undetermined	\$291.76
T950758	Charles L. Mick	DOT construction caused damaged to claimant's home.	\$616.02	\$308.00



<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950762	Ronald F. Gerth	A fallen stop sign damaged claimant's vehicle.	\$470.34	\$470.34
T950763	Douglas P. Crowley	State vehicle backed into claimant's vehicle.	\$425.00	\$517.08
T950767	Glen Arlan Davis	DOT vehicle backed into claimant's vehicle.	\$906.25	\$751.91
T950768	J.J. O'Connor c/o Richard Lowers	DOT sand truck threw rock at claimant's windshield.	Undetermined	\$212.95
T950769	Cynthia Ann Wolhum	DOT snowplow backed into claimant's vehicle.	\$2,126.87	\$1,996.71
T950773	Edward Newendyke	Claimant tripped and fell on a floor mat at the Iowa National Guard.	\$101.50	\$101.50
T950775	Darrel E Hull	Construction caused damaged to claimant's property.	\$1,069.00	\$1,069.00
T950777	Letha Maye Mohr	The wind blew a traffic cone off of a DOT vehicle and struck claimant's vehicle.	\$90.56	\$90.56
T950778	Alison Cornelia Abreu	State vehicle sideswiped claimant's vehicle.	Undetermined	\$575.16
T950780	Donna Rae Meier	State driver sideswiped claimant's building.	\$255.68	\$255.68
T950781	William L. Herrick	State owned vehicle's door dented claimant's vehicle.	\$279.98	\$266.90
T950782	Paul A. Michels DBA Michels Trucking	DOT vehicle was bumped into reverse and it struck claimant's vehicle.	\$4,373.68	\$2,000.00
T950786	State Farm Insurance as Subrogee of James & Rebecca Davis	State vehicle backed into claimant's vehicle.	\$379.84	\$379.84

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950787	Sarah Margaret Whipple	State vehicle backed into claimant's vehicle.	\$733.00	\$643.79
T950788	Marilyn Lucille Butterbaugh	Claimant's vehicle was damaged when the valet parking attendant hit a parked car.	\$2,050.82	\$2,050.82
T950789	Suzanne Marie Schmitz	Claimant's vehicle was damaged by rocks thrown by individuals performing community service.	\$190.84	\$190.84
T950792	John M Thielen	DOT sandtruck threw rocks which damaged claimant's windshield.	\$205.00	\$205.00
T950796	Edna Mae Ostrander	State vehicle sideswiped claimant's vehicle.	\$334.77	\$334.77
T950798	Harry T. Banis	State driver rearended claimant's vehicle.	\$442.00	\$546.21
T950801	Shams Mohamed Ghoneim	Claimant's vehicle was damaged by a parking gate arm.	\$74.50	\$74.50
T950803	Deann L. Hansen	DOT vehicle backed into claimant's vehicle.	\$1,075.25	\$1,075.25
T950805	Sandra K. Bostic	Claimant fell in a rest area.	\$459.80	\$546.80
T950806	Midwest Transit, Inc.	Claimant's vehicle was struck by a road sign which blew off of an overpass.	\$6,189.33	\$6,189.33
T950808	Alice Mae Frazee	While an inmate at the Iowa Correctional Institute for women, claimant's property was lost.	\$6,092.00	\$400.00
T950809	Richard D. Hale	State vehicle backed into claimant's vehicle.	\$1,635.69	\$1,635.69
T950812	Katherine E. Truax	Soap dish fell and injured claimant's leg.	Unspecified	\$238.45
T950813	Irene Marie Wagner	State vehicle struck claimant's mailbox.	\$119.56	\$119.56

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950815	Hani Alfred Makar	State vehicle sideswiped claimant's vehicle.	\$704.24	\$681.79
T950823	Allstate Insurance as Subrogee of Ruth H. Bush	DOT vehicle struck claimant's vehicle.	\$2,528.18	\$2,528.18
T950828	City of Thurman	DOT truck struck fire hydrant.	\$1,822.65	\$1,822.65
T950829	Great West Casualty Co. as Subrogee of Russell Eugene Hite	An unattended DOT pickup rolled into claimant's parked vehicle.	Unspecified	\$2,711.41
T950831	Jeff Frazee	DOT vehicle collided with claimant's vehicle.	\$347.01	\$347.01
T950832	Peggy Sue Mullen	State driver backed into claimant's vehicle.	\$921.57	\$921.57
T950835	Patrick L. Sheeley	Property damaged during a shakedown.	\$190.00	\$190.00
T950837	Raymond D. Johnson	Claimant's money was lost after it had been placed in a lock box.	\$10.00	\$10.00
T950839	Bryan Keegan	DOT vehicle forced claimant's vehicle into the ditch.	\$777.87	\$777.87
T950842	Marshall W. Rose	State vehicle backed into claimant's vehicle.	\$614.36	\$614.36
T950843	Eric James Carlson and Lisa A. Johnson-Carlson	State owned vehicle collided with claimant's vehicle.	\$12,153.92	\$3,300.00
T950845	Lyle Allen	DOT vehicle struck claimant's bicycle.	\$319.12	\$319.12
T950847	Gerard Joseph Runde	State vehicle backed into claimant's vehicle.	\$206.89	\$206.89
T950848	Michael J. Taylor	Mower threw rocks at vehicle.	\$661.22	\$431.60

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950855	Farm Bureau Mutual as Subrogee of Harry Michaelson	State owned vehicle struck claimant's vehicle.	\$2,550.00	\$2,550.00
T950856	Henry Stevens	Claimants vehicle was damaged by the valet service at UIHC.	\$121.83	\$121.83
T950857	Axel Ruprecht	Claimant's vehicle was damaged by a parking gate arm.	\$706.39	\$706.39
T950858	Neal Edward Kinsinger	DOT vehicle threw rocks at claimant's vehicle.	\$230.40	\$153.74
T950862	Wendy Margaret Miller	DOT weed trimmer threw objects at claimant's vehicle.	\$240.86	\$240.86
T950865	Betty J. Gilmore	DOT vehicle lost rock which struck claimant's vehicle.	Unspecified	\$237.88
T950875	Lindsay A. Swenson	Claimant fell on the dock by the Canoe House at UofI.	\$203.00	\$97.53
T950877	Maxine R. Goodin	DOT truck threw debris at claimant's vehicle.	\$343.12	\$315.53
T950878	Mary Swartzendruber	Claimant's dentures were misplaced by UIHC staff.	\$500.00	\$500.00
T950879	Continental Western Insurance Co. as Subrogee of Larsen Pump Service	DOT truck slid into claimant's vehicle.	\$5,370.73	\$3,491.00
T950881	Reardon Auto Center, Inc.	Twenty seven cars received tar damage from a DOT operation.	\$1,080.00	\$1,080.00
T950882	Robin S. Engstrom	Claimant's vehicle was damaged after driving over a hole in a construction zone.	\$123.89	\$123.89
T950883	Sean Dennis Kenefick	State vehicle backed into claimant's vehicle	\$798.18	\$610.67

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950884	Michael & Jacquelyn Moats	University apartment's electrical failure damaged freezer contents.	\$91.72	\$91.72
T950887	Jeffrey Scott Fickins	Vehicle damaged by golf ball.	\$353.58	\$353.58
T950888	Sharla Rae Kampman	DOT mower threw debris at claimant's vehicle.	\$240.58	\$252.61
T950890	American National Property & Casualty as Subrogee of Blanche Hoy	State driver backed into claimant's vehicle.	\$676.55	\$676.55
T950891	Ryan Matthew Veach	State vehicle backed into claimant's vehicle.	\$341.17	\$339.60
T950893	Dale Paul Yoder	State vehicle backed into claimant's vehicle.	\$400.00	\$397.51
T950898	Wilbur R. Ankrum	DOT vehicle ran over claimant's bicycle lying in the grass.	\$188.95	\$188.95
T950900	Jeffrey Joseph Ruden	State vehicle backed into claimant's vehicle.	\$367.67	\$367.67
T950901	Johnson County	State owned vehicle struck claimant's vehicle.	\$4,396.88	\$4,396.88
T950903	Julia K. Robinson	State driver backed into claimant's vehicle.	\$1,241.70	\$1,241.70
T950904	American Family Insurance as Subrogee of Matthew Garriett Vos	State owned vehicle collided with claimant's vehicle.	\$2,364.52	\$2,364.52
T950909	Continental Insurance Co. as Subrogee of Systems Unlimited, Inc.	State owned vehicle rearended claimant's vehicle.	\$3,649.93	\$4,046.85
T950911	Richard Bonnema	DOT mower threw debris at claimant's vehicle.	\$42.00	\$42.00

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T950912	Mutual Fire & Automobile Ins. Co. as Subrogee of Dana Lu Royer	DOT vehicle rearended claimant's vehicle.	\$3,177.05	\$3,177.05
T950914	Continental Western Insurance Co. as Subrogee of Eric Carlson and Lisa A. Johnson-Carlson	State owned vehicle rearended claimant's vehicle.	\$4,195.00	\$4,195.00
T950915	City of Iowa City	State vehicle sideswiped claimant's vehicle.	\$37.90	\$37.90
T950917	Edward J. Horak, Jr.	State vehicle sideswiped claimant's vehicle.	\$253.73	\$253.73
T950919	Clemens A. Full	Claimant's vehicle was damaged by parking gate arm.	\$405.95	\$405.95
T950920	Jesus Christian Connett	DOT mower threw an object at claimant's vehicle.	Unspecified	\$89.75
T950924	United Fire & Casualty Co as Subrogee of O.F. Paulson Construction	State vehicle backed into claimant's vehicle.	\$1,082.84	\$1,082.84
T950928	Thomas Baird	Unattended state vehicle hit claimant's vehicle.	\$624.80	\$487.87
T950932	Andrea L. Birchall	Claimant's vehicle was struck by a rock thrown from a state owned mower.	\$176.65	\$176.65
T950940	Robert H. Auliff	Vehicle struck hole in construction zone.	\$203.99	\$203.99
T950941	George Tjarks	Claimant's property was damaged while a resident at the Iowa Veteran's Home.	\$13.99	\$13.99
T960001	Tony Michael Phelps	DOT snowplow struck claimant's vehicle.	\$1,007,475.00	\$216,309.00

26th Day

FRIDAY, FEBRUARY 2, 1996

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<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960002	Tony Michael Phelps	DOT snowplow struck claimant's vehicle.	\$1,007,475.00	See T960001
T960005	Troy Allen English	Claimant's parked vehicle was struck by the wing of a DOT truck.	\$2,000.00	\$3,192.46
T960007	Joan J. Campbell	State driver backed into claimant's vehicle.	Unspecified	\$1,502.00
T960009	Tony Alan Arnold	State vehicle backed into claimant's vehicle.	\$246.00	\$246.00
T960012	Jim & Marilyn Herdrich	Vehicle was sprayed with DOT paint.	Unspecified	\$180.20
T960014	Jeremy Scheetz	State vehicle lost part of load damaging claimant's vehicle.	\$200.30	\$200.30
T960021	Warren Weatherington	DOT spray damaged shrubs and bushes.	\$83.34	\$83.34
T960023	Phillip R. Horn	Claimant's travel trailer was damaged when a state owned mower struck the awning.	\$86.10	\$86.10
T960028	Kathy Reising	DOT mower threw rocks at claimants vehicle.	Unspecified	\$1,154.78
T960032	Josephine Borland	DOT mower threw debris at claimant's vehicle.	\$428.50	\$428.50
T960035	Hugo Fontanini	State vehicle sideswiped claimant's vehicle.	Unspecified	\$987.42
T960041	Larry Betenbender	Vehicle damaged during tree removal.	\$292.81	\$292.81
T960043	Jennifer Renee Oviatt	DOT mower threw rocks at claimant's vehicle.	Unspecified	\$190.88
T960045	Roll Inc, Ltd	DOT mower threw debris at claimant's vehicle.	\$228.98	\$228.98
T960047	Amy Sue McNeal	State driver struck claimant's vehicle.	\$1,802.39	\$1,820.39

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960049	Bruce Edward Aude	Vehicle damaged by lawnmower.	\$307.40	\$307.40
T960052	Dennis Mickelson	Claimant's vehicle was damaged by debris thrown from a weedeater.	\$386.14	\$386.14
T960067	City of Manchester	DOT mower struck fire hydrant.	\$397.86	\$397.86
T960068	William C. Schneider	State driver backed into claimant's vehicle.	\$984.06	\$984.06
T960069	Steven S. Sharpe	DOT vehicle threw rock at claimant's vehicle.	\$204.18	\$204.18
T960070	Jose Carlos Aguiar	State vehicle sideswiped claimant's vehicle.	\$690.00	\$632.10
T960072	Kelly Thomas Clouse	Bicycle lock damaged when bike was impounded in error.	\$30.00	\$37.00
T960076	Kara Lyn Thompson	Personal items thrown away in error.	\$11.60	\$11.60
T960079	Earl Moose	DOT vehicle backed into claimant's vehicle.	Unspecified	\$437.81
T960083	LaNita Van Roekel	DOT mower threw debris at claimant's vehicle.	Unspecified	\$318.81
T960086	Dennis W. VanDuyne	DOT vehicle threw rock at claimant's vehicle.	\$402.65	\$655.60
T960090	Dean Zenor	Claimants vehicle was damaged by valet.	\$379.82	\$379.82
T960093	Thomas Joe Harding	DOT mower threw rocks at claimant's vehicle.	\$137.70	\$137.70
T960097	Jimmie and Harriet Sue Buchan	DOT vehicle rolled into claimant's vehicle.	\$185.92	\$185.92
T960099	Jim and Kim McCleary	DOT vehicle threw rocks at claimant's vehicle.	\$703.09	\$703.09



<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960100	Reid Alan Barnett	DOT vehicle struck claimant's vehicle.	\$922.97	\$922.97
T960105	Driver's Direct Insurance Company as Subrogee of Jimmy Ray Titus	DOT vehicle struck claimant's vehicle.	\$2,675.24	\$2,675.24
T960108	Cheryl Gines	DOT mower threw rocks at vehicle.	\$288.92	\$188.73
T960111	William A Cleasby	DOT vehicle damaged claimant's vehicle.	\$780.45	\$780.45
T960114	Herbert E. Minds	DOT mower threw rocks at vehicle.	\$659.37	\$650.37
T960119	Johnette R. Criss	Claimant became ill during a simulated driving test.	\$34.20	\$34.20
T960123	James Edward Bucher	Staff damaged claimant's property.	\$20.00	\$20.00
T960132	Debra L. Kinzel	Claimant's vehicle was damaged by debris thrown from a state owned mower.	\$161.70	\$161.70
T960142	Mark D. Feldick	Vehicle dented during camp activities.	\$965.30	\$965.30
T960144	Donald J. Roth	DOT vehicle backed into claimant's vehicle.	Unspecified	\$423.53
T960147	Jeff Springer	DOT weedeater threw rocks at vehicle.	\$325.00	\$293.20
T960157	Harold McCord, McCord Trucking	Claimant's tire was damaged when he ran over some stop sticks that were placed on the road during an investigation.	\$141.50	\$141.50
T960158	Douglas Brian Winegardner	Claimant's vehicle was damaged when he ran over an object at the fairgrounds.	\$154.14	\$154.14

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960160	Arlen Ciechanowski	Claimant's bicycle was damaged while supervising physical training runs.	\$100.00	\$100.00
T960172	Robert H. Vinson	DOT vehicle lost part of load which struck claimant's vehicle.	\$362.51	\$226.26
T960174	Gloria J. Staniger	DOT mower threw debris at vehicle.	\$719.40	\$719.40
T960175	Lori L. Pitt	Rocks fell from DOT vehicle and struck claimant's vehicle.	\$219.63	\$293.83
T960177	Brian Robert Thomas	DOT vehicle backed into claimant's vehicle.	\$617.38	\$617.38
T960182	Ivan D. and Geraldine E. Sperry	Claimant's land was damaged during the installation of the fiber for the Iowa Communications Network.	\$1,840.00	\$1,840.00
T960184	Zong Xian Chen	State vehicle collided with claimant's vehicle.	\$2,313.84	\$2,091.19
T960186	Donald Gulling	DOT mower threw debris at vehicle.	\$324.02	\$230.64
T960188	Dr. Yvonne Chalkley	Vehicle damaged by parking gate arm.	\$263.75	\$263.75
T960189	Duane Verne Wilkins, M.D.	Vehicle damaged by parking gate arm.	Unspecified	\$266.45
T960190	Bradley Eugene Eckley	Tar splattered on claimant's vehicle.	\$97.35	\$75.00
T960192	James E. Creswell	DOT failed to remove a post which damaged claimant's tractor tire.	\$364.39	\$285.00
T960201	Peggy L. Rowell	Tire damaged when it hit post.	\$139.10	\$139.10
T960204	Lori Dawn Richers	Claimant's vehicle was damaged when debris was thrown from the mower at the Iowa State Penitentiary.	\$148.68	\$148.68

<u>Claim</u>	<u>Full Name</u>	<u>Description</u>	<u>Amount</u>	<u>Paid</u>
T960208	Leland Leroy Littsen	DOT vehicle rearended claimant's vehicle.	\$773.15	\$773.15
T960218	Rose L. Shafer	DOT vehicle threw rocks at claimant's vehicle.	Unspecified	\$86.89
T960228	Radio Communications Co.	Radio was not returned.	\$570.00	\$570.00
T960237	Anderson Poultry Farm, Inc.	DOT vehicle backed into claimant's vehicle.	\$695.00	\$695.00
T960268	Gary L. Burge	Overspray of paint on vehicle.	\$383.25	\$383.25
T960269	Jennifer Lynne Dick	Vehicle damaged by lawn mower.	\$400.00	\$382.97
T960275	David W. Wren	Vehicle damaged by valet.	\$725.00	\$725.00
T960288	Milton L. Fleming	Vehicle damaged by valet.	\$191.84	\$191.84
T960310	James Grant	Vehicle damaged by hammer from hammer throw.	\$250.00	\$250.00
T960352	Enterprise Rent-A-Car Midwest	State vehicle struck claimant's vehicle.	\$2,619.80	\$2,031.17

MONIES PAID FROM GENERAL FUNDS  
FOR SETTLEMENTS & JUDGEMENTS — 1995

Payee	Amount
Cass County Clerk of Court Costs	\$11.40
Lipman Law Firm Settlement	\$755.00
Mears Law Office Settlement	\$300.00
Mears Law Office Settlement	\$180.00
Robert Keller Settlement	\$265.00

Payee	Amount
Herbert Speller Settlement	\$90.90
Lee County Clerk of Court Costs	\$154.00
Keith Walker Settlement	\$250.00
Mears Law Office Atty Fees	\$650.00
Mears Law Office Atty Fees & Costs	\$26,000.00
Iowa Protection, & Advocacy Service Settlement	\$250,000.00
Pottawattamie County Clerk of Court Costs	\$792.50
Lee County Clerk of Court Costs	\$90.00
Lee County Clerk of Court Costs	\$90.00
Jeffrey Lipman	\$24,000.00
Paulino C. Aldape	\$120.12
District Court Settlement, Costs, Atty Fees	\$500.00
Clerk of Jones County Costs	\$120.00
Philip Mears Settlement	\$4,275.00
Sharron Marchesano & Martin Marchesano Settlement	\$30,000.00
Lee County Clerk of Court Costs	\$90.00
Becky Knutson as Atty for Lori Mallone Lee Settlement	\$28,000.00
Jean Goings Settlement	\$569.00
Marshall County Clerk of Court Costs	\$66.95

Payee	Amount
Jones County Clerk of Court Costs	\$35.98
Anthony Blackstone Settlement	\$4,578.00
Philip Mears Law Office Atty Fees	\$5,600.00
Dept of Corrections - Daryl Weber Settlement	\$18,822.00
Daryl L. Weber and Atty Mark R- Schuting Atty Fees & Settlement	\$51,844.00
Darryl Davis Settlement	\$2,200.00
Philip Mears Law Office Atty Fees	\$150.00
Charles Gribble PC Settlement & Atty Fees	\$167,705.08
Robert Daniel & Anthony Renzo Settlement	\$80,000.00
Brett Delaney Settlement	\$330.00
Ricki K. Laughman Settlement	\$750.00
Pottawattamie County Clerk Costs	\$75.00
Dan Harris Settlement	\$401.00
Jeffrey Lipman Atty Fees	\$10,500.00
Swisher Cohrt Atty Fees	\$865.79
Lisa Carpenter Lewis & Jeffrey Lipman Atty Fees & Settlement	\$76,000.00
Glen Anderkay	\$1,500.00
Phillip Mears Settlement & Atty Fees	\$750.00

Payee	Amount
Richard O'Leary	\$251.00
Mears Law Office	\$2,976.20
Settlement & Atty Fees	
Black Hawk County	\$75.00
Philip Mears	\$180.00
Costs & Atty Fees	
Clinical Law Program	\$15,000.00
Settlement	
Charles Hartman & Maureen Hartman Ind & as Co-Administrators of the Estate of Nikolas Hartman and Atty James Hayes	\$133,333.33
Settlement & Atty Fees	
Glen Anderkay	\$600.00
Philip Mears	\$450.00
Settlement & Atty Fees	
Polk County Clerk of Court	\$75.00
Court Costs	
Daniel Shaw	\$714.00
Court Reporter Fees	
Dale Snyder & His Attorney Eric Borseth	\$6,000.00
Settlement & Atty Fees	
Mears Law Office	\$1,640.00
Atty Fees & Settlement	
Duke Frederick Crawford & Atty Thomas O'Flaherty	\$1,500.00
Settlement	
Peter Martin Admin of the Estate of Ronald Martin	\$64,000.00
Settlement/Atty Fees	
Cherokee County Clerk of Court	\$228.00
Costs	
Patrick Ingram	\$1,800.00
Atty Fees	
Patrick Ingram	\$3,974.00
Atty Fees	
Rocky Ogden	\$300.00
Settlement	

Payee	Amount
Mears Law Office - Angela Baker Atty Fees	\$843.71
Douglas Liebert	\$29,174.00
Van Werden Hulse & Hefner	\$33,598.26
Van Werden Hulse & Hefner	\$4,701.74
Douglas Leibert Settlement & Atty Fees	\$2,562.00
Legal Services Corp Atty Fees	\$289.35
Lipman Law Firm Atty Fees	\$275.00
Edmund Capesuis & George Appleby Atty Settlement & Atty Fees	\$11,219.70
Jones Co Clerk of Court Costs	\$95.00
Lipman Law Firm Atty Fees & Settlement	\$14,000.00
Beth Ann Forsberg & John Wemer, Atty Settlement & Atty Fees	\$85,000.00
Steven Taylor & Lipman Law Finn	\$3,552.29
Lee County Clerk of Court Costs	\$95.00
Patricia Elbert & Mchael Elbert & Atty Tom Riley Law Firm & Buchanan Law Firm Settlement & Atty Fees	\$32,500.00
Dianna Jordan & Atty Robert Rausch Settlement & Atty Fees	\$4,739.91
Chris LeGear	\$15.13
Lee County Clerk of Court Settlement & Costs	\$64.50
John E Carson & R. L. Fehseke, Jr. St. Paul Insurance Settlement & Atty Fees	\$125,000.00 \$700.00
Jones Co Clerk of Court Costs	\$95.00
Clerk of Court - US Northern District Costs	\$483.67

Payee	Amount
Jones County Clerk of Court Costs	\$214.36
Muscatine County Clerk of Court Costs	\$80.00
Daryl Weber & Atty Mark Schuling Settlement	\$51,846.00
5th Judicial District - Dept of Corrections Settlement	\$18,822.00
Rick Holland & His Atty Lipman Law Firm Settlement	\$5,000.00
Estate of Marion O'Donnell, Et Al Settlement	\$75,000.00
Edwin Danunan	\$33,306.32
Babich, McConnell & Renzo Settlement & Atty Fees	\$3,096.00
Clerk of Court Woodbury County Costs	\$75.00
James Kelso, Greta Kelso & Martin Spellman, Atty Settlement	\$7,500.00
Ronald Burr & Atty Marc Moen Settlement	\$50,000.00
Charles Lex & James Gocke Settlement	\$9,000.00
Elsie Miner & William Wickert Atty Settlement	\$4,120.00
State Farm Insurance as Subrogee of Mary Jo Bergmann Story County District Court Settlement & Costs	\$1,508.71 \$64.10
Gayla Jean Abbott & Kimberly A Pieters, Atty Settlement & Atty Fees	\$500.00
Kossuth County Clerk of Court Costs	\$203.01
Mary Mielitz Admin of the Estate of Annette Knutson Estate, Lindsey Knutson NFA Lindsey Mielitz and Mary Mielitz as Conservator of Lindsey Knutson NKA Lindsey Mielitz and Their Atty Wunschel Law Firm Settlement & Atty Fees	\$10,000.00



Payee	Amount
David Hill, Beverly Hill and Michael Buckner, Their Attorney Settlement & Atty Fees	\$7,500.00
Tom Riley Law Firm Trust Acct on Behalf of Kaleb, Steven and Jill Weintraut Settlement & Atty Fees	\$450,000.00
Patrick Ingam c/o Mears Law Office Settlement & Atty Fees	\$3,050.00
Philip Mears Atty Fees	\$400.00
Dr. Catherine J Goldberg & Atty Carlton G Salmons Settlement & Atty Fees	\$28,000.00
Wiggins, Anderson & Conger Atty Fees	\$20.00
Iowa Crime Victims Assistance Program Settlement	\$1,223.37
Martin Ozga c/o Legal Services Corp Settlement	\$9,387.50
William Beckman - Wiggins, Anderson & Conger Settlement	\$8,000.00
Wiggins, Anderson & Conger Atty Fees	\$6,100.00
William Beckman Settlement	\$8,220.00 (withholdings taken out)
5th Judicial District - Dept of Corrections Settlement - Darryl Weber	\$1,337.56
Glendale More, Jr. Settlement	\$3,052.26
Jake Emil Thompson Settlement	\$1,500.00
Atty Kelly Phipps - Mears Law Office Atty Fees	\$1,000.00
Timothy & Cindy Miller, Parents & Conservators of Rachel Miller, A Minor & Their Atty Tomas Staack Settlement	\$35,000.00

MONIES PAID FROM DOT FUNDS  
FOR SETTLEMENTS & JUDGEMENTS — 1995

Payee	Amount
Allied Mutual Insurance Co & Barbara Cruchelow & Atty Rodney Maharry Settlement	\$1,682.50
Clerk of the Iowa District Court Polk County Costs	\$92.35
Dubuque County Clerk of Court	\$86.00
SABSCO	\$245,034.00
Cheryl Van't Hof, Individually and as Admin Estate of Larry Van't Hof, and Her Attys Eidsmoe, Heidman, Redmond, Fredregill, Paterson & Schatz	\$200,466.00
Travis Kramer & Atty A. John Arenz	\$2,000.00
Jones County District Court	\$117.00
Selena Kryger & Clifford Kzyger & Ronald Wendt, Atty Jones Co Clerk of Court	\$15,000.00 \$96.00
Kimberly Wehling & Leif D. Erickson, Atty	\$450.00
Burton H. Fagan, Trustee of the Bankruptcy Estate of Brian J. Stillmunkes and Reine S Stillmunkes and His Atty Joseph C. Johnston	\$350,500.00
Reine S. Stillmunkes as Mother and Next Friend of Kristinea and Zachary Stillmunkes, and Her Atty Joseph Johnston	\$30,000.00
Kimberly Mapel & William L. Kutmus & Mark Pennington, Her Attys Settlement	\$120,000.00
Stephanie C Scott & Atty Robert Tully Lowell D. Scott & Atty Luis Herrera Settlement	\$31,125.00 \$21,125.00

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 557**

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

**House Study Bill 561**

Judiciary: Grubbs, Chair; Hurley and Kreiman.

**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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly House Study Bill 530), relating to the payment by third parties of physician assistants and advanced registered nurse practitioners.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 1, 1996.

On motion by Brunkhorst of Bremer, the House adjourned at 9:00 a.m., until 1:00 p.m., Monday, February 5, 1996.

# JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day – Twentieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 5, 1996

The House met pursuant to adjournment at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Stanley S. Wierson, First United Methodist Church, Marion.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Reverend Stanley S. Wierson, Marion.

The Journal of Friday, February 2, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn, on request of Siegrist, of Pottawattamie.

## INTRODUCTION OF BILLS

**House File 2144**, by committee on human resources, a bill for an act relating to the payment by third parties of physician assistants and advanced registered nurse practitioners.

Read first time and placed on the calendar.

## SENATE MESSAGES CONSIDERED

**Senate File 2070**, by committee on human resources, a bill for an act providing for legislative appointments to the state child day care advisory council.

Read first time and referred to committee on state government.

**Senate File 2080**, by committee on judiciary, a bill for an act relating to nonsubstantive Code corrections, and providing effective and retroactive applicability dates.

Read first time and referred to committee on judiciary.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 459**, a bill for an act relating to an extension of the compulsory school attendance age, with report of committee recommending amendment and passage, was taken up for consideration.

Nelson of Pottawattamie offered the following amendment H-5020 filed by the committee on education and moved its adoption:

H-5020

- 1 Amend House File 459 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "enrolled the following: "unless the child is
- 4 withdrawn from the school of enrollment upon the
- 5 written request of the child's parent or guardian.

The committee amendment H-5020 was adopted.

Hanson 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. 459)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Fallon
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 1:

Garman

Absent or not voting, 5:

Brammer  
Taylor

Corbett, Spkr.

Ertl

Murphy

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

**Senate File 482**, a bill for an act establishing economic and other penalties for certain criminal activity, with report of committee recommending amendment and passage, was taken up for consideration.

Lamberti of Polk offered the following amendment H-5035 filed by the committee on judiciary and moved its adoption:

H-5035

- 1 Amend Senate File 482, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, lines 15 and 16, by striking the words
- 4 " , if enacted by Senate File 446".
- 5 2. Page 3, lines 18 and 19, by striking the words
- 6 "if enacted by Senate File 446,".
- 7 3. Page 7, line 14, by inserting after the word
- 8 "manner" the following: "pursuant to this section".
- 9 4. Page 8, by striking lines 8 through 12 and
- 10 inserting the following: "court a surety bond or cash
- 11 in an amount determined by the court to be reasonable
- 12 in light of the fair market value of the property.
- 13 Property shall not be released if any of the following
- 14 apply:
- 15 a. The owner fails to post the required bond."
- 16 5. Page 10, line 12, by striking the word
- 17 "either" and inserting the following: "any".
- 18 6. Page 10, by inserting after line 16 the
- 19 following:
- 20 "(3) A request for an extension of time in which
- 21 to file a claim or petition for recognition of
- 22 exemption."
- 23 7. Page 10, by striking line 18 and inserting the
- 24 following: "only be granted for good cause shown for
- 25 mistake, inadvertence, surprise, excusable neglect, or
- 26 unavoidable casualty."
- 27 8. Page 13, line 4, by inserting after the word
- 28 "practical" the following: " , but not later than ten
- 29 days,".
- 30 9. Page 14, line 17, by inserting after the word

- 31 "days" the following: "of such notice".  
32 10. Page 16, line 1, by inserting after the word  
33 "mail" the following: "or other service which  
34 indicates the date on which the claim was received by  
35 the seizing agency and prosecuting attorney".  
36 11. Page 16, line 3, by striking the words "not  
37 be granted" and inserting the following: "only be  
38 granted for good cause shown for mistake,  
39 inadvertence, surprise, excusable neglect, or  
40 unavoidable casualty".  
41 12. Page 18, line 17, by striking the word  
42 "claimant," and inserting the following: "claimant."  
43 13. Page 18, by striking lines 18 and 19 and  
44 inserting the following: "However, once the claimant  
45 comes forward with some evidence supporting the  
46 existence of the exemption, the state must provide  
47 some evidence to negate the assertion of the  
48 exemption. The state's evidence must be substantial,  
49 though not necessarily rising to the level of a  
50 preponderance of the evidence, and more than a simple

**Page 2**

- 1 assertion of the claimant's interest in the property."  
2 14. Page 18, by inserting before line 20 the  
3 following: "The agency or political subdivision  
4 bringing the forfeiture action shall pay the  
5 reasonable attorneys fees and costs, as determined by  
6 the court, incurred by a claimant who prevails on a  
7 claim for exemption in a proceeding under this  
8 chapter."  
9 15. Page 18, line 33, by striking the word "A"  
10 and inserting the following: "Subject to the  
11 exemptions contained in section 809A.5, a".  
12 16. By striking page 18, line 35, through page  
13 19, line 1, and inserting the following: "establishes  
14 any of the following:".  
15 17. Page 21, by striking lines 13 through 26 and  
16 inserting the following:  
17 "5. The answer shall be filed within twenty days  
18 after service on the claimant of the civil in rem  
19 complaint."  
20 18. Page 26, line 24, by inserting after the word  
21 "holder" the following: "or interest holder".  
22 19. Page 26, line 26, by inserting after the word  
23 "holder" the following: "or interest holder".  
24 20. Page 26, line 29, by inserting after the word  
25 "holder's" the following: "or interest holder's".  
26 21. Page 26, line 31, by inserting after the word  
27 "holder" the following: "or interest holder".  
28 22. Page 26, line 32, by inserting after the word  
29 "holder's" the following: "or interest holder's".  
30 23. Page 27, line 1, by inserting after the word  
31 "holder" the following: "or interest holder".

- 32 24. Page 27, line 7, by inserting after the word  
33 "holder" the following: "or interest holder".  
34 25. Page 27, line 9, by inserting after the word  
35 "holder" the following: "or interest holder".  
36 26. Page 27, line 11, by inserting after the word  
37 "holder's" the following: "or interest holder's".  
38 27. Page 27, line 12, by inserting after the word  
39 "the" the following: "regulated interest holder or".  
40 28. Page 46, line 25, by striking the words "five  
41 thousand" and inserting the following: "seven  
42 thousand five hundred".  
43 29. By striking page 49, line 34, through page  
44 50, line 7.  
45 30. Page 53, by inserting before line 28 the  
46 following:  
47 "Sec. \_\_\_\_ Section 22.7, Code Supplement 1995, is  
48 amended by adding the following new subsection:  
49 **NEW SUBSECTION. 33.** A record required under the  
50 Iowa financial transaction reporting Act listed in

### Page 3

- 1 section 529.2, subsection 10."  
2 31. Page 54, by striking lines 25 through 35 and  
3 inserting the following:  
4 "Sec. \_\_\_\_ Section 321J.4B, subsection 12, Code  
5 Supplement 1995, is amended to read as follows:  
6 12. Operating a motor vehicle on a street or  
7 highway in this state in violation of an order of  
8 impoundment or immobilization is a serious  
9 misdemeanor. A motor vehicle which is subject to an  
10 order of impoundment or immobilization that is  
11 operated on a street or highway in this state in  
12 violation of the order shall be seized and forfeited  
13 to the state under ~~chapter~~ chapters 809 and 809A."  
14 32. Page 55, by inserting before line 1 the  
15 following:  
16 "Sec. \_\_\_\_ Section 321J.4B, subsections 13 and 16,  
17 Code Supplement 1995, are amended to read as follows:  
18 13. Once the period of impoundment or  
19 immobilization has expired, the owner of the motor  
20 vehicle shall have thirty days to claim the motor  
21 vehicle and pay the fees and charges imposed under  
22 this section. If the owner or the owner's designee  
23 has not claimed the vehicle and paid the fees and  
24 charges imposed under this section within seven days  
25 from the date of expiration of the period, the clerk  
26 shall send written notification to the motor vehicle  
27 owner, at the owner's last known address, notifying  
28 the owner of the date of expiration of the period of  
29 impoundment or immobilization and of the period in  
30 which the motor vehicle must be claimed. If the motor  
31 vehicle owner fails to claim the motor vehicle and pay  
32 the fees and charges imposed within the thirty-day



33 period, the motor vehicle shall be forfeited to the  
34 state under ~~chapter~~ chapters 809 and 809A.  
35 16. Notwithstanding the requirements of this  
36 section, the holder of a security interest in a  
37 vehicle which is impounded or immobilized pursuant to  
38 this section or forfeited in the manner provided in  
39 chapter chapters 809 and 809A shall be notified of the  
40 impoundment, immobilization, or forfeiture within  
41 seventy-two hours of the seizure of the vehicle and  
42 shall have the right to claim the motor vehicle  
43 without payment of any fees or surcharges unless the  
44 value of the vehicle exceeds the value of the security  
45 interest held by the creditor.”  
46 33. Page 55, line 35, by inserting after the word  
47 “Code” the following: “Supplement”.  
48 34. Page 56, by inserting after line 1, the  
49 following:  
50 “Sec. \_\_\_\_ Section 809.4, Code 1995, is amended to

Page 4

1 read as follows:  
2 809.4 HEARING — APPEAL.  
3 An application for the return of seized property  
4 shall be set for hearing not less than five nor more  
5 than thirty days after the filing of the application  
6 and shall be tried to the court. All claims to the  
7 same property shall be heard in one proceeding unless  
8 it is shown that the proceeding would result in  
9 prejudice to one or more of the parties. If the total  
10 value of the property sought to be returned is less  
11 than five thousand dollars, the proceeding may be  
12 conducted by a magistrate or a district associate  
13 judge with appeal to be as in the case of small  
14 claims. In all other cases, the hearing shall be  
15 conducted by a district judge, with appeal as provided  
16 in section ~~809.12~~ 809.12A.  
17 Sec. \_\_\_\_ NEW SECTION. 809.12A APPEALS.  
18 An appeal from a denial of an application for the  
19 return of seized property or from an order for the  
20 return of seized property shall be made within thirty  
21 days after the entry of a judgment order. The  
22 appellant, other than the state, shall post a bond of  
23 a reasonable amount as the court may fix and approve,  
24 conditioned to pay all costs of the proceedings if the  
25 appellant is unsuccessful on appeal. The appellant,  
26 other than the state, may be required to post a  
27 supersedeas bond or other security, as the court finds  
28 to be reasonable, in order to stay the operation of a  
29 forfeiture order under section 809A.16.  
30 Sec. \_\_\_\_ Section 809.15, Code 1995, is amended to  
31 read as follows:  
32 809.15 COMBINING PROCEEDINGS.  
33 In cases involving seized property and ~~forfeitable~~

- 34 property subject to forfeiture pursuant to section  
 35 809A.4, the court may order that the proceedings be  
 36 combined for purposes of this chapter.”  
 37 35. By striking page 56, line 12, through page  
 38 57, line 2.  
 39 36. By renumbering, relettering, and correcting  
 40 internal references as necessary.

The committee amendment H-5035 was adopted.

Lamberti 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. 482)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney.	Drake	Drees
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 2:

Doderer                      Fallon

Absent or not voting, 4:

Blodgett                      Brammer                      Corbett, Spkr.                      Taylor

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 459 and Senate File 482.**

### EXPLANATION OF VOTE

I was temporarily absent from the House chamber on Monday, February 5, 1996. Had I been present, I would have voted "aye" on House File 459.

ERTL of Dubuque

### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

1996\71 Preben and Louise Jensen, Woodbine – For celebrating their Fiftieth wedding anniversary.

1996\72 Patricia Becker, Manchester – For being a recipients of The Nine Who Care Award.

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF COMMERCE

A summary of the activities of the professional licensing and regulation division, pursuant to Chapter 272C.4(2), Code of Iowa.

The Annual Report of the Iowa Insurance Division, pursuant to the Iowa Administrative Rule 191-73.6.

#### DEPARTMENT OF EDUCATION

The Open Enrollment Report for the 1994-95 school year, pursuant to Chapter 282.18, Code of Iowa.

#### DEPARTMENT OF PUBLIC HEALTH

A report on the activities of the Healthy Family Program, pursuant to Chapter 212.4(9), 1995 Acts of the Seventy-sixth General Assembly.

## SUBCOMMITTEE ASSIGNMENTS

**House Joint Resolution 2002**

State Government: Renken, Chair; Connors and Thomson

**House File 2134**

Local Government: Jacobs, Chair; Myers and Vande Hoef

**House File 2138**

Local Government: Welter, Chair; Mertz and Weidman

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 563 Economic Development**

Relating to exempting certain nonresident aliens from land ownership restrictions.

**H.S.B. 564 Appropriations**

Transferring gambling moneys to the rebuild Iowa infrastructure fund and providing retroactive and effective dates.

**H.S.B. 565 Local Government**

Relating to the joint financing of public works and facilities.

**H.S.B. 566 Local Government**

Increasing the property tax rate a city may levy for maintenance and operation of a municipal transit system.

**H.S.B. 567 Local Government**

Relating to the publication of county ordinances and amendments upon passage.

**H.S.B. 568 Local Government**

Relating to filing of instruments and fees charged by county recorders.

**H.S.B. 569 Environmental Protection**

Relating to the limitations on the use of toxic materials in packaging and providing additional exemptions.

**H.S.B. 570 Environmental Protection**

Imposing fees on a facility owner or operator who stores or accidentally releases extremely hazardous substances.

**H.S.B. 571 Environmental Protection**

Relating to asbestos removal and encapsulation.

**H.S.B. 572 Environmental Protection**

Relating to the midwest interstate compact on low-level radioactive waste and establishing a penalty.

**H.S.B. 573 Judiciary**

Relating to the disclosure of psychological test material.

**H.S.B. 574 Judiciary**

Relating to persons required to register with the sex offender registry and providing a penalty.

**H.S.B. 575 Judiciary**

Eliminating the restitution limit for the offense of operating while intoxicated.

**H.S.B. 576 Judiciary**

Relating to the duties of the clerk of court concerning court records.

**H.S.B. 577 Judiciary**

Relating to civil disorder and unlawful training activity and establishing a penalty.

**H.S.B. 578 Judiciary**

Relating to imposing a civil penalty for certain motor vehicle license revocations, imposing a surcharge on criminal fines and forfeitures, and providing for the appropriation and disposition of the proceeds from the civil penalty and from the surcharge for jails, courthouse security, and detention facilities.

**H.S.B. 579 Judiciary**

Relating to public access to criminal history data maintained by the department of public safety.

**H.S.B. 580 Judiciary**

Relating to fingerprinting requirements for certain public offenses.

**H.S.B. 581 Judiciary**

Eliminating certain fines for violating the underage drinking prohibitions, and providing a penalty.

**H.S.B. 582 Appropriations**

Relating to the continued operation of the department of human rights.

**H.S.B. 583 Economic Development**

Relating to the powers, duties, and mission of the Wallace technology transfer foundation.

**H.S.B. 584 Appropriations**

Authorizing state agencies to encumber in future fiscal years a portion of an operational appropriation from the general fund of the state for certain purposes.

**H.S.B. 585 Appropriations**

Revising requirements for the general assembly's approval of an appropriation from the cash reserve fund.

**H.S.B. 586 Appropriations**

Relating to energy conservation including making appropriations of petroleum overcharge funds.

**H.S.B. 587 Economic Development**

Relating to the moneys available to the workforce development fund and the duration of the fund.

**H.S.B. 588 Economic Development**

Repeal the Wallace technology transfer foundation.

**H.S.B. 589 Judiciary**

Increasing the penalties for certain sex crimes against persons under the age of eighteen.

**H.S.B. 590 Judiciary**

Relating to sex offender registry checks involving child day care, foster care, and adoptions.

**H.S.B. 591 Judiciary**

Relating to the central child abuse registry by providing access to a person authorized by an individual for the purpose of determining whether the individual is named in a founded child abuse report.

**H.S.B. 592 Judiciary**

Relating to the human immunodeficiency virus testing of an alleged offender and making penalties applicable.

**H.S.B. 593 Judiciary**

Establishing the offense of promoting or possessing contraband in prisons, jails, and juvenile facilities and establishing penalties.

**H.S.B. 594 Judiciary**

Relating to the appointment of district judges in lieu of district associate judges.

**H.S.B. 595 Judiciary**

Enhancing the penalties for a third or subsequent offense of domestic abuse assault.

**H.S.B. 596 Judiciary**

Relating to access to the names of juveniles involved in delinquent acts.

**H.S.B. 597 Judiciary**

Increasing the penalties for certain offenses involving methamphetamine.

**H.S.B. 598 Judiciary**

Relating to escape and voluntary absence from custody or a correctional facility and increasing penalties.

**H.S.B. 599 Judiciary**

Relating to child abuse and child sexual offense reporting and referral requirements and increasing a penalty.

**H.S.B. 600 Judiciary**

Relating to the arresting authority of peace officers outside the officers' jurisdiction.

**H.S.B. 601 Judiciary**

Prohibiting a person from soliciting another person to arrange a sex act with a child and making a penalty applicable.

**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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY**

House File 2104, a bill for an act relating to prison time served by persons convicted of an aggravated misdemeanor or greater offense, by providing for a reduction in the amount of good and honor time that may be earned by forcible felons, providing for a pilot project, and making other related changes.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-5048 February 1, 1996.

### AMENDMENTS FILED

H—5039	H.F.	2111	Cataldo of Polk
H—5040	H.J.R.	2003	Jochum of Dubuque
			Bernau of Story
			Larkin of Lee
			Taylor of Linn
			Warnstadt of Woodbury
			Fallon of Polk
H—5041	H.J.R.	2003	Jochum of Dubuque
			Witt of Black Hawk
			Taylor of Linn
H—5042	H.J.R.	2003	Jochum of Dubuque
			Witt of Black Hawk
H—5043	H.F.	2137	O'Brien of Boone
			May of Worth
H—5044	S.F.	2082	Ollie of Clinton
H—5045	S.F.	2082	Ollie of Clinton
H—5046	H.F.	2111	O'Brien of Boone
			May of Worth
H—5047	H.J.R.	2003	Jochum of Dubuque
			Fallon of Polk
			Taylor of Linn
H—5048	H.F.	2104	Committee on
			Judiciary
H—5049	H.F.	2137	Kreiman of Davis
H—5050	H.F.	523	Coon of Warren

On motion by Siegrist of Pottawattamie, the House adjourned at 1:59 p.m., until 8:45 a.m., Tuesday, February 6, 1996.



# JOURNAL OF THE HOUSE

Thirtieth Calendar Day – Twenty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 6, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Thomas Geelan, Sacred Heart Church, Boone.

The Journal of Monday, February 5, 1996 was approved.

## INTRODUCTION OF BILLS

**House File 2145**, by Koenigs, Shoultz, Murphy, Ollie, Drees, Taylor, Cohoon, Nelson of Pottawattamie, Warnstadt, Osterhaus, Mundie, Burnett, Brand, Cataldo, Mascher, Larkin, Jochum, Bell, Harper, Holveck, McCoy, Kreiman, Weigel, Myers, Fallon, Schrader, Moreland, Doderer, Bernau, Connors, Baker, Brammer, and Witt, a bill for an act relating to animal feeding operations, making an appropriation, and including an applicability provision.

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

**House File 2146**, by Daggett, a bill for an act relating to funding industrial retraining programs.

Read first time and referred to committee on **economic development**.

**House File 2147**, by Coon and Doderer, a bill for an act requiring sex offender registry checks involving child day care, foster care, and adoptions.

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

**House File 2148**, by Heaton, a bill for an act relating to the use of blaze orange apparel by hunters and fur harvesters and subjecting violators to a penalty.

Read first time and referred to committee on **natural resources**.

**House File 2149**, by Nelson of Marshall, a bill for an act providing a state income tax checkoff for child abuse prevention projects and providing a retroactive applicability date.

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

**House File 2150**, by Connors, a bill for an act relating to grandparent visitation rights.

Read first time and referred to committee on **human resources**.

**House File 2151**, by Connors, a bill for an act relating to the establishment of income eligibility guidelines for state supplementary assistance for individuals residing in a residential care facility.

Read first time and referred to committee on **human resources**.

**House File 2152**, by committee on commerce-regulation, a bill for an act relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

Read first time and placed on the **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 February 5, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2065, a bill for an act relating to an appropriation to the judicial department for long-range and strategic planning and providing an effective date.

Also: That the Senate has on February 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2098, a bill for an act creating a lost federal funds stabilization account in the state treasury and providing an effective date.

JOHN F. DWYER, Secretary

### SPECIAL PRESENTATION

McCoy of Polk presented to the House fifteen students from Moscow. They are attending high schools in Des Moines, Ankeny and Ames and are working on an environmental project with Iowa students.

The House rose and expressed its welcome.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House Joint Resolution 2003**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to limit the number of terms for members of the Senate and the House of Representatives, and to limit the number of terms of Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of State and Treasurer of State, with report of committee recommending passage was taken up for consideration.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:00 a.m., until 1:00 p.m.

(House Joint Resolution 2003 pending)

#### AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

#### INTRODUCTION OF BILLS

**House File 2153**, by Connors, a bill for an act relating to the reinstatement to active service of members of the statewide fire and police retirement system and the public safety peace officers' retirement, accident, and disability system upon denial of disability benefits.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2154**, by Witt and Harrison, a bill for an act concerning assistive devices by providing for a warranty, replacement of devices, and providing consumer remedies.

Read first time and referred to committee on **commerce-regulation**.

**House File 2155**, by Heaton, a bill for an act providing for repayment of the costs chargeable to a county for services provided under the juvenile code.

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

**House File 2156**, by Harper, a bill for an act relating to the liability of a home owner to a contractor and a subcontractor upon the filing of a mechanic's lien.

Read first time and referred to committee on **commerce-regulation**.

**House File 2157**, by Grundberg, a bill for an act relating to establishing the English language as the official language of the state, providing limited English proficiency programs in the public schools, making an appropriation for additional funding for an increase in the actual number of limited English proficient students, and providing an effective and applicability date.

Read first time and referred to committee on **state government**.

**House File 2158**, by Kreiman, a bill for an act requiring caution signs to be affixed to a tandem trailer and making existing penalties applicable.

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

**House File 2159**, by Daggett, a bill for an act increasing certain fines for provision of alcohol to underage drinkers.

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

**House File 2160**, by Larson, a bill for an act providing a sales, services, and use tax exemption for parts sold for and services performed on vehicles used substantially in interstate commerce.

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

**House File 2161**, by Larson, a bill for an act relating to the testing of an alleged offender for the human immunodeficiency virus and making penalties applicable.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 2098**, by committee on appropriations, a bill for an act creating a lost federal funds stabilization account in the state treasury and providing an effective date.

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

#### 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.

#### BUSINESS PENDING AT RECESS

##### Regular Calendar

The House resumed consideration of **House Joint Resolution 2003**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to limit the number of terms for members of the Senate and the House of Representatives, and to limit the number of terms of Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of State and Treasurer of State, pending at recess.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H-5010 filed by him on January 25, 1996.

Jochum of Dubuque offered the following amendment H-5040 filed by Jochum, et. al., and moved its adoption:

H-5040

- 1 Amend House Joint Resolution 2003 as follows:
- 2 1. Page 1, by striking line 17 and inserting the
- 3 following: "served prior to ratification of this
- 4 amendment and to terms of office beginning on or after
- 5 ratification of this amendment."
- 6 2. Page 1, by striking line 31 and inserting the
- 7 following: "served prior to ratification of this
- 8 amendment and to terms of office beginning on or after
- 9 ratification of this amendment."
- 10 3. Page 2, by striking line 16 and inserting the
- 11 following: "served prior to ratification of this
- 12 amendment and to terms of office beginning on or after
- 13 ratification of this amendment."
- 14 4. Page 2, by striking line 35 and inserting the
- 15 following: "served prior to ratification of this
- 16 amendment and to terms of office beginning on or after
- 17 ratification of this amendment."
- 18 5. Page 3, by striking line 14 and inserting the
- 19 following: "served prior to ratification of this
- 20 amendment and to terms of office beginning on or after
- 21 ratification of this amendment."

Roll call was requested by Jochum of Dubuque and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall amendment H-5040 be adopted?"

(H.J.R. 2003)

The ayes were, 42:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Dinkla	Doderer
Drees	Fallon	Garman	Gries
Grundberg	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Wise	Witt		

The nays were, 57:

Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Disney	Drake	Eddie
Ertl	Gipp	Greig	Greiner

Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 1:

Siegrist

Amendment H-5040 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Siegrist of Pottawattamie, until his arrival, on request of Gipp of Winneshiek.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H-5015 filed by him and Vande Hoef on January 29, 1996.

Moreland of Wapello offered the following amendment H-5034 filed by him and moved its adoption:

H-5034

- 1 Amend House Joint Resolution 2003 as follows:
- 2 1. Page 2, line 7, by striking the word "three"
- 3 and inserting the following: "two".
- 4 2. Page 2, line 27, by striking the word "three"
- 5 and inserting the following: "two".
- 6 3. Page 2, line 28, by striking the word "three"
- 7 and inserting the following: "two".
- 8 4. Page 2, line 30, by striking the word "three"
- 9 and inserting the following: "two".
- 10 5. Page 3, line 9, by striking the word "three"
- 11 and inserting the following: "two".

A non-record roll call was requested.

The ayes were 30, nays 61.

Amendment H-5034 lost.

Witt of Black Hawk offered amendment H-5042 filed by Jochum of Dubuque and him as follows:

H-5042

1 Amend House Joint Resolution 2003 as follows:

2 1. Page 2, by striking lines 21 and 22 and  
3 inserting the following:

4 "AUDITOR AND TREASURER. Sec. 22. An Auditor of  
5 State and a Treasurer of State shall".

6 2. Page 2, by striking lines 26 and 27 and  
7 inserting the following: "perform such duties as may  
8 be provided by law. A".

9 3. Page 3, by inserting after line 14 the  
10 following:

11 "Sec. \_\_\_\_ The following amendment to the  
12 Constitution of the State of Iowa is proposed:

13 1. Section 16 of Article III of the Constitution  
14 of the State of Iowa, as amended by amendment number 4  
15 of the Amendments of 1968, is repealed and the  
16 following adopted in lieu thereof:

17 EXECUTIVE APPROVAL — VETO — ITEM VETO BY  
18 GOVERNOR. Sec. 16. Every bill which shall have  
19 passed the general assembly, shall, before it becomes  
20 a law, be presented to the governor. If the governor  
21 approves, the governor shall sign it; but if not, the  
22 governor shall return it with the governor's  
23 objections, to the house in which it originated, which  
24 shall enter the same upon their journal, and proceed  
25 to reconsider it; if, after such reconsideration, it  
26 again passes both houses, by yeas and nays, by a  
27 majority of two thirds of the members of each house,  
28 it shall become a law, notwithstanding the governor's  
29 objections. If any bill shall not be returned within  
30 three days after it shall have been presented to the  
31 governor, Sunday excepted, the same shall be a law in  
32 like manner as if the governor had signed it, unless  
33 the general assembly, by adjournment, prevent such  
34 return. Any bill submitted to the governor for  
35 approval during the last three days of a session of  
36 the general assembly shall be deposited by the  
37 governor in a state office, which office shall be  
38 designated by law, within thirty days after the  
39 adjournment, with the governor's approval, if approved  
40 by the governor, and with the governor's objections,  
41 if the governor disapproves thereof.

42 The governor may approve appropriation bills in  
43 whole or in part, and may disapprove any item of an  
44 appropriation bill; and the part approved shall become  
45 a law. Any item of an appropriation bill disapproved  
46 by the governor shall be returned, with the governor's  
47 objections, to the house in which it originated, or  
48 shall be deposited by the governor in a state office,  
49 which office shall be designated by law, in the case  
50 of an appropriation bill submitted to the governor for

## Page 2

1 the governor's approval during the last three days of  
2 a session of the general assembly, and the procedure  
3 in each case shall be the same as provided for other  
4 bills. Any such item of an appropriation bill may be  
5 enacted into law notwithstanding the governor's  
6 objections, in the same manner as provided for other  
7 bills.

8 2. Section 21 of Article IV of the Constitution of  
9 the State of Iowa is repealed and the following  
10 adopted in lieu thereof:

11 GRANTS AND COMMISSIONS. Sec. 21. All grants and  
12 commissions shall be in the name and by the authority  
13 of the people of the State of Iowa, sealed with the  
14 Great Seal of the State and signed by the governor.

15 3. Section 22 of Article IV of the Constitution of  
16 the State of Iowa, as amended by amendment number 1 of  
17 the Amendments of 1972, is repealed and the following  
18 adopted in lieu thereof:

19 AUDITOR — TREASURER. Sec. 22. An Auditor of  
20 State and a Treasurer of State shall be elected by the  
21 qualified electors at the same time that the Governor  
22 is elected and for a four-year term commencing on the  
23 first day of January next after their election, and  
24 they shall perform such duties as may be provided by  
25 law."

26 4. Page 3, line 15, by striking the word  
27 "amendment" and inserting the following:  
28 "amendments".

29 5. Page 3, line 16, by striking the word "is" and  
30 inserting the following: "are".

31 6. Title page, line 5, by striking the words  
32 "Secretary of State,".

33 7. Title page, line 6, by inserting after the  
34 word "State" the following: ", and proposing an  
35 amendment to the Constitution of the State of Iowa  
36 relating to the office of Secretary of State".

37 8. By renumbering as necessary.

Churchill of Polk rose on a point of order that amendment H-5042 was not germane.

The Speaker ruled the point well taken and amendment H-5042 not germane.

Fallon of Polk offered amendment H-5027 filed by Fallon et. al. as follows:



H-5027

- 1 Amend House Joint Resolution 2003 as follows:  
2 1. Page 3, by inserting after line 14, the  
3 following:  
4 "Sec. \_\_\_\_ The following amendment to the  
5 Constitution of the State of Iowa is proposed:  
6 Article II of the Constitution of the State of Iowa  
7 is amended by adding the following new section:  
8 ELECTIVE PROCESS. Sec. 8. The elective processes  
9 shall be subject to public scrutiny and free from  
10 financial bias. A candidate for statewide elective  
11 office or a candidate for the General Assembly, may  
12 choose to run a campaign restricted by expenditure  
13 limits. A candidate for statewide elective office  
14 running a restricted campaign shall limit  
15 contributions from political action committees to not  
16 more than thirty-five percent of total campaign  
17 expenditures. A candidate for the General Assembly  
18 running a restricted campaign shall limit  
19 contributions from political action committees to not  
20 more than thirty-five percent of total campaign  
21 expenditures. Contributions by individuals to  
22 candidates for statewide elective office shall not  
23 exceed one thousand dollars. Contributions by  
24 individuals to candidates for the General Assembly  
25 shall not exceed five hundred dollars. The General  
26 Assembly shall provide by law for implementation of  
27 this section."  
28 2. Page 3, by striking line 15 and inserting the  
29 following:  
30 "Sec. \_\_\_\_ The foregoing amendments to the  
31 Constitution of the".  
32 3. Page 3, line 16, by striking the word "is" and  
33 inserting the following: "are".  
34 4. Title page, line 1, by striking the words "an  
35 amendment" and inserting the following: "amendments".  
36 5. Title page, line 6, by inserting after the  
37 word "State" the following: "and relating to campaign  
38 receipts and expenditures".  
39 6. By numbering and renumbering as necessary.

Churchill of Polk rose on a point of order that amendment H-5027 was not germane.

The Speaker ruled the point well taken and amendment H-5027 not germane.

Fallon of Polk moved to suspend the rules to consider amendment H-5027.

Roll call was requested by Jochum of Dubuque and Fallon of Polk.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-5027?" (H.J.R. 2003)

The ayes were, 37:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

The nays were, 62:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 1:

Siegrist

The motion to suspend the rules lost.

Cataldo of Polk offered amendment H-5038 filed by him as follows:

H-5038

- 1 Amend House Joint Resolution 2003 as follows:
- 2 1. Page 3, by inserting after line 14 the
- 3 following:
- 4 " Article IV of the Constitution of the State
- 5 of Iowa is amended by adding the following new

6 section:

- 7 STATE DEPARTMENT APPOINTMENTS BY GOVERNOR — LIM-  
 8 TATIONS. Sec. 23. A person appointed head of a state  
 9 department by the Governor shall not serve more than  
 10 eight years in that position. This limitation applies  
 11 to appointments made on or after January 1, 1999.”  
 12 2. Title page, line 3, by striking the words “and  
 13 to” and inserting the following: “to”.  
 14 3. Title page, line 6, by inserting after the  
 15 word “State” the following: “and to limit the number  
 16 of years served by certain appointed State officials”.  
 17 4. By renumbering as necessary.

Cormack of Webster rose on a point of order that amendment H-5038 was not germane.

The Speaker ruled the point well taken and amendment H-5038 not germane.

Cataldo of Polk moved to suspend the rules to consider amendment H-5038.

Roll call was requested by Schrader of Marion and Doderer of Johnson.

On the question “Shall the rules be suspended to consider amendment H-5038?” (H.J.R. 2003)

The ayes were, 36:

Bell	Bernau	Brammer	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer

Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 3:

Baker                      Corbett, Spkr.                      Siegrist

The motion to suspend the rules lost.

Jochum of Dubuque offered amendment H-5041 filed by Jochum et. al., as follows:

H-5041

- 1 Amend House Joint Resolution 2003 as follows:
- 2 1. Page 3, by inserting after line 14, the
- 3 following:
- 4 "Sec. \_\_. The following amendment to the
- 5 Constitution of the State of Iowa is proposed:
- 6 Article II of the Constitution of the State of Iowa
- 7 is amended by adding the following new section:
- 8 ELECTIVE PROCESS. Sec. 8. The elective processes
- 9 shall be free from financial bias. Campaign
- 10 expenditure limits, subject to adjustment from time to
- 11 time, shall be set for each candidate for state
- 12 elective office, and contribution limits may be
- 13 imposed voluntarily by a candidate for state elective
- 14 office in exchange for public campaign funds. The
- 15 General Assembly shall provide by law for
- 16 implementation of this section."
- 17 2. Page 3, by striking line 15 and inserting the
- 18 following:
- 19 "Sec. \_\_. The foregoing amendments to the
- 20 Constitution of the".
- 21 3. Page 3, line 16, by striking the word "is" and
- 22 inserting the following: "are".
- 23 4. Title page, line 1, by striking the words "an
- 24 amendment" and inserting the following: "amendments".
- 25 5. Title page, line 6, by inserting after the
- 26 word "State" the following: "and relating to campaign
- 27 receipts and expenditures".
- 28 6. By numbering and renumbering as necessary.

Cormack of Webster rose on a point of order that amendment H-5041 was not germane.

The Speaker ruled the point well taken and amendment H-5041 not germane.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-5047 filed by Jochum, et. al., on February 5, 1996.

Churchill of Polk moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the joint resolution was read a last time.

House Joint Resolution 2003, a joint resolution proposing an amendment to the constitution of the State of Iowa to limit the number of terms for members of the Senate and the House of Representatives, and to limit the number of terms of Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor of State, and Treasurer of State.

*Be It Resolved By The General Assembly Of The State Of Iowa.*

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

1. Section 3 of Article III of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

REPRESENTATIVES. SEC. 3. The members of the House of Representatives shall be chosen every second year, by the qualified electors of their respective districts, and their term of office shall commence on the first day of January next after their election, and continue two years, and until their successors are elected and qualified. A person shall not be elected as a Representative more than six times. If a person is elected to serve a portion of a term to which some other person was elected, the partial term served shall not be included as an election.

This limitation on the number of terms shall apply to terms of office beginning on or after January 1, 1999.

2. Section 5 of Article III of the Constitution of the State of Iowa is repealed and the following adopted in lieu thereof:

SENATORS — QUALIFICATIONS. SEC. 5. Senators shall be chosen for the term of four years, at the same time and place as Representatives; they shall be twenty-five years of age, and possess the qualifications of Representatives as to residence and citizenship. A person shall not be elected as a Senator more than three times. If a person is elected to serve a portion of a term to which some other person was elected, the partial term served shall not be included as an election.

This limitation on the number of terms shall apply to terms of office beginning on or after January 1, 1999.

3. Section 2 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972 and amendment number 1 of the Amendments of 1988, is repealed and the following adopted in lieu thereof:

**ELECTION AND TERM. SEC. 2.** The Governor and the Lieutenant Governor shall be elected by the qualified electors at the time and place of voting for members of the General Assembly. Each of them shall hold office for four years from the time of installation in office and until a successor is elected and qualifies. A person shall not be elected Governor or Lieutenant Governor more than three times. If a person succeeds to the office of Governor to serve a portion of a term to which some other person was elected Governor, the partial term shall not be included as an election. If a person is elected or appointed to serve as Lieutenant Governor for a portion of a term to which some other person was elected or appointed Lieutenant Governor, the partial term shall not be included as an election.

This limitation on the number of terms shall apply to terms of office beginning on or after January 1, 1999.

4. Section 22 of Article IV of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed and the following adopted in lieu thereof:

**SECRETARY — AUDITOR — TREASURER. SEC. 22.** A Secretary of State, an Auditor of State and a Treasurer of State shall be elected by the qualified electors at the same time that the Governor is elected and for a four-year term commencing on the first day of January next after their election, and they shall perform such duties as may be provided by law. A person shall not be elected Secretary of State more than three times. A person shall not be elected Auditor of State more than three times. A person shall not be elected Treasurer of State more than three times. If a person is elected or appointed to serve a portion of a term to which some other person was elected or appointed, the partial term shall not be included as an election.

This limitation on the number of terms shall apply to terms of office beginning on or after January 1, 1999.

5. Section 12 of Article V of the Constitution of the State of Iowa, as amended by amendment number 1 of the Amendments of 1972, is repealed and the following adopted in lieu thereof:

**ATTORNEY GENERAL. SEC. 12.** The General Assembly shall provide, by law, for the election of an Attorney General by the people, whose term of office shall be four years, and until a successor is elected and qualifies. A person shall not be elected Attorney General more than three times. If a person is elected or appointed to serve a portion of a term to which some other person was elected or appointed, the partial term shall not be included as an election.

This limitation on the number of terms shall apply to terms of office beginning on or after January 1, 1999.

Sec. 2. The foregoing amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause the same to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 2003)

The yeas were, 61:

Arnold	Blodgett	Boddicker	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Disney	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	McCoy
Meyer	Millage	Moreland	Mundie
Nelson, B.	Nutt	O'Brien	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

The nays were, 39:

Baker	Bell	Bernau	Bogges
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Daggett	Dinkla
Doderer	Drake	Drees	Grundberg
Harper	Holveck	Jochum	Koenigs

Kreiman	Larkin	Mascher	May
Mertz	Metcalf	Murphy	Myers
Nelson, L.	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Tyrrell	Warnstadt
Weigel	Wise	Witt	

Absent or not voting, none.

The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Joint Resolution 2003** be immediately messaged to the Senate.

**House File 199**, a bill for an act limiting the number of terms a person may serve as secretary of agriculture and providing applicability and effective date provisions, with report of committee recommending passage, was taken up for consideration.

Churchill 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. 199)

The ayes were, 63:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunckhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Disney	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Meyer	Millage	Moreland
Mundie	Myers	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen,	
		Presiding	

The nays were, 37:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cphoon



Connors	Daggett	Dinkla	Doderer
Drake	Drees	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Metcalf	Murphy	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

Absent or not voting, none.

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

**Senate File 2082**, a bill for an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an effective date.

Ollie of Clinton offered amendment H-5044 filed by him as follows:

H-5044

1 Amend Senate File 2082, as passed by the Senate, as  
 2 follows:  
 3 1. Page 1, line 12, by inserting after the word  
 4 "year." the following: "For the budget year beginning  
 5 July 1, 1998, however, if the estimate for state  
 6 revenue growth agreed to at the state revenue  
 7 estimating conference held in December 1997 exceeds  
 8 3.5 percent, the state percent of growth for the  
 9 budget year beginning July 1, 1998, is rescinded and  
 10 shall be redetermined by the general assembly. The  
 11 thirty-day requirement for establishing the state  
 12 percent of growth by statute shall apply if a  
 13 redetermination is necessary for the budget year  
 14 beginning July 1, 1998. If the thirty-day requirement  
 15 for establishing the state percent of growth by  
 16 statute is not met, the state percent of growth shall  
 17 be the estimate for state revenue growth agreed to at  
 18 the state revenue estimating conference held in  
 19 December 1997."

Ollie of Clinton offered the following amendment H-5054, to amend-  
 ment H-5044, filed by him from the floor and moved its adoption:

H-5054

1 Amend the amendment, H-5044, to Senate File 2082,  
 2 as passed by the Senate, as follows:  
 3 1. Page 1, line 4, by striking the word "For" and  
 4 inserting the following: "Notwithstanding the  
 5 restriction in this section that the state percent of  
 6 growth for a budget year shall be the only subject  
 7 matter of the bill which enacts the state percent of  
 8 growth, for".

Roll call was requested by Ollie of Clinton and Schrader of Marion.

On the question "Shall amendment H-5054, to amendment H-5044, be adopted?" (S.F. 2082)

The ayes were, 37:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

The nays were, 63:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen,	
		Presiding	

Absent or not voting, none.

Amendment H-5054 lost.

Ollie of Clinton asked and received unanimous consent to withdraw amendment H-5044.

Ollie of Clinton offered amendment H-5045 filed by him as follows:

H-5045

- 1 Amend Senate File 2082, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 12 the

4 following:  
 5 "Sec. \_\_\_\_ Section 257.8, subsection 2, Code  
 6 Supplement 1995, is amended by adding the following  
 7 new unnumbered paragraph:  
 8 NEW UNNUMBERED PARAGRAPH. For the budget year  
 9 beginning July 1, 1999, allowable growth shall be  
 10 determined pursuant to a formula to be established by  
 11 the department of education, taking into consideration  
 12 current and projected state revenue growth, the state  
 13 financial outlook, and the revenue needs of the school  
 14 districts. Upon the repeal of chapter 257, which is  
 15 effective July 1, 2001, in accordance with 1989 Iowa  
 16 Acts, chapter 135, section 135, the formula  
 17 established by the department of education for the  
 18 budget year beginning July 1, 1999, shall be  
 19 incorporated into the restructured school finance  
 20 formula effective for the budget year beginning July  
 21 1, 2001, and succeeding budget years."  
 22 2. By renumbering and correcting internal  
 23 references as necessary.

Ollie of Clinton offered the following amendment H-5053, to amend-  
 ment H-5045, filed by him from the floor and moved its adoption:

H-5053

1 Amend the amendment, H-5045, to Senate File 2082,  
 2 as passed by the Senate, as follows:  
 3 1. Page 1, by striking line 8 and inserting the  
 4 following:  
 5 "NEW UNNUMBERED PARAGRAPH. Notwithstanding the  
 6 restriction in this section that the state percent of  
 7 growth for a budget year shall be the only subject  
 8 matter of the bill which enacts the state percent of  
 9 growth, for the budget year".  
 10 2. By renumbering and correcting internal  
 11 references as necessary.

Roll call was requested by Ollie of Clinton and Schrader of Marion.

On the question "Shall amendment H-5053, to amendment  
 H-5045, be adopted?" (S.F. 2082)

The ayes were, 37:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien

Ollie Taylor Witt	Osterhaus Warnstadt	Schrader Weigel	Shoultz Wise
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The nays were, 63:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, none.

Amendment H-5053 lost.

Ollie of Clinton asked and received unanimous consent to withdraw amendment H-5045.

Gries of Crawford 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. 2082)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammit Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin

Mascher	May	McCoy	Mertz
Metcalf	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, 3:

Ertl	Meyer	Millage
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Absent or not voting, none.

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

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 199 and Senate File 2082.**

#### SPONSOR ADDED (House File 2147)

Harrison of Scott requested to be added as a sponsor of House File 2147.

#### CERTIFICATES OF RECOGNITION

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

- 1996\73 Raymond Shaw, Camanche – For rescuing his neighbor from her burning home.
- 1996\74 Florence and Clarence Bach, Clinton – For celebrating their Sixty-second wedding anniversary.
- 1996\75 Betty and Leonard Detter, Mingo – For celebrating their Fiftieth wedding anniversary.
- 1996\76 Ed H. Jansen, Council Bluffs – For celebrating his Ninety-fifth birthday.

- 1996\77 Suellen Overton, Council Bluffs – For being named one of the Des Moines Register's Iowa Up-and-Comers.
- 1996\78 Ronald Tekippe, Council Bluffs – For being named one of the Des Moines Register's Iowa Up-and-Comers.
- 1996\79 Minnie and Joe Fiala, Moorland – For celebrating their Sixty-ninth wedding anniversary.
- 1996\80 Mr. and Mrs. Fay J. Repp, Newton – For celebrating their Fiftieth wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2115

Transportation: Blodgett, Chair; Carroll and Ollie.

##### House File 2125

Transportation: Arnold, Chair; McCoy and Weidman.

##### House File 2128

Appropriations: Millage, Chair; Gipp and Murphy.

##### House File 2129

Transportation: Weidman, Chair; Cohoon and Nelson of Marshall.

##### House File 2130

Transportation: Brauns, Chair; Branstad and Larkin.

##### House File 2131

Environmental Protection: Greiner, Chair; Rants and Shoultz.

#### House Concurrent Resolution 108

Transportation: Heaton, Chair; Koenigs and Main.

##### Senate File 2022

Environmental Protection: Greiner, Chair; Rants and Shoultz.

##### Senate File 2066

Judiciary: Lamberti, Chair; Bernau and Kremer.

##### Senate File 2070

State Government: Coon, Chair; Houser and Taylor.

##### Senate File 2072

Transportation: Main, Chair; Branstad and Mundie.

##### Senate File 2087

Judiciary: Nutt, Chair; Dinkla and Holveck.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 536**

Transportation: Welter, Chair; Heaton and Mundie.

**House Study Bill 537**

Transportation: Heaton, Chair; Carroll and McCoy.

**House Study Bill 556**

Transportation: Nelson of Marshall, Chair; Salton and Warnstadt.

**House Study Bill 561 Reassigned**

Judiciary: Grubbs, Chair; Doderer and Hurley.

**House Study Bill 563**

Economic Development: Larson, Chair; Hammitt Barry and Warnstadt.

**House Study Bill 564**

Appropriations: Millage, Chair; Gipp and Koenigs.

**House Study Bill 582**

Appropriations: Kremer, Chair; Houser and Murphy.

**House Study Bill 583**

Economic Development: Teig, Chair; Harper and Main.

**House Study Bill 584**

Appropriations: Gipp, Chair; Brand and Ertl.

**House Study Bill 585**

Appropriations: Millage, Chair; Gipp and Wise.

**House Study Bill 586**

Appropriations: Sukup, Chair; Cormack and Kreiman.

**House Study Bill 587**

Economic Development: Nelson of Marshall, Chair; Bradley, Brand, Heaton and McCoy.

**House Study Bill 588**

Economic Development: Teig, Chair; Harper and Main.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 602 Commerce-Regulation**

Relating to entities and subject matter under the regulatory authority of the securities bureau of the division of insurance.

**H.S.B. 603 Commerce-Regulation**

Relating to the percentage of the legal reserve of a life insurance company which may be invested in certain corporate obligations.

**H.S.B. 604 Education**

Relating to the establishing of a truancy school in each area education agency, defining certain truants as children in need of assistance or as delinquents, making an appropriation, providing for properly related matters, and providing a conditional effective date.

**H.S.B. 605 Economic Development**

Relating to damages in tort actions.

**H.S.B. 606 Transportation**

Relating to motorcycle rider education and providing an effective date.

**H.S.B. 607 Transportation**

Relating to the state transportation commission and the state department of transportation budget estimates.

**H.S.B. 608 Transportation**

Relating to certain motor vehicle operation violations involving signals and stops and increasing certain scheduled fines.

**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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON EDUCATION**

**Senate File 2063**, a bill for an act establishing a school improvement technology program to fund instructional technology for school districts, the Iowa braille and sight saving school, the state school for the deaf and the Price laboratory school, providing for properly related matters, and making appropriations, and providing an effective date.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H-5051 February 5, 1996.

Pursuant to Rule 31.7, Senate File 2063 was referred to committee on appropriations.



## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 531.1), relating to industrial machinery, computers and equipment for purposes of sales taxation and property taxation and providing an effective date and applicability date.

Fiscal Note is not required.

Recommended Amend and Do Pass February 5, 1996.

**Committee Bill** (Formerly House Study Bill 538), relating to the taxation of foreign corporations and providing an effective and retroactive applicability date provision.

Fiscal Note is not required.

Recommended Amend and Do Pass February 5, 1996.

## AMENDMENTS FILED

H—5051	S.F.	2063	Committee on Education
H—5052	H.F.	2111	Halvorson of Clayton Gries of Crawford Brunkhorst of Bremer Cormack of Webster
H—5055	S.F.	2063	Ertl of Dubuque
H—5056	H.F.	2111	Wise of Lee
H—5057	S.F.	2063	Brunkhorst of Bremer Sukup of Franklin Tyrrell of Iowa

On motion by Siegrist of Pottawattamie, the House adjourned at 5:30 p.m., until 8:45 a.m., February 7, 1996.

# JOURNAL OF THE HOUSE

Thirty-first Calendar Day – Twenty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 7, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Father Ralph Simington, St. Marys Catholic Church, Marshalltown.

The Journal of Tuesday, February 6, 1996 was approved.

## INTRODUCTION OF BILLS

**House File 2162**, by Vande Hoef, May, Greig, and Mertz, a bill for an act relating to student enrollment options across state boundaries for students residing in bordering counties.

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

**House File 2163**, by Hanson and Kremer, a bill for an act relating to filing security for motor vehicle financial responsibility and providing an exception.

Read first time and referred to committee on **commerce-regulation**.

**House File 2164**, by Garman, Myers, Boddicker, Tyrrell, Vande Hoef, Klemme, Kremer, Heaton, Cormack, Hammitt Barry, Ertl, Hanson, Welter, Schulte, Burnett, Disney, Van Maanen, Carroll, Thomson, Teig, Salton, Eddie, Lamberti, Weidman, Boggess, Daggett, Gries, Brunkhorst, Hahn, Koenigs, Bernau, Doderer, Gipp, Kreiman, Nelson of Marshall, Jacobs, Rants, Sukup, Van Fossen, Grubbs, Fallon, O'Brien, Witt, Drees, May, Bradley, Drake, Cohoon, Shoultz, Coon, Warnstadt, Mundie, Houser, and Harrison, a bill for an act providing for a study of gambling and its impact on this state, making an appropriation, and providing an effective date.

Read first time and referred to committee on **state government**.

**House File 2165**, by committee on ways and means, a bill for an act relating to industrial machinery, computers and equipment for purposes of sales taxation and property taxation and providing an effective date and applicability date.

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

**House File 2166**, by committee on ways and means, a bill for an act relating to the taxation of foreign corporations and providing an effective and retroactive applicability date provision.

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

**House File 2167**, by Disney, a bill for an act relating to collective bargaining for employees of certain licensees operating a horse or dog track with pari-mutuel wagering and gambling games.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2168**, by Fallon, a bill for an act relating to the factors considered in the awarding of support payments to a party to a judgment of annulment, dissolution, or separate maintenance.

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

**House File 2169**, by Holveck, a bill for an act relating to polluting motor vehicles and providing a penalty.

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

**House File 2170**, by Dinkla and Greiner, a bill for an act providing an income tax credit or deduction for tuition paid to accredited postsecondary institutions in Iowa under certain circumstances.

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

**House File 2171**, by Murphy, a bill for an act relating to a continuing appropriation for city capital projects and major equipment.

Read first time and referred to committee on **local government**.

**House File 2172**, by Vande Hoef, a bill for an act relating to eligible voters on a judicial nominating commission.

Read first time and referred to committee on **state government**.

**House File 2173**, by Holveck, a bill for an act providing for the modification or termination of certain trusts by the court.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2036**, a bill for an act relating to certain telephone companies and permitting their reorganization as cooperative associations, with report of committee recommending passage, was taken up for consideration.

Nelson 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. 2036)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

Brammer	Ertl	McCoy
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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 2111**, a bill for an act relating to taxation within the state by changing the computation of the inflation factors for the tax brackets and standard deduction of the state individual income tax, exemptions from the state inheritance tax, and appropriating moneys to a special taxpayer relief account for purposes of providing tax relief and providing effective and retroactive and other applicability date provisions, was taken up for consideration.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:12 a.m., until 1:00 p.m.

(House File 2111 pending)

## AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker Corbett in the chair.

### INTRODUCTION OF BILLS

**House File 2174**, by Connors, a bill for an act relating to unclaimed property in the form of outdated warrants held by the state, the social security numbers of the owners of the property, fraudulent practices to obtain the property, and establishing a penalty.

Read first time and referred to committee on **state government**.

**House File 2175**, by Kreiman, a bill for an act relating to claims against the state for property damage caused by deer.

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

**House File 2176**, by Disney, a bill for an act relating to the taxation of real property used in the operation of a racetrack or racetrack enclosure.

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

### MESSAGE FROM THE SENATE

The following message were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 7, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2088, a bill for an act prohibiting abuse of a human corpse, and providing a penalty.

JOHN F. DWYER, Secretary

### SENATE MESSAGE CONSIDERED

**Senate File 2088**, by committee on judiciary, a bill for an act prohibiting abuse of a human corpse, and providing a penalty.

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

### BUSINESS PENDING AT RECESS

#### Ways and Means Calendar

The House resumed consideration of **House File 2111**, a bill for an act relating to taxation within the state by changing the computation of the inflation factors for the tax brackets and standard deduction of the state individual income tax, exemptions from the state inheritance tax, and appropriating moneys to a special taxpayer relief account for purposes of providing tax relief and providing effective and retroactive and other applicability date provisions, pending at recess.

The House stood at ease at 1:11 p.m., until the fall of the gavel.

The House resumed session at 2:14 p.m., Speaker Corbett in the chair.

Halvorson of Clayton offered the following amendment H-5011 filed by him and moved its adoption:

H-5011

- 1 Amend House File 2111 as follows:
- 2 1. Page 1, line 3, by striking the words
- 3 "paragraph a" and inserting the following:
- 4 "paragraphs a and d".
- 5 2. Page 1, line 4, by striking the word "is" and
- 6 inserting the following: "are".
- 7 3. Page 1, by inserting after line 22 the
- 8 following:
- 9 "d. Notwithstanding the computation of the annual
- 10 inflation factor under paragraph "a", the annual
- 11 inflation factor is one hundred percent for any
- 12 calendar year in which the unobligated state general
- 13 fund balance on June 30 as certified by the director
- 14 of the department of management by October 10, is less
- 15 than sixty million dollars. Notwithstanding section
- 16 8.58, in determining the unobligated state general
- 17 fund balance on June 30, unobligated moneys in the
- 18 cash reserve fund and Iowa economic emergency fund on
- 19 June 30 shall be counted as part of the unobligated
- 20 state general fund balance for purposes of this
- 21 paragraph."

Amendment H-5011 was adopted.

Main of Jefferson asked and received unanimous consent to defer action on amendment H-5030.

Dinkla of Guthrie offered the following amendment H-5017 filed by Dinkla et. al. and moved its adoption:

H-5017

- 1 Amend House File 2111 as follows:
- 2 1. By striking page 2, line 20, through page 3,
- 3 line 25, and inserting the following:
- 4 "Sec. \_\_\_\_ Section 450.10, subsection 1, Code
- 5 1995, is amended to read as follows:
- 6 1. When the property, interest, or income passes
- 7 to the father or mother, or to a child or lineal
- 8 descendant of the decedent, grantor, donor, or vendor,
- 9 including a legally adopted child or biological child
- 10 entitled to inherit under the laws of this state, the
- 11 tax imposed shall be on the individual share so

- 12 passing in excess of the exemptions allowed as  
 13 follows:  
 14 One percent of the first ~~five~~ ten thousand dollars.  
 15 Two percent of any amount in excess of ~~five~~ ten  
 16 thousand dollars and up to ~~twelve~~ twenty-five thousand  
 17 ~~five-hundred~~ dollars.  
 18 Three percent on any amount in excess of ~~twelve~~  
 19 ~~twenty-five~~ thousand ~~five-hundred~~ dollars and up to  
 20 ~~twenty-five~~ fifty thousand dollars.  
 21 Four percent on any amount in excess of ~~twenty-five~~  
 22 fifty thousand dollars and up to ~~fifty~~ one hundred  
 23 thousand dollars.  
 24 Five percent on ~~any amount~~ all sums in excess of  
 25 ~~fifty~~ one hundred thousand dollars and up to ~~seventy-~~  
 26 ~~five~~ thousand dollars.  
 27 ~~Six percent on any amount in excess of seventy-five~~  
 28 ~~thousand dollars and up to one hundred thousand~~  
 29 ~~dollars.~~  
 30 ~~Seven percent on any amount in excess of one~~  
 31 ~~hundred thousand dollars and up to one hundred fifty~~  
 32 ~~thousand dollars.~~  
 33 ~~Eight percent on all sums in excess of one hundred~~  
 34 ~~fifty thousand dollars."~~

A non-record roll call was requested.

The ayes were 36, nays 56.

Amendment H-5017 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Fossen of Scott, until his return, on request of Siegrist of Pottawattamie.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-5019 filed by him on January 30, 1996.

Weigel of Chickasaw offered the following amendment H-5037 filed by him and moved its adoption:

H-5037

- 1 Amend House File 2111 as follows:  
 2 1. By striking page 2, line 19, through page 3,  
 3 line 25, and inserting the following:  
 4 "INHERITANCE TAX CREDIT ON INCOME TAX  
 5 Sec.     . NEW SECTION. 422.12A INHERITANCE TAX  
 6 CREDIT.  
 7 The taxes imposed under this division, less the  
 8 credits allowed under sections 422.12 and 422.12B,  
 9 shall be reduced by an inheritance tax credit. The  
 10 inheritance tax credit is equal to the amount of Iowa

11 inheritance tax paid under chapter 450, to the extent  
12 not taken as a credit for federal estate tax purposes,  
13 by the taxpayer who is the father or mother, son or  
14 daughter, including legally adopted sons and daughters  
15 or biological sons and daughters, stepchild, or  
16 grandchild of the decedent.

17 Any credit in excess of the tax liability for the  
18 tax year may be credited to the tax liability for the  
19 following ten tax years or until depleted, whichever  
20 is the earlier."

21 2. Page 3, line 27, by inserting after the figure  
22 "1996" the following: "for inheritance tax paid  
23 during income tax years ending after that date".

24 3. Title page, line 4, by striking the words  
25 "exemptions from the state inheritance tax" and  
26 inserting the following: "income tax credit for state  
27 inheritance tax paid".

A non-record roll call was requested.

The ayes were 36, nays 56.

Amendment H-5037 lost.

Shoultz of Black Hawk asked and received unanimous consent to defer action on amendment H-5032 for the immediate consideration of amendment H-5021.

Shoultz of Black Hawk offered the following amendment H-5021 filed by Shoultz et. al. and moved its adoption:

H-5021

1 Amend House File 2111 as follows:

2 1. By striking page 3, line 28, through page 4,  
3 line 18, and inserting the following:

4 "DIVISION  
5 SCHOOL FUNDING

6 Sec. \_\_\_\_ Section 256B.9, Code 1995, is amended by  
7 adding the following new subsection:

8 NEW SUBSECTION. 10. For the school year  
9 commencing July 1, 1996, the director of the  
10 department of education shall report to the school  
11 budget review committee the total statewide deficit,  
12 actual or estimate for the most recent school year  
13 available, in costs for providing instruction for  
14 children requiring special education in the categories  
15 of the weighting plan established under this section,  
16 and for providing services to nonpublic school  
17 students pursuant to section 256.12, subsection 2.

18 The school budget review committee shall adjust the  
19 weighting plan beginning with the school year  
20 beginning July 1, 1996, so as to eliminate the amount  
21 of the statewide deficit as reported by the director.

22 Any adjustment to weightings made under this



23 subsection shall be in addition to any adjustments  
 24 made pursuant to subsection 4.  
 25 Sec. \_\_\_\_ Section 257.1, subsection 2, unnumbered  
 26 paragraph 2, Code Supplement 1995, is amended to read  
 27 as follows:

28 For the budget year commencing July 1, ~~1991~~ 1996,  
 29 ~~and for each succeeding budget year the regular~~  
 30 ~~program foundation base per pupil is eighty-three~~  
 31 ~~eighty-five percent of the regular program state cost~~  
 32 ~~per pupil, except that the regular program foundation~~  
 33 ~~base per pupil for the portion of weighted enrollment~~  
 34 ~~that is additional enrollment because of special~~  
 35 ~~education is seventy-nine percent of the regular~~  
 36 ~~program state cost per pupil. For each succeeding~~  
 37 ~~budget year, the regular program foundation base shall~~  
 38 ~~increase one-half of one percent per year until the~~  
 39 ~~regular program foundation base reaches ninety percent~~  
 40 ~~of the regular program state cost per pupil. For the~~  
 41 ~~budget year commencing July 1, 1991~~ 1996, ~~and for each~~  
 42 ~~succeeding budget year the special education support~~  
 43 ~~services foundation base is seventy-nine~~ eighty-five  
 44 ~~percent of the special education support services~~  
 45 ~~state cost per pupil. It shall increase at the same~~  
 46 ~~rate as the regular program foundation base. The~~  
 47 ~~combined foundation base is the sum of the regular~~  
 48 ~~program foundation base and the special education~~  
 49 ~~support services foundation base.~~

50 Sec. \_\_\_\_ Section 257.11, unnumbered paragraph 1,

## Page 2

1 Code Supplement 1995, is amended to read as follows:  
 2 In order to provide additional funds for school  
 3 districts which send their resident pupils to another  
 4 school district or to a community college for classes,  
 5 which jointly employ and share the services of  
 6 teachers under section 280.15, which use the services  
 7 of a teacher employed by another school district, or  
 8 which jointly employ and share the services of a  
 9 school superintendent under section 280.15 or 273.7A,  
 10 have established programs for returning dropouts and  
 11 dropout prevention, or which have established gifted  
 12 and talented children programs, a supplementary  
 13 weighting plan for determining enrollment is adopted  
 14 as follows:

15 Sec. \_\_\_\_ Section 257.11, Code Supplement 1995, is  
 16 amended by adding the following new subsections:  
 17 **NEW SUBSECTION. 8. GIFTED AND TALENTED CHILDREN**  
 18 **PROGRAMS.** School districts that have established  
 19 gifted and talented children programs approved  
 20 pursuant to sections 257.42 through 257.49 may receive  
 21 supplementary weighting for each pupil enrolled in the  
 22 program equal to two-tenths. However, the total  
 23 additional weighting allowed under this subsection for

24 a budget year for a school district shall not result  
25 in additional funding in excess of the lesser of the  
26 product of one-fifth of the district cost per pupil  
27 multiplied by one-twentieth of the budget enrollment,  
28 or of the amount established by the department of  
29 management, as required in section 257.46, to be  
30 raised from supplementary weighting.

31 NEW SUBSECTION. 9. RETURNING DROPOUTS AND DROPOUT

32 PREVENTION PROGRAMS. School districts that have  
33 established returning dropouts and dropout prevention  
34 programs approved pursuant to sections 257.38 through  
35 257.41 may receive supplementary weighting for each  
36 pupil enrolled in the program equal to two-tenths.  
37 However, the total additional weighting allowed under  
38 this subsection for a budget year for a school  
39 district shall not result in additional funding in  
40 excess of the lesser of the product of one-fifth of  
41 the district cost per pupil multiplied by one-  
42 twentieth of the budget enrollment, or of the amount  
43 established by the department of management, as  
44 required in section 257.41, to be raised from  
45 supplementary weighting.

46 Sec. \_\_\_\_ Section 257.20, subsection 1, Code 1995,  
47 is amended to read as follows:

48 1. In order to determine the amount of  
49 instructional support state aid and the amount of  
50 local funding for the instructional support program

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1 for a district, the department of management shall  
2 divide the total assessed valuation in the state by  
3 the total budget enrollment for the budget year in the  
4 state to determine a state assessed valuation per  
5 pupil and shall divide the assessed valuation in each  
6 district by the district's budget enrollment for the  
7 budget year to determine the district assessed  
8 valuation per pupil. The department of management  
9 shall multiply the ratio of the state's valuation per  
10 pupil to the district's valuation per pupil by twenty-  
11 five hundredths and subtract that result from one to  
12 determine the portion of the instructional support  
13 program budget that is local funding. The remaining  
14 portion of the budget shall be funded by instructional  
15 support state aid. ~~However, for the budget year~~  
16 ~~beginning July 1, 1992, only, the amount of state aid~~  
17 ~~is three and one-quarter percent less than the amount~~  
18 ~~computed under this paragraph for that budget year.~~

19 Sec. \_\_\_\_ Section 257.20, subsection 2, paragraphs  
20 a and b, Code 1995, are amended by striking the  
21 paragraphs.

22 Sec. \_\_\_\_ Section 257.20, subsection 3, Code 1995,  
23 is amended by striking the subsection.

24 Sec. \_\_\_\_ Section 257.38, unnumbered paragraphs 1

25 and 2, Code 1995, are amended to read as follows:  
26 Boards of school districts, individually or jointly  
27 with boards of other school districts, requesting to  
28 ~~use additional allowable growth~~ receive supplementary  
29 weighting for programs for returning dropouts and  
30 dropout prevention, shall annually submit  
31 comprehensive program plans for the programs and  
32 budget costs, including requests for ~~additional~~  
33 ~~allowable growth~~ supplementary weighting for funding  
34 the programs, to the department of education as  
35 provided in this chapter. The program plans shall  
36 include:

37 Program plans shall identify the parts of the plan  
38 that will be implemented first upon approval of the  
39 application. If a district is requesting to ~~use~~  
40 ~~additional allowable growth~~ receive supplementary  
41 weighting to finance the program, it shall not  
42 identify more than five percent of its budget  
43 enrollment for the budget year as returning dropouts  
44 and potential dropouts.

45 Sec. \_\_\_\_ Section 257.40, Code 1995, is amended to  
46 read as follows:

47 257.40 PLANS FOR RETURNING DROPOUTS AND DROPOUT  
48 PREVENTION.

49 The board of directors of a school district  
50 requesting to ~~use additional allowable growth~~ receive

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1 supplementary weighting for programs for returning  
2 dropouts and dropout prevention shall submit  
3 applications for approval for the programs to the  
4 department not later than November 1 preceding the  
5 budget year during which the program will be offered.  
6 The department shall review the program plans and  
7 shall prior to January 15 either grant approval for  
8 the program or return the request for approval with  
9 comments of the department included. An unapproved  
10 request for a program may be resubmitted with  
11 modifications to the department not later than  
12 February 1. Not later than February 15, the  
13 department shall notify the department of management  
14 and the school budget review committee of the names of  
15 the school districts for which programs ~~using~~  
16 ~~additional allowable growth~~ receiving supplementary  
17 weighting for funding have been approved and the  
18 approved budget of each program listed separately for  
19 each school district having an approved program.

20 Sec. \_\_\_\_ Section 257.41, Code 1995, is amended to  
21 read as follows:

22 257.41 FUNDING FOR PROGRAMS FOR RETURNING DROPOUTS  
23 AND DROPOUT PREVENTION.

24 The budget of an approved program for returning  
25 dropouts and dropout prevention for a school district,

26 after subtracting funds received from other sources  
27 for that purpose, shall be funded annually on a basis  
28 of one-fourth or more from the district cost of the  
29 school district and up to three-fourths by an increase  
30 in allowable growth as defined in section 257.8  
31 receipt of supplementary weighting as provided in  
32 section 257.11, subsection 9. Annually, the  
33 department of management shall establish a modified  
34 allowable growth the amount of additional funding  
35 needed to be raised from the supplementary weighting  
36 for each such district equal to the difference between  
37 the approved budget for the program for returning  
38 dropouts and dropout prevention for that district and  
39 the sum of the amount funded from the district cost of  
40 the school district plus funds received from other  
41 sources.

42 Sec. \_\_\_\_ Section 257.42, unnumbered paragraph 1,  
43 Code 1995, is amended to read as follows:

44 Boards of school districts, individually or jointly  
45 with the boards of other school districts, requesting  
46 to use additional allowable growth receive  
47 supplementary weighting for gifted and talented  
48 children programs, may annually submit program plans  
49 for gifted and talented children programs and budget  
50 costs, including requests for additional allowable

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1 growth supplementary weighting for funding the  
2 programs, to the department of education and to the  
3 applicable gifted and talented children advisory  
4 council, if an advisory council has been established,  
5 as provided in this chapter.

6 Sec. \_\_\_\_ Section 257.42, unnumbered paragraphs 4  
7 and 5, Code 1995, are amended to read as follows:  
8 The department of education shall adopt rules under  
9 chapter 17A relating to the administration of sections  
10 257.42 through 257.49. The rules shall prescribe the  
11 format of program plans submitted under section 257.43  
12 and shall require that programs fulfill specified  
13 objectives. The department shall encourage and assist  
14 school districts to provide programs for gifted and  
15 talented children whether or not additional allowable  
16 growth supplementary weighting is requested under this  
17 chapter.

18 The department may request that the staff of the  
19 auditor of state conduct an independent program audit  
20 to verify that the gifted and talented children  
21 programs funded by additional allowable growth  
22 supplementary weighting conform to a district's  
23 program plans.

24 Sec. \_\_\_\_ Section 257.45, subsection 1, Code 1995,  
25 is amended to read as follows:

26 1. The board of directors of a school district

27 requesting to use ~~additional allowable growth~~ receive  
28 supplementary weighting for gifted and talented  
29 children programs shall submit applications for  
30 approval for the programs to the department not later  
31 than November 1 preceding the fiscal year during which  
32 the program will be offered. The board shall also  
33 submit a copy of the program plans to the gifted and  
34 talented children advisory council, if an advisory  
35 council has been established. The department shall  
36 review the program plans and shall prior to January 15  
37 either grant approval for the program or return the  
38 request for approval with comments of the department  
39 included. Any unapproved request for a program may be  
40 resubmitted with modifications to the department not  
41 later than a date established by the department. Not  
42 later than February 15 the department shall notify the  
43 department of management and the school budget review  
44 committee of the names of the school districts for  
45 which gifted and talented children programs ~~using~~  
46 ~~additional allowable growth~~ receiving supplementary  
47 weighting for funding have been approved and the  
48 approved budget of each program listed separately for  
49 each school district having an approved program.  
50 Sec. \_\_\_\_ Section 257.46, Code 1995, is amended to

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1 read as follows:

2 257.46 FUNDING.

3 The budget of an approved gifted and talented  
4 children program for a school district, after  
5 subtracting funds received from other sources for that  
6 purpose, shall be funded annually on a basis of one-  
7 fourth or more from the district cost of the school  
8 district and up to three-fourths by ~~an increase in~~  
9 ~~allowable growth as defined in section 257.8~~ receipt  
10 of supplementary weighting as provided in section  
11 257.11, subsection 8. The approved budget for a  
12 gifted and talented children program shall not exceed  
13 an amount equal to one and twenty-four-hundredths  
14 percent of the district cost per pupil of the district  
15 for the base year multiplied by the budget enrollment  
16 of the district for the budget year. Annually, the  
17 department of management shall establish a ~~modified~~  
18 ~~allowable growth~~ the amount of additional funding  
19 needed to be raised from the supplementary weighting  
20 for each such district equal to the difference between  
21 the approved budget for the gifted and talented  
22 children program for that district and the sum of the  
23 amount funded from the district cost of the school  
24 district plus funds received from other sources.  
25 If any portion of the gifted and talented program  
26 budget remains unexpended at the end of the budget  
27 year, the part of the remainder equal to the  
28 proportion of the original budget which was funded by

29 ~~an increase in allowable growth, as defined in section~~  
 30 ~~257-8, supplementary weightings shall be carried over~~  
 31 ~~to the subsequent budget year and added to the gifted~~  
 32 ~~and talented program budget for that year.~~

33 Sec. \_\_\_\_ This division of this Act, being deemed  
 34 of immediate importance, takes effect upon enactment,  
 35 and applies to the computation of school funding for  
 36 school budget years commencing on or after July 1,  
 37 1996."

38 2. Title page, lines 4 and 5, by striking the  
 39 words "appropriating moneys to a special taxpayer  
 40 relief account" and inserting the following:  
 41 "providing additional state aid to school districts".

Roll call was requested by Shoultz of Black Hawk and Schrader of Marion.

Rule 75 was invoked .

On the question "Shall amendment H-5021 be adopted?" (H.F. 2111)

The ayes were, 40:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Daggett	Doderer
Drees	Ertl	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 59:

Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Dinkla
Disney	Drake	Eddie	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 1:

Van Fossen

Amendment H-5021 lost.

Wise of Lee asked and received unanimous consent to withdraw amendment H-5056 filed by him on February 6, 1996.

Shoultz of Black Hawk asked and received unanimous consent to defer action on amendment H-5028.

Halvorson of Clayton offered amendment H-5052 filed by Halvorson et. al. as follows:

H-5052

1 Amend House File 2111 as follows:

2 1. By striking page 3, line 28, through page 4,  
3 line 18, and inserting the following:

4 "DIVISION \_\_\_\_  
5 SCHOOL PROPERTY TAX

6 Sec. 101. Section 257.3, subsection 1, unnumbered  
7 paragraph 1, Code Supplement 1995, is amended to read  
8 as follows:

9 ~~Except as provided in subsections 2 and 3, a~~ A  
10 school district shall cause to be levied each year,  
11 for the school general fund, a foundation property tax  
12 equal to ~~five~~ four dollars and ~~forty~~ fifteen cents per  
13 thousand dollars of assessed valuation on all taxable  
14 property in the district. The county auditor shall  
15 spread the foundation levy over all taxable property  
16 in the district.

17 Sec. 102. Section 257.3, subsections 2 and 3, Code  
18 Supplement 1995, are amended by striking the  
19 subsections.

20 Sec. 103. Section 257.3, subsection 4, Code  
21 Supplement 1995, is amended to read as follows:

22 4. RAILWAY CORPORATIONS. For purposes of section  
23 257.1, the "amount per pupil of foundation property  
24 tax" does not include the tax levied under subsection  
25 1, ~~2, or 3~~ on the property of a railway corporation,  
26 or on its trustee if the corporation has been declared  
27 bankrupt or is in bankruptcy proceedings.

28 Sec. 104. Section 275.55, unnumbered paragraph 4,  
29 Code 1995, is amended by striking the unnumbered  
30 paragraph.

31 Sec. 105. Section 425A.3, subsection 1, Code 1995,  
32 is amended to read as follows:

33 1. The family farm tax credit fund shall be  
34 apportioned each year in the manner provided in this  
35 chapter so as to give a credit against the tax on each  
36 eligible tract of agricultural land within the several  
37 school districts of the state in which the levy for  
38 the general school fund exceeds ~~five~~ four dollars and  
39 ~~forty~~ fifteen cents per thousand dollars of assessed  
40 value. The amount of the credit on each eligible

41 tract of agricultural land shall be the amount the tax  
42 levied for the general school fund exceeds the amount  
43 of tax which would be levied on each eligible tract of  
44 agricultural land were the levy for the general school  
45 fund five four dollars and forty fifteen cents per  
46 thousand dollars of assessed value for the previous  
47 year. However, in the case of a deficiency in the  
48 family farm tax credit fund to pay the credits in  
49 full, the credit on each eligible tract of  
50 agricultural land in the state shall be proportionate

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1 and applied as provided in this chapter.

2 Sec. 106. Section 425A.5, Code 1995, is amended to  
3 read as follows:

4 425A.5 COMPUTATION BY COUNTY AUDITOR.

5 The family farm tax credit allowed each year shall  
6 be computed as follows: On or before March 1, the  
7 county auditor shall list by school districts all  
8 tracts of agricultural land which are entitled to  
9 credit, the taxable value for the previous year, the  
10 budget from each school district for the previous  
11 year, and the tax rate determined for the general fund  
12 of the school district in the manner prescribed in  
13 section 444.3 for the previous year, and if the tax  
14 rate is in excess of five four dollars and forty  
15 fifteen cents per thousand dollars of assessed value,  
16 the auditor shall multiply the tax levy which is in  
17 excess of five four dollars and forty fifteen cents  
18 per thousand dollars of assessed value by the total  
19 taxable value of the agricultural land entitled to  
20 credit in the school district, and on or before March  
21 1, certify the total amount of credit and the total  
22 number of acres entitled to the credit to the  
23 department of revenue and finance.

24 Sec. 107. Section 426.3, Code 1995, is amended to  
25 read as follows:

26 426.3 WHERE CREDIT GIVEN.

27 The agricultural land credit fund shall be  
28 apportioned each year in the manner hereinafter  
29 provided in this chapter so as to give a credit  
30 against the tax on each tract of agricultural lands  
31 within the several school districts of the state in  
32 which the levy for the general school fund exceeds  
33 five four dollars and forty fifteen cents per thousand  
34 dollars of assessed value; the amount of ~~such~~ credit  
35 on each tract of ~~such~~ lands shall be the amount the  
36 tax levied for the general school fund exceeds the  
37 amount of tax which would be levied on ~~said the~~ tract  
38 of ~~such~~ lands were the levy for the general school  
39 fund five four dollars and forty fifteen cents per  
40 thousand dollars of assessed value for the previous  
41 year, except in the case of a deficiency in the



42 agricultural land credits fund to pay said credits in  
43 full, in which case the credit on each eligible tract  
44 of such lands in the state shall be proportionate and  
45 shall be applied as hereinafter provided in this  
46 chapter.

47 Sec. 108. Section 426.6, unnumbered paragraph 1,  
48 Code 1995, is amended to read as follows:

49 The agricultural land tax credit allowed each year  
50 shall be computed as follows: On or before the first

Page 3

1 of June the county auditor shall list by school  
2 districts all tracts of agricultural lands which they  
3 are entitled to credit, together with the taxable  
4 value for the previous year, together with the budget  
5 from each school district for the previous year, and  
6 the tax rate determined for the general fund of the  
7 district in the manner prescribed in section 444.3 for  
8 the previous year, and if such the tax rate is in  
9 excess of five ~~four~~ dollars and forty ~~fifteen~~ cents  
10 per thousand dollars of assessed value, the auditor  
11 shall multiply the tax levy which is in excess of five  
12 ~~four~~ dollars and forty ~~fifteen~~ cents per thousand  
13 dollars of assessed value by the total taxable value  
14 of the agricultural lands entitled to credit in the  
15 district, and on or before the first of June certify  
16 the amount to the department of revenue and finance.

17 Sec. 109.

18 1. Sections 101 through 104 of this division of  
19 this Act, being deemed of immediate importance, take  
20 effect upon enactment, and apply to the computation of  
21 school foundation property taxes payable during school  
22 budget years beginning on or after July 1, 1996.

23 2. Sections 105 through 108 of this division of  
24 this Act take effect January 1, 1997, and apply to the  
25 computation of family farm tax credits and  
26 agricultural land tax credits granted for property  
27 taxes payable in school budget years beginning on or  
28 after July 1, 1997."

29 2. Title page, lines 4 and 5, by striking the  
30 words "appropriating moneys to a special taxpayer  
31 relief account" and inserting the following:  
32 "reducing the school district uniform levy".

Daggett of Union offered the following amendment H-5058, to  
amendment H-5052, filed by him from the floor and moved its adop-  
tion:

H-5058

1 Amend the amendment, H-5052, to House File 2111 as  
2 follows:

- 3 1. Page 1, by inserting after line 5 the  
4 following:  
5 "Sec. 100. Section 257.1, subsection 2, unnumbered  
6 paragraph 2, Code Supplement 1995, is amended to read  
7 as follows:  
8 For the budget year commencing July 1, ~~1991~~ 1996,  
9 ~~and for each succeeding budget year the regular~~  
10 ~~program foundation base per pupil is eighty-three~~  
11 ~~eighty-four and eight-tenths percent of the regular~~  
12 ~~program state cost per pupil, except that the regular~~  
13 ~~program foundation base per pupil for the portion of~~  
14 ~~weighted enrollment that is additional enrollment~~  
15 ~~because of special education is seventy-nine percent~~  
16 ~~of the regular program state cost per pupil. For the~~  
17 ~~budget year commencing July 1, ~~1991~~ 1996, and for each~~  
18 ~~succeeding budget year the special education support~~  
19 ~~services foundation base is seventy-nine eighty-four~~  
20 ~~and eight-tenths percent of the special education~~  
21 ~~support services state cost per pupil. The combined~~  
22 ~~foundation base is the sum of the regular program~~  
23 ~~foundation base and the special education support~~  
24 ~~services foundation base."~~  
25 2. Page 1, line 12, by striking the word  
26 "fifteen" and inserting the following: "seventy-  
27 eight".  
28 3. Page 1, line 39, by striking the word  
29 "fifteen" and inserting the following: "seventy-  
30 eight".  
31 4. Page 1, line 45, by striking the word  
32 "fifteen" and inserting the following: "seventy-  
33 eight".  
34 5. Page 2, line 15, by striking the word  
35 "fifteen" and inserting the following: "seventy-  
36 eight".  
37 6. Page 2, line 17, by striking the word  
38 "fifteen" and inserting the following: "seventy-  
39 eight".  
40 7. Page 2, line 33, by striking the word  
41 "fifteen" and inserting the following: "seventy-  
42 eight".  
43 8. Page 2, line 39, by striking the word  
44 "fifteen" and inserting the following: "seventy-  
45 eight".  
46 9. Page 3, line 9, by striking the word "fifteen"  
47 and inserting the following: "seventy-eight".  
48 10. Page 3, line 12, by striking the word  
49 "fifteen" and inserting the following: "seventy-  
50 eight".

**Page 2**

- 1 11. Page 3, line 18, by striking the figure "101"  
2 and inserting the following: "100".  
3 12. Page 3, line 32, by inserting after the word

4 "levy" the following: "and increasing the foundation  
5 base level".

A non-record roll call was requested.

The ayes were 35, nays 48.

Amendment H-5058 lost.

Wise of Lee offered the following amendment H-5059, to amend-  
ment H-5052, filed by him from the floor and moved its adoption:

H-5059

1 Amend the amendment, H-5052, to House File 2111 as  
2 follows:

3 1. By striking page 1, line 6, through page 3,  
4 line 32 and inserting the following:

5 "Sec. 300. Section 257.1, subsection 2, unnumbered  
6 paragraph 2, Code Supplement 1995, is amended to read  
7 as follows:

8 For the budget year commencing July 1, ~~1991~~ 1996,  
9 ~~and for each succeeding budget year~~ the regular  
10 program foundation base per pupil is ~~eighty-three~~  
11 eighty-seven percent of the regular program state cost  
12 per pupil, ~~except that the regular program foundation~~  
13 ~~base per pupil for the portion of weighted enrollment~~  
14 ~~that is additional enrollment because of special~~  
15 ~~education is seventy-nine percent of the regular~~  
16 ~~program state cost per pupil. For each succeeding~~  
17 ~~budget year, the regular program foundation base shall~~  
18 increase one-half of one percent per year until the  
19 regular program foundation base reaches ninety percent  
20 of the regular program state cost per pupil. For the  
21 budget year commencing July 1, ~~1991~~ 1996, ~~and for each~~  
22 ~~succeeding budget year~~ the special education support  
23 services foundation base is ~~seventy-nine~~ eighty-seven  
24 percent of the special education support services  
25 state cost per pupil. It shall increase at the same  
26 rate as the regular program foundation base. The  
27 combined foundation base is the sum of the regular  
28 program foundation base and the special education  
29 support services foundation base.

30 Sec. \_\_\_\_ Section 300 of this division, being  
31 deemed of immediate importance, takes effect upon  
32 enactment, and applies to the computation of school  
33 funding for school budget years commencing on or after  
34 July 1, 1996."

35 2. Title page, line 6, by inserting before the  
36 word "tax" the following: "additional state aid to  
37 school districts and other property".

Roll call was requested by Wise of Lee and Shoultz of Black Hawk.

Rule 75 was invoked.

On the question "Shall amendment H-5059, to amendment H-5052, be adopted?" (H.F. 2111)

The ayes were, 40:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Daggett	Doderer
Drees	Fallon	Hanson	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 58:

Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

Absent or not voting, 2:

Metcalf                      Van Fossen

Amendment H-5059 lost.

Halvorson of Clayton moved the adoption of amendment H-5052.

Roll call was requested by Siegrist of Pottawattamie and Rants of Woodbury.

On the question "Shall amendment H-5052 be adopted?" (H.F. 2111)

The ayes were, 69:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Daggett	Dinkla	Disney	Drake

Drees	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Holveck
Houser	Hurley	Huseman	Jacobs
Klemme	Koenigs	Kremer	Lamberti
Larson	Lord	Main	Martin
May	McCoy	Mertz	Metcalf
Meyer	Millage	Mundie	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Maanen	Vande Hoef
Veenstra	Weidman	Weigel	Welter
Mr. Speaker Corbett			

The nays were, 30:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Fallon	Harper
Heaton	Jochum	Kreiman	Larkin
Mascher	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Shultz	Taylor	Warnstadt
Wise	Witt		

Absent or not voting, 1:

Van Fossen

Amendment H-5052 was adopted, placing out of order amendment H-5028, previously deferred, filed by Shultz of Black Hawk on January 30, 1996 and amendment H-5032, previously deferred, filed by Shultz of Black Hawk, et. al., on January 30, 1996.

The following amendments were withdrawn by unanimous consent:

H-5024 filed by O'Brien of Boone and May on January 30, 1996.

H-5046 filed by O'Brien of Boone and May on February 5, 1996.

H-5029 filed by Cataldo of Polk on January 30, 1996.

H-5031 filed by Weigel of Chickasaw on January 30, 1996.

Cataldo of Polk offered amendment H-5039 filed by him as follows:

H-5039

- 1 Amend House File 2111 as follows:
- 2 1. Page 4, by inserting after line 18 the
- 3 following:

4 "4. Moneys in the taxpayer relief account shall be  
5 used to compensate the general fund of the state for  
6 lost income tax revenue resulting from the increase in  
7 the child and dependent care credit under this Act.

8 Sec. 400. Section 422.12C, subsection 1,  
9 unnumbered paragraph 1, Code 1995, is amended to read  
10 as follows:

11 1. The taxes imposed under this division, less the  
12 credits allowed under sections 422.11A, 422.11B,  
13 422.11C, 422.12, and 422.12B shall be reduced by a  
14 child and dependent care credit equal to the following  
15 percentages amount of the federal child and dependent  
16 care credit provided in section 21 of the Internal  
17 Revenue Code:

18 Sec. 401. Section 422.12C, subsection 1,  
19 paragraphs a, b, c, d, e, and f, Code 1995, are  
20 amended by striking the paragraphs.

21 Sec. \_\_\_\_ Sections 400 and 401 of this division,  
22 being deemed of immediate importance, take effect upon  
23 enactment and apply retroactively to tax years  
24 beginning on or after that date."

25 2. Title page, line 3, by inserting after the  
26 word "tax," the following: "increasing the child and  
27 dependent care individual income tax credit,".

Halvorson of Clayton rose on a point of order that amendment H-5039 was not germane.

The Speaker ruled the point well taken and amendment H-5039 not germane.

Cataldo of Polk moved to suspend the rules to consider amendment H-5039.

Roll call was requested by Cataldo of Polk and McCoy of Polk.

On the question "Shall the rules be suspended to consider amendment H-5039?" (H.F. 2111)

The ayes were, 36:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 59:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Carroll	Churchill

Coon	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 5:

Brauns	Brunkhorst	Ertl	Grundberg
Van Fossen			

The motion to suspend the rules lost.

Carroll of Poweshiek offered the following amendment H-5030, previously deferred, filed by him and moved its adoption:

H-5030

- 1 Amend House File 2111 as follows:
- 2 1. Page 2, line 25, by inserting after the word
- 3 "stepchildren," the following: "nephews, nieces,".
- 4 2. Page 2, line 34, by inserting after the word
- 5 "stepchildren," the following: "nephews, nieces,".
- 6 3. Page 3, line 24, by inserting after the word
- 7 "stepchild," the following: "nephew, niece,".

Amendment H-5030 lost.

The House stood at ease at 5:12 p.m., until the fall of the gavel.

The House resumed session at 5:34 p.m., Speaker Corbett in the chair.

Carroll of Poweshiek in the chair at 5:50 p.m.

Speaker Corbett in the chair at 5:52 p.m.

Halvorson of Clayton 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. 2111)

The ayes were, 73:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Carrroll	Cataldo	Churchill
Coon	Cormack	Daggett	Dinkla
Disney	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larson
Lord	Main	Martin	May
McCoy	Mertz	Metcalf	Meyer
Millage	Mundie	Nelson, B.	Nutt
O'Brien	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Maanen	Vande Hoef
Veenstra	Weidman	Weigel	Welter
Mr. Speaker Corbett			

The nays were, 25:

Baker	Bernau	Brammer	Brand
Burnett	Cohoon	Connors	Doderer
Fallon	Harper	Jochum	Larkin
Mascher	Moreland	Murphy	Myers
Nelson, L.	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Warnstadt	Wise
Witt			

Absent or not voting, 2:

Holveck                      Van Fossen

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

**Rule 76 invoked:** Under the provisions of Rule 76, conflict of interest, Holveck of Polk refrained from voting.

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2111** 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 February 7, 1996, 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 2030, a bill for an act relating to state and county mental health and developmental disability funding and related provisions and including an appropriation, an effective date, and an applicability provision.

Also: That the Senate has on February 7, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2046, a bill for an act relating to water and ice vessel accident reports filed with the natural resource commission of the department of natural resources and providing for an effective date and the Act's applicability.

Also: That the Senate has on February 7, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2097, a bill for an act providing a sales, services, and use tax exemption on certain packaging materials used in agricultural, livestock, or dairy production.

Also: That the Senate has on February 7, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2130, a bill for an act eliminating the requirement to commence litigation involving shipments of plants infested with gypsy moths, and providing an effective date.

Also: That the Senate has on February 7, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2138, a bill for an act relating to county mental health and developmental disability funding.

JOHN F. DWYER, Secretary

### HOUSE FILE 2157 REREFERRED

The Speaker announced that House File 2157, previously referred to committee on **state government**, was rereferred to committee on **education**.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday morning, February 7, 1996. Had I been present, I would have voted "aye" on House File 2036.

ERTL of Dubuque

### PRESENTATION OF VISITORS

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

Forty-five high school students from Sigourney High School, accompanied by Dan Phillips. By Greiner of Washington.

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

The Annual Report of the State Labor-Management Cooperation Program, pursuant to Chapter 7E.3(4), Code of Iowa.

#### DEPARTMENT OF TRANSPORTATION

The Annual Report of the Iowa Railway Finance Authority, pursuant to Chapter 327I.8(6), Code of Iowa.

### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\81 Peter L. Jorgensen, Garrison – For being named one of the Des Moines Register's Iowa Up-and-Comers
- 1996\82 Waterloo Public Library, Waterloo – For celebrating One hundred years of service to the community.

### 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

#### COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House Study Bill 523), relating to the statistical reporting of terminations of pregnancy and establishing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 1996.

#### COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House Study Bill 561), relating to the validity of foreign marriages.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 6, 1996.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 2123**

Commerce-Regulation: Lamberti, Chair; Renken and Weigel.

**House File 2127**

Commerce-Regulation: Nutt, Chair; Brunkhorst and Doderer.

**House File 2132**

Judiciary: Schulte, Chair; Shoultz and Veenstra.

**House File 2133**

State Government: Tyrrell, Chair; Gipp and Witt.

**House File 2135**

Judiciary: Kremer, Chair; Bell and Dinkla.

**House File 2136**

Judiciary: Harrison, Chair; Greiner and Moreland.

**House File 2142**

Judiciary: Harrison, Chair; Coon and Doderer.

**House File 2143**

Judiciary: Harrison, Chair; Bernau and Greiner.

**House File 2147**

Judiciary: Coon, Chair; Doderer and Harrison.

**House File 2148**

Natural Resources: Weidman, Chair; Huseman and May.

**House File 2164**

State Government: Tyrrell, Chair; Gipp and Witt.

**House File 2172**

State Government: Jacobs, Chair; Brammer and Gipp.

**Senate File 2080**

Judiciary: Boddicker, Chair; Dinkla and Shoultz.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 562**

Natural Resources: Klemme, Chair; Brauns and Drees.

**House Study Bill 602**

Commerce-Regulation: Jacobs, Chair; Holveck and Larson.

**House Study Bill 603**

Commerce-Regulation: Halvorson, Chair; McCoy and Renken.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 609 Judiciary**

Relating to judgments against prisoners.

**H.S.B 610 Judiciary**

Relating to search warrants, including creating an exception to the exclusionary rule and allowing the issuance of a search warrant conditioned upon the occurrence of an anticipated future event.

**H.S.B. 611 Judiciary**

Relating to magistrates, by providing for their assignment and qualifications.

**H.S.B. 612 Judiciary**

Relating to confidentiality of certain court and law enforcement records.

**H.S.B. 613 Judiciary**

Amending the uniform commercial code relating to letters of credit and providing an effective date.

**H.S.B. 614 Judiciary**

Relating to limited liability companies and corporations, including the period within which a limited liability company subject to dissolution may be continued, use of trade names by corporations and limited liability companies, and providing an exemption from the real estate transfer tax for certain transfers involving limited liability companies.

**H.S.B. 615 Commerce-Regulation**

Relating to energy efficiency programs, electric and gas public utility mandates, and funding for energy-related programs.

**H.S.B. 616 Economic Development**

Relating to eligibility criteria and benefits, including tax benefits to businesses under the new jobs and income program and establishing a penalty.

On motion by Siegrist of Pottawattamie, the House adjourned at 6:04 p.m., until 8:45 a.m., Thursday, February 8, 1996.

# JOURNAL OF THE HOUSE

Thirty-second Calendar Day – Twenty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 8, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Stan Kielsen, United Lutheran and St. John's Lutheran Churches, Shelby and Persia.

The Journal of Wednesday, February 7, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar, until his arrival, on request of Siegrist of Pottawattamie.

## INTRODUCTION OF BILLS

**House File 2177**, by committee on local government, a bill for an act relating to the exclusion of century farms from economic development areas for purposes of urban renewal and providing for the Act's applicability.

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

**House File 2178**, by Jacobs, a bill for an act authorizing school districts to establish and enforce traffic and parking rules and authorizing penalties.

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

**House File 2179**, by Cataldo, Doderer, Baker, Murphy, McCoy, Connors, Kreiman, Bell, Mascher, Burnett, Jochum, Wise, Brand, Myers, Bernau, Shoultz, Ollie, Taylor, Cohoon, Nelson of Pottawattamie, Osterhaus, O'Brien, Drees, May, Harper, Warnstadt, and Schrader, a bill for an act relating to increasing the hourly minimum wage requirement in Iowa.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2180**, by Kreiman, a bill for an act requiring participation of the parties to a dissolution of marriage in mediation prior to the hearing on the petition and prior to the granting of a dissolution decree.

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

**House File 2181**, by committee on human resources, a bill for an act relating to the statistical reporting of terminations of pregnancy and establishing penalties.

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

**House File 2182**, by Blodgett, Mertz, Kremer, Veenstra, Daggett, Greiner, Thomson, Martin, Lord, Nutt, Gries, Jacobs, Salton, Branstad, Greig, Nelson of Marshall, Hahn, Hanson, Boddicker, Vande Hoef, Carroll, Coon, Lamberti, Huseman, Hammitt Barry, Boggess, Teig, Arnold, Cormack, Van Fossen, Halvorson, Weidman, Rants, Schulte, Disney, Tyrrell, Brauns, Hurley, Eddie, Van Maanen, Doderer, McCoy, O'Brien, Murphy, Ollie, Nelson of Pottawattamie, Cohoon, Taylor, Drees, Warnstadt, Harper, Kreiman, Weigel, Burnett, Bernau, Myers, Moreland, Brand, Mascher, Jochum, Connors, Shoultz, Larkin, Mundie, May, Holveck, Schrader, and Osterhaus, a bill for an act relating to prenatal testing for group B streptococcus, and providing an effective date.

Referred to committee on **human resources**.

**House File 2183**, by committee on judiciary, a bill for an act relating to the validity of certain marriages.

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

**House File 2184**, by Sukup, Teig, Arnold, Branstad, Garman, and Coon, a bill for an act relating to animal feeding operations by providing for minimum distance requirements, establishing applicability provisions, and making penalties applicable.

Referred to committee on **agriculture**.

#### SENATE MESSAGES CONSIDERED

**Senate File 2046**, by committee on natural resources, environment, and energy, a bill for an act relating to water and ice vessel accident reports filed with the natural resource commission of the department of natural resources and providing for an effective date and the Act's applicability.

Read first time and referred to committee on **natural resources**.

**Senate File 2097**, by committee on ways and means, a bill for an act providing a sales, services, and use tax exemption on certain packaging materials used in agricultural, livestock, or dairy production.

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

**Senate File 2130**, by committee on agriculture, a bill for an act eliminating the requirement to commence litigation involving shipments of plants infested with gypsy moths, and providing an effective date.

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

**Senate File 2138**, by committee on local government, a bill for an act relating to county mental health and developmental disability funding.

Read first time and referred to committee on **local government**.

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2036** be immediately messaged to the Senate.

### CONSIDERATION OF BILLS

#### Regular Calendar

**Senate File 73**, a bill for an act requiring licensure of certain social workers, providing an effective date, imposing fees, and making penalties applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Bradley of Clinton offered the following amendment H-5018 filed by the committee on state government and moved its adoption:

H-5018

- 1 Amend Senate File 73, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 30, by inserting after the word
- 4 "Code" the following: "Supplement".
- 5 2. Page 6, line 34, by striking the figure "1997"
- 6 and inserting the following: "1998".
- 7 3. Page 7, line 22, by striking the figure "1995"
- 8 and inserting the following: "1996".
- 9 4. Page 7, line 24, by striking the figure "1997"
- 10 and inserting the following: "1998".
- 11 5. Page 7, line 30, by striking the figure "1995"
- 12 and inserting the following: "1996".
- 13 6. Page 8, line 16, by inserting after the word
- 14 "Code" the following: "Supplement".
- 15 7. Page 8, line 22, by striking the figure "1997"
- 16 and inserting the following: "1998".

The committee amendment H-5018 was adopted.

Bradley 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. 73)

The ayes were, 88:

Arnold	Baker	Bell	Bernau
Blodgett	Boggess	Bradley	Brand
Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Doderer	Drake	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Hurley	Huseman	Jacobs	Jochum
Koenigs	Kreiman	Kremer	Lamberti
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 9:

Brunkhorst	Disney	Drees	Houser
Klemme	Larkin	Larson	Lord
Vande Hoef			

Absent or not voting, 3:

Boddicker	Brammer	Grundberg
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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

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 73 be immediately messaged to the Senate.



## SPECIAL PRESENTATION

Kremer of Buchanan presented to the House General Raymond G. Davis, of Stockbridge, Georgia. General Davis served thirty-three years in the United States Marine Corps, prior to his retirement. He is a veteran of World War II, the Korean and Vietnam conflicts. He was awarded the Congressional Medal of Honor and numerous other medals.

General Davis addressed the House briefly.

The House rose and expressed its appreciation.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:29 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

## INTRODUCTION OF BILLS

**House File 2185**, by Hammitt Barry, Daggett, Carroll, Hahn, Boggess, Nutt, Teig, Lamberti, Harrison, Larson, Weidman, Bradley, Schulte, Hurley, Vande Hoef, Disney, Arnold, Renken, Main, Welter, Tyrrell, Nelson of Pottawattamie, Warnstadt, Thomson, Lord, Metcalf, Rants, Houser, Drake, Nelson of Marshall, Hanson, Churchill, Grundberg, Branstad, Jacobs, Klemme, Halvorson, Coon, Huseman, Boddicker, and Kremer, a bill for an act relating to school finance by providing a formula to fund costs resulting from increased student enrollment and making an appropriation.

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

**House File 2186**, by Brauns, a bill for an act relating to the regulation of junkyards and requiring the recording of certain transactions.

Read first time and referred to committee on **commerce-regulation**.

**House File 2187**, by Vande Hoef, a bill for an act relating to the attachment of property to a rural water district.

Read first time and referred to committee on **local government**.

**House File 2188**, by Kremer and Connors, a bill for an act relating to veterans of the United States armed forces, by changing eligibility for veteran benefits, preferences, and tax exemptions, by providing for the administration of veteran benefits, providing a penalty, and by providing for other properly related matters.

Read first time and referred to committee on **state government**.

## 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.

## CONSIDERATION OF BILLS

### Ways and Mean Calendar

**House File 2137**, a bill for an act relating to the time and the criteria for filing of claims for refund under the state individual income tax by retired federal employees as a result of the unconstitutional taxation of federal pensions and providing an effective date, was taken up for consideration.

The House stood at ease at 1:10 p.m., until the fall of the gavel.

The House resumed session at 1:33 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Jochum of Dubuque and Harper of Black Hawk, both on request of Nelson of Pottawattamie; Disney of Polk, on request of Siegrist of Pottawattamie.

O'Brien of Boone offered amendment H-5043 filed by him and May and requested division as follows:

H-5043

- 1 Amend House File 2137 as follows:

H-5043A

- 2 1. Page 1, line 7, by striking the word and
- 3 figures "July 1, 1996" and inserting the following:
- 4 "October 31, 1996".

H-5043B

- 5 2. Page 1, line 13, by striking the words
- 6 "without interest" and inserting the following: "with
- 7 interest calculated to January 31, 1996".

H-5043A

- 8 3. Page 1, line 13, by striking the words " , less
- 9 five dollars to".
- 10 4. Page 1, by striking lines 14 and 15 and
- 11 inserting the following: " The claim for".
- 12 5. Page 1, line 19, by striking the word and
- 13 figures "July 1, 1996" and inserting the following:
- 14 "October 31, 1996".

O'Brien of Boone offered the following amendment H-5061, to amendment H-5043A, filed by him from the floor and moved its adoption:

H-5061

1 Amend amendment, H-5043, to House File 2137 as  
 2 follows:  
 3 1. Page 1, by inserting after line 14 the  
 4 following:  
 5 "\_. Page 2, by inserting after line 4 the  
 6 following:  
 7 "Sec. \_\_\_. There is appropriated from the general  
 8 fund of the state to the department of revenue and  
 9 finance for the fiscal year beginning July 1, 1995,  
 10 and ending June 30, 1996, an amount estimated by the  
 11 department to be sufficient to pay all refund claims  
 12 timely filed pursuant to section 422.73, subsection 3,  
 13 and to pay up to \$30,000 for processing such claims.  
 14 Notwithstanding section 8.33, moneys appropriated  
 15 in this section which remain unexpended or unobligated  
 16 at the close of the fiscal year shall not revert to  
 17 the general fund of the state but shall remain  
 18 available for expenditure in the succeeding fiscal  
 19 year for the purposes of paying refund claims and  
 20 processing costs as provided and the moneys are not  
 21 subject to transfer under section 8.39."  
 22 \_\_. Title page, line 4, by inserting after the  
 23 word "pensions" the following: "and appropriating  
 24 moneys to pay refund claims"."

Amendment H-5061 was adopted.

On motion by O'Brien of Boone, amendment H-5043A, as amended, was adopted.

O'Brien of Boone moved the adoption of amendment H-5043B.

Roll call was requested by Schrader of Marion and O'Brien of Boone.

Rule 75 was invoked.

On the question "Shall amendment H-5043B be adopted?" (H.F. 2137)

The ayes were, 37:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Doderer	Drees
Fallon	Holveck	Hurley	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz

Taylor	Warnstadt	Weigel	Wise
Witt			
The nays were, 57:			
Blodgett	Boddicker	Bogges	Bradley
Brauns	Brunkhorst	Carroll	Churchill
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Houser	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Millage	Nelson, B.	Nutt	Rants
Renken	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 6:

Branstad	Disney	Harper	Jochum
Meyer	Salton		

Amendment H-5043B lost.

Kreiman of Davis offered the following amendment H-5049 filed by him and moved its adoption:

H-5049

- 1 Amend House File 2137 as follows:
- 2 1. Page 1, line 31, by striking the word
- 3 "Estates".
- 4 2. By striking page 1, line 32, through page 2,
- 5 line 1, and inserting the following: "A spouse of a
- 6 decedent taxpayer who was the spouse of the taxpayer
- 7 when the unconstitutional tax was imposed may file a
- 8 claim for refund without having to reopen the estate."

Amendment H-5049 lost.

Drake 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. 2137)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Disney	Harper	Jochum	Meyer
Salton			

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2137** be immediately messaged to the Senate.

#### EXPLANATION OF VOTE

I was temporarily absent from the House chamber on Wednesday, February 7, 1996. Had I been present, I would have voted "aye" on House File 2111.

VAN FOSSEN of Scott

**BILL 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 bill 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 eighth day of February, 1996, House File 2065.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

Report adopted.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on February 8, 1996, he approved and transmitted to the Secretary of State the following bills:

Senate File 2030, an act relating to state and county mental health and developmental disability funding and related provisions and including an appropriation, an effective date, and an applicability provision.

Senate File 2082, an act relating to the establishment of the state percent of growth for purposes of the state school foundation program and providing an effective date.

**COMMUNICATION RECEIVED**

The following communication was received and filed in the office of the Chief Clerk:

**GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE**

A summary of Iowa's Drug and Violent Crime Control Strategy, pursuant to Chapter 207.6, 1995 Acts of the Seventy-sixth General Assembly.

**CERTIFICATES OF RECOGNITION**

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

1996\83 Tom Aronson, Albert City – For being selected a 1995 Master Pork Producer.

1996\84 Deb Witt, Newell – For receiving the 1995 Iowa Bellringer Award from the Iowa Pork Producers Association.

## SUBCOMMITTEE ASSIGNMENTS

**House File 2146**

Economic Development: Nelson of Marshall, Chair; Baker, Hammitt Barry, Main and Mascher.

**House File 2150**

Human Resources: Boddicker, Chair; Burnett, Ertl, Fallon and Lord.

**House File 2151**

Human Resources: Carroll, Chair; Hurley and Moreland.

**House File 2153**

Labor and Industrial Relations: Hanson, Chair; Connors and Kremer.

**House File 2154**

Commerce-Regulation: Renken, Chair; Doderer and Nutt.

**House File 2155**

Judiciary: Coon, Chair; Bernau and Schulte.

**House File 2156**

Commerce-Regulation: Lamberti, Chair; Brunkhorst and Cataldo.

**House File 2158**

Transportation: Carroll, Chair; Larkin and Salton.

**House File 2159**

Judiciary: Harrison, Chair; Bell and Veenstra.

**House File 2161**

Judiciary: Schulte, Chair; Greiner and Moreland.

**House File 2162**

Education: Veenstra, Chair; Kreiman and Rants.

**House File 2167**

Labor and Industrial Relations: Renken, Chair; Nelson of Pottawattamie and Veenstra.

**House File 2168**

Judiciary: Boddicker, Chair; Holveck and Millage.

**House File 2169**

Transportation: Heaton, Chair; Warnstadt and Welter.

**House File 2170**

Education: Veenstra, Chair; Nelson of Pottawattamie and Van Maanen.

**House File 2173**

Judiciary: Nutt, Chair; Dinkla and Shoultz.

**House File 2174**

State Government: Bradley, Chair; Connors and Gipp.

**House File 2175**

Judiciary: Boddicker, Chair; Kreiman and Schulte.

**House File 2180**

Judiciary: Hurley, Chair; Kreiman and Lamberti.

**Senate File 2046**

Natural Resources: Garman, Chair; Shoultz and Tyrrell.

**Senate File 2063**

Appropriations: Millage, Chair; Grundberg and Ollie.

**Senate File 2088**

Judiciary: Lamberti, Chair; Bernau and Nutt.

**Senate File 2098**

Appropriations: Meyer, Chair; Ertl and Kreiman.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 565**

Local Government: Klemme, Chair; Connors and Huseman.

**House Study Bill 566**

Local Government: Disney, Chair; Hanson and Myers.

**House Study Bill 567**

Local Government: Vande Hoef, Chair; Cohoon and Disney.

**House Study Bill 568**

Local Government: Klemme, Chair; Carroll and Larkin.

**House Study Bill 604**

Education: Rants, Chair; Baker and Hanson.

**House Study Bill 605**

Economic Development: Bradley, Chair; Boggess and McCoy.

**House Study Bill 606**

Transportation: Welter, Chair; Heaton and McCoy.

**House Study Bill 607**

Transportation: Heaton, Chair; Koenigs and Nelson of Marshall.



**House Study Bill 608**

Transportation: Weidman, Chair; Eddie and May.

**House Study Bill 615**

Commerce-Regulation: Nutt, Chair; Holveck and Renken.

**House Study Bill 616**

Economic Development: Cormack, Chair; Drake, Hammitt Barry, McCoy and O'Brien.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 617 Human Resources**

Relating to the continued existence of the prevention of disabilities policy council and technical assistance committee and providing an effective date.

**H.S.B. 618 Local Government**

Expanding the issuance of motor vehicle licenses by county treasurers and providing funding and an effective date.

**H.S.B. 619 Transportation**

Making transportation-related Code changes including providing for a temporary registration permit and increasing registration fees for certain trailers.

**H.S.B. 620 Local Government**

Providing requirements for implementation of new or revised federal block grant provisions which affect local governments and providing an effective date and applicability provision.

**H.S.B. 621 Ways and Means**

Updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date.

**H.S.B. 622 Local Government**

Relating to certain certification requirements of a city or county urban renewal area.

**H.S.B. 623 Local Government**

Relating to filing fees charged by county recorders and eliminating a surcharge fee.

**H.S.B. 624 Local Government**

Relating to filing of instruments by county recorders.

## 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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly House Study Bill 564), transferring gambling moneys to the rebuild Iowa infrastructure fund and providing retroactive and effective dates.

Fiscal Note is not required.

Recommended **Do Pass** February 8, 1996.

### COMMITTEE ON STATE GOVERNMENT

**House File 47**, a bill for an act establishing English as the official language of the state.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1996.

**House File 2106**, a bill for an act relating to agency rules, by providing for the periodic review of the rules.

Fiscal Note is not required.

Recommended **Do Pass** February 7, 1996.

**Committee Bill** (Formerly House File 2126), relating to permissible acts related to real estate sales, exchanges, purchases, rentals, leases, or advertising by nonlicensees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 7, 1996.

**Committee Bill** (Formerly House Study Bill 529), relating to setting the compensation for publication of certain notices by the superintendent of printing.

Fiscal Note is required.

Recommended **Do Pass** February 7, 1996.

### AMENDMENTS FILED

H—5060	H.F.	2104	Grubbs of Scott
H—5062	H.F.	2166	Holveck of Polk
H—5063	H.F.	2166	Weigel of Chickasaw

On motion by Siegrist of Pottawattamie, the House adjourned at 2:00 p.m. until 10:00 a.m., Friday, February 9, 1996.

# JOURNAL OF THE HOUSE

Thirty-third Calendar Day – Twenty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 9, 1996

The House met pursuant to adjournment at 10:08 a.m., Gipp of Winneshiek in the chair.

Prayer was offered by the Honorable Charles Hurley, state representative from Fayette County.

The Journal of Thursday, February 8, 1996 was approved.

## INTRODUCTION OF BILLS

**House File 2189**, by Grubbs, a bill for an act exempting fees for temporary employment services from the state sales, services, and use taxes.

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

**House File 2190**, by committee on state government, a bill for an act relating to setting the compensation for publication of certain notices by the superintendent of printing.

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

**House File 2191**, by Bradley, a bill for an act relating to the expansion of the membership of the advisory council to the director of human services regarding medical assistance.

Read first time and referred to committee on **human resources**.

## SPECIAL PRESENTATION

Nelson of Pottawattamie presented to the House twenty members of "Leadership Council Bluffs," a group of young business leaders, sponsored by the Council Bluffs Chamber of Commerce. The group was accompanied by Tom Hanafan, Mayor; Matt Walsh, City Councilman; and Stan Grote, Pottawattamie County Supervisor.

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 8, 1996. Had I been present, I would have voted "aye" on House File 2137 and "nay" on amendment H—5043B to House File 2137.

SALTON of Palo Alto

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

### House Study Bill 617

Human Resources: Hammitt Barry, Chair; Harrison and Witt.

**House Study Bill 618**

Local Government: Weidman, Chair; Arnold and Mundie.

**House Study Bill 620**

Local Government: Vande Hoef, Chair; Carroll and Myers.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 625 State Government**

Relating to legal publications and related products prepared and distributed under the authority of the general assembly.

**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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON LOCAL GOVERNMENT**

**House File 2018**, a bill for an act relating to the statewide applicability of real estate improvement districts and providing an effective date.

Fiscal Note is not required.

Recommend **Do Pass** February 8, 1996.

**AMENDMENTS FILED**

H—5064	H.F.	2144	Metcalf of Polk
H—5065	H.F.	2165	Nelson of Pottawattamie
H—5066	H.F.	2165	Larson of Linn

On motion by Siegrist of Pottawattamie, the House adjourned at 10:14 a.m., until 10:00 a.m., Tuesday, February 13, 1996.

# JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day – Twenty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 13, 1996

The House met pursuant to adjournment at 10:07 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Eddie K. Stubblefield, First Christian Church, Sac City.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Molly Possehl, House Page.

The Journal of Friday, February 9, 1996 was approved.

## INTRODUCTION OF BILLS

**House File 2192**, by Teig, Sukup, Branstad, and Arnold, a bill for an act prohibiting the construction of earthen manure storage basins having a certain capacity and attached to a confinement feeding operation confining swine.

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

**House File 2193**, by Teig, Sukup, Arnold, Garman, Branstad, and Coon, a bill for an act relating to distance requirements between agricultural drainage wells and agricultural drainage well intakes and animal feeding operation structures.

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

**House File 2194**, by Teig, Sukup, Branstad, Garman, Coon, and Arnold, a bill for an act providing for the submission and filing of construction permit applications and manure management plans involving animal feeding operations with county boards of supervisors and permitting the imposition of a filing fee.

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

**House File 2195**, by Teig, Sukup, Arnold, and Branstad, a bill for an act relating to the removal, rerouting, and capping of drainage tile lines near confinement feeding operations, and making penalties applicable.

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

## SPECIAL PRESENTATION

Bell of Jasper presented to the House James C. Chen, Defacto Counsel-General Taipei Economic and Cultural Office of the Republic of China on Taiwan, in Chicago, and his assistant Simon S. W. Sung.

Mr. Chen addressed the House briefly.

The House rose and expressed its welcome.

Tyrrell of Iowa in the chair at 10:22 a.m.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2104**, a bill for an act relating to prison time served by persons convicted of an aggravated misdemeanor or greater offense, by providing for a reduction in the amount of good and honor time that may be earned by forcible felons, providing for a pilot project, and making other related changes, with report of committee recommending amendment and passage, was taken up for consideration.

Grubbs of Scott offered amendment H-5048 filed by the committee on judiciary as follows:

H-5048

- 1 Amend House File 2104 as follows:
- 2 1. Page 1, lines 3 and 4, by striking the words
- 3 "other than a forcible felony".
- 4 2. Page 1, line 10, by striking the word "either"
- 5 and inserting the following: "either any".
- 6 3. Page 1, by striking lines 11 through 16, and
- 7 inserting the following:
- 8 "Sec. \_\_\_\_ Section 902.11, Code 1995, is amended
- 9 by adding the following new subsection:
- 10 NEW SUBSECTION. 3. The offense is a forcible
- 11 felony enumerated under section 902.12."
- 12 4. Page 1, lines 17 and 18, by striking the words
- 13 "ELIGIBILITY OF" and inserting the following:
- 14 "INELIGIBILITY OF CERTAIN".
- 15 5. Page 1, by striking lines 19 through 30 and
- 16 inserting the following:
- 17 "Except as otherwise provided in chapter 903A, a
- 18 person who has been convicted of the following
- 19 forcible felonies shall serve the entire term of the
- 20 person's maximum sentence and shall not be eligible
- 21 for parole or work release:
- 22 1. Murder in the second degree in violation of
- 23 section 707.3.
- 24 2. Sexual abuse in the second degree in violation

25 of section 709.3.

26 3. Kidnapping in the second degree in violation of  
27 section 710.3.

28 4. Robbery in the first or second degree in  
29 violation of section 711.2 or 711.3."

30 6. Page 1, line 34, by striking the word and  
31 figure "subsection 2".

32 7. Page 2, line 2, by inserting after the word  
33 "institutions." the following: "However, if an inmate  
34 is sentenced under section 902.12, the total number of  
35 days which may be accumulated by the inmate to reduce  
36 the inmate's sentence shall not exceed fifteen percent  
37 of the inmate's total sentence of confinement."

38 8. Page 2, line 4, by striking the word and  
39 figure "subsection 2".

40 9. Page 2, line 12, by striking the word and  
41 figure "subsection 2".

42 10. Title page, by striking lines 1 through 4 and  
43 inserting the following: "An Act prohibiting the  
44 release of certain forcible felons on parole or work  
45 release, limiting the reduction of sentence for  
46 certain forcible felons, providing for a pilot  
47 project, and".

The House stood at ease at 10:27 a.m., until the fall of the gavel.

The House resumed session at 10:33 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Grubbs of Scott offered the following amendment H-5060, to the committee amendment H-5048, filed by him and moved its adoption:

H-5060

1 Amend the amendment, H-5048, to House File 2104 as  
2 follows:

3 1. Page 1, by striking lines 40 and 41 and  
4 inserting the following:

5 "\_. Page 2, by striking lines 11 through 15 and  
6 inserting the following: "program approved by the  
7 director. Reduction of sentence pursuant to this  
8 section"."

9 2. By renumbering as necessary.

Amendment H-5060 was adopted.

On motion by Grubbs of Scott, the committee amendment H-5048, as amended, was adopted.

Grubbs 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?" (H.F. 2104)

The ayes were, 91:

Arnold	Bell	Blodgett	Boddicker
Boguess	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cphoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Garman	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, 6:

Baker	Bernau	Doderer	Fallon
Grundberg	Ollie		

Absent or not voting, 3:

Brammer	Gipp	Veenstra
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2104** be immediately messaged to the Senate.

### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 12, 1996, he approved and transmitted to the Secretary of State the following bill:

House File 2065, an act relating to an appropriation to the judicial department for long-range and strategic planning and providing an effective date.



## PRESENTATION OF VISITORS

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

Fifty fourth grade students from Des Moines Christian School, Des Moines, accompanied by Mrs. Dixon and Mrs. Iverson. By Holveck of Polk.

## COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

### DEPARTMENT OF ECONOMIC DEVELOPMENT

A Final Report on the Job Training Task Force, pursuant to Chapter 204, 1995 Acts of the Seventy-sixth General Assembly.

### DEPARTMENT OF ELDER AFFAIRS

The Annual Report, pursuant to Chapter 7A.1, Code of Iowa.

### DEPARTMENT OF PUBLIC HEALTH

The Annual Report on the Certificate of Need Program, pursuant to Chapter 135.77, Code of Iowa.

The 1995 Report on the Iowa Child Death Review, pursuant to Chapter 147.2(3)(a), 1995 Acts of the Seventy-sixth General Assembly.

The Annual Report of the Iowa Health Data Commission, pursuant to Chapter 145.6, Code of Iowa, and Chapter 212, 1995 Acts of the Seventy-sixth General Assembly.

## CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON

Chief Clerk of the House

- 1996\85 Gary Bucklin, Sports Director KSIB/KITR Radio, Creston - For receiving the Jack Ogden and Chuck Burdick Media Award for the West District.
- 1996\86 Alta and Joe Pace, Bedford - For celebrating their Seventieth wedding anniversary.
- 1996\87 Bernice and Robert A. Wright, Sr., Des Moines - For celebrating their Fiftieth wedding anniversary.
- 1996\88 Lelah and August Amick, Osceola - For celebrating their Fiftieth wedding anniversary.

## SUBCOMMITTEE ASSIGNMENTS

**House File 2179**

Labor and Industrial Relations: Renken, Chair; Boddicker, Halvorson, Jochum, Millage, Murphy, Sukup and Taylor.

**House File 2182**

Human Resources: Blodgett, Chair; Harper and Veenstra.

**House File 2187**

Local Government: Arnold, Chair; Mertz and Vande Hoef.

**House File 2191**

Human Resources: Carroll, Chair; Moreland and Schulte.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

**House Study Bill 625**

State Government: Drake, Chair; Gipp and Taylor.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 626 Human Resources**

Exempting certain parental disciplinary actions from the definition of child abuse under the juvenile justice code.

**H.S.B. 627 Local Government**

Relating to termination of rental agreements and notice provisions for actions to recover property.

**H.S.B. 628 Commerce-Regulation**

Relating to the regulation of insurance and amending provisions providing for setoff of premium, fraudulent submissions to insurers, availability of certain information to insurers, length of term of the board of directors of an insurer, notice of cancellation, and making a penalty applicable.

**H.S.B. 629 Commerce-Regulation**

Relating to publications referenced in administrative rules.

**H.S.B. 630 Commerce-Regulation**

Relating to energy efficiency programs, electric and gas public utility energy efficiency mandates, and funding for the Iowa energy center and the center for global and regional environmental research.

## AMENDMENTS FILED

H—5067	H.F.	2107	Blodgett of Cerro Gordo
H—5068	H.F.	2144	Boddicker of Cedar Myers of Johnson
H—5069	H.F.	2165	Larson of Linn
H—5070	H.F.	2144	Boddicker of Cedar Myers of Johnson

On motion by Siegrist of Pottawattamie, the House adjourned at 12:12 p.m., until 8:45 a.m., Wednesday, February 14, 1996.

# JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day – Twenty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 14, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Father Hoffman, St. Anthony's Catholic Church, Des Moines.

The Journal of Tuesday, February 13, 1996 was approved.

## INTRODUCTION OF BILLS

**House File 2196**, by committee on appropriations, a bill for an act transferring gambling moneys to the rebuild Iowa infrastructure fund and providing retroactive and effective dates.

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

**House File 2197**, by Jacobs, a bill for an act relating to permissible charges which may be contracted for and received with respect to open-end credit.

Read first time and referred to committee on **commerce-regulation**.

**House File 2198**, by Millage, a bill for an act authorizing counties to impose additional civil court fees for use for county courthouse libraries and providing an effective date.

Read first time and referred to committee on **state government**.

**House File 2199**, by Boddicker and Hurley, a bill for an act creating a voluntary welfare replacement initiative administered by the department of human services, providing for an associated individual income tax credit, and providing effective date and applicability provisions.

Read first time and referred to committee on **human resources**.

**House File 2200**, by Van Maanen, Coon, Van Fossen, Churchill, Garman, Bell, Koenigs, Mascher, Disney, Cormack, Larson, Hammitt Barry, Nelson of Marshall, Siegrist, and Baker, a bill for an act relating to the exemption of unassisted coin-operated motor vehicle wash, wax, and vacuum services from the state sales, services, and use taxes.

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

**House File 2201**, by Blodgett, a bill for an act relating to defining the practice of dentistry.

Read first time and referred to committee on **human resources**.

**House File 2202**, by committee on state government, a bill for an act relating to permissible acts related to real estate sales, exchanges, purchases, rentals, leases, or advertising by licensees and nonlicensees.

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

**House File 2203**, by Sukup, Teig, Arnold, Branstad, and Coon, a bill for an act relating to county enforcement of state law against confinement feeding operations.

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

**House File 2204**, by Shoultz, a bill for an act relating to the inspection of animal feeding operations.

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

**House File 2205**, by O'Brien, a bill for an act relating to the development and use of certain public lands for multipurpose trails.

Read first time and referred to committee on **natural resources**.

**House File 2206**, by Greiner, a bill for an act requiring the director of the department of natural resources to determine and inform the environmental protection commission of the probable costs in implementing, enforcing, and complying with a proposed rule.

Read first time and referred to committee on **environmental protection**.

**House File 2207**, by Nelson of Marshall, a bill for an act relating to the state transportation commission's planning process and federal funding.

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

**House File 2208**, by Harper, a bill for an act relating to the certification of construction contractors, establishing fees and penalties, and providing for the use of such fees.

Read first time and referred to committee on **state government**.

Sukup of Franklin in the chair at 8:52 a.m.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2107**, a bill for an act relating to the requirements regarding human immunodeficiency virus-related tests and making existing remedies applicable, was taken up for consideration.

Blodgett of Cerro Gordo offered the following amendment H-5067 filed by him and moved its adoption:

H-5067

- 1 Amend House File 2107 as follows:
- 2 1. Page 1, lines 6 and 7, by striking the words
- 3 "and any of the following applies" and inserting the
- 4 following: "and written consent is obtained from any
- 5 of the following persons, in order of priority stated,
- 6 if persons in prior classes are not available".
- 7 2. Page 1, by striking lines 8 through 16 and
- 8 inserting the following:
- 9 "(1) The person designated as the attorney in fact
- 10 of the deceased person pursuant to chapter 144B, who
- 11 was acting as attorney in fact at the time of the
- 12 deceased person's death.
- 13 (2) The legal guardian of the deceased person at
- 14 the time of the deceased person's death.
- 15 (3) The spouse of the deceased person.
- 16 (4) An adult child of the deceased person.
- 17 (5) A parent of the deceased person.
- 18 (6) An adult sibling of the deceased person.
- 19 (7) Any other member of the deceased person's
- 20 family who is authorized to dispose of the body.
- 21 (8) The county medical examiner."
- 22 3. Page 1, line 21, by inserting after the word
- 23 "consent" the following: "to performance of an HIV-
- 24 related test".

Amendment H-5067 was adopted.

Blodgett 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?" (H.F. 2107)

The ayes were, 99:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney

Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Sukup, Presiding	

The nays were, none.

Absent or not voting, 1:

Bernau

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

**House File 2177**, a bill for an act relating to the exclusion of century farms from economic development areas for purposes of urban renewal and providing for the Act's applicability, was taken up for consideration.

Arnold of Lucas 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. 2177)

The ayes were, 99:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry

Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Sukup, Presiding	

The nays were, none.

Absent or not voting, 1:

Bernau

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2107 and 2177.**

Speaker pro tempore Van Maanen of Marion in the chair at 9:03 a.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bernau of Story, until his arrival, on request of Brand of Benton.

### Ways and Means Calendar

**House File 2165**, a bill for an act relating to industrial machinery, computers and equipment for purposes of sales taxation and property taxation and providing an effective date and applicability date, was taken up for consideration.

Nelson of Pottawattamie offered amendment H-5065 filed by her as follows:



H-5065

- 1 Amend House File 2165 as follows:  
 2 1. Page 1, line 17, by striking the words  
 3 "financial institution" and inserting the following:  
 4 "professional corporation, financial institution,"  
 5 2. Page 1, by inserting after line 32 the  
 6 following:  
 7 "(4) "Professional corporation" means a  
 8 professional corporation organized or operating under  
 9 chapter 496C or a foreign professional corporation  
 10 organized under laws other than the laws of this  
 11 state."

Rants of Woodbury rose on a point of order that amendment H-5065 was not germane.

The Speaker ruled the point well taken and amendment H-5065 not germane.

Nelson of Pottawattamie moved to suspend the rules to consider amendment H-5065.

Roll call was requested by Nelson of Pottawattamie and Schrader of Marion.

On the question "Shall the rules be suspended to consider amendment H-5065?" (H.F. 2165)

The ayes were, 36:

Baker	Brammer	Brand	Burnett
Cataldo	Cphoon	Connors	Doderer
Drees	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 59:

Arnold	Bell	Blodgett	Boddicker
Boggess	Bradley	Branstad	Brauns
Brunkhorst	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harrison	Heaton
Houser	Huseman	Jacobs	Klemme

Kremer	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen,	
		Presiding	

Absent or not voting, 5:

Bernau	Carroll	Hurley	Lamberti
Thomson			

The motion to suspend the rules lost.

The House stood at ease at 9:16 a.m., until the fall of the gavel.

The House resumed session at 9:52 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Larson of Linn offered amendment H-5066 filed by him as follows:

H-5066

- 1 Amend House File 2165 as follows:
- 2 1. Page 4, line 5, by inserting after the figure
- 3 "4" the following: "unless the municipality elects to
- 4 proceed under subsection 5".
- 5 2. Page 5, by striking lines 7 through 18 and
- 6 inserting the following:
- 7 "NEW SUBSECTION. 5. In lieu of making a claim for
- 8 replacement moneys under the allocation provisions of
- 9 subsection 4 for any applicable fiscal year, a
- 10 municipality may elect to reduce the amount of
- 11 assessed value of property defined in section 403.19,
- 12 subsection 1, by an amount equal to that portion of
- 13 the amount of such assessed value which is assessed
- 14 pursuant to section 427B.17, subsection 3. The
- 15 applicable assessment roll and ordinance providing for
- 16 the division of taxes under section 403.19 in the
- 17 urban renewal taxing district shall be deemed to be
- 18 modified to the extent of such annual adjustment
- 19 without further action on the part of the city or
- 20 county implementing the urban renewal taxing
- 21 district."
- 22 3. Page 5, by inserting after line 27 the
- 23 following:
- 24 "Sec. NEW SECTION. 427B.19D APPEAL FOR
- 25 STATE ASSISTANCE.
- 26 For fiscal years beginning on or after July 1,
- 27 1996, a municipality in which is located an urban
- 28 renewal district for which debt was incurred prior to
- 29 June 30, 1996, may appeal to the state appeal board

30 for state assistance to meet the debt obligations for  
 31 the fiscal year if such debt is not secured by an  
 32 assessment agreement pursuant to section 403.6,  
 33 subsection 19, and if the urban renewal area contains  
 34 property assessed pursuant to section 427B.17. The  
 35 appeal shall be made by May 15 preceding the fiscal  
 36 year on forms approved by the department of  
 37 management.”  
 38 4. By renumbering as necessary.

Larson of Linn offered the following amendment H-5069, to amend-  
 ment H-5066, filed by him and moved its adoption.

H-5069

1 Amend the amendment, H-5066, to House File 2165 as  
 2 follows:  
 3 1. Page 1, by striking lines 7 through 9 and  
 4 inserting the following:  
 5 “NEW SUBSECTION. 5. A”.  
 6 2. Page 1, lines 13 and 14, by striking the words  
 7 “is assessed pursuant to” and inserting the following:  
 8 “was phased out for the fiscal year by operation of”.  
 9 3. Page 1, by striking line 18 and inserting the  
 10 following: “modified for that fiscal year only to the  
 11 extent of such adjustment”.  
 12 4. Page 1, line 30, by striking the word “the”  
 13 and inserting the following: “such”.

Amendment H-5069 was adopted.

Schrader of Marion rose on a point of order that amendment  
 H-5066, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-5066,  
 as amended, not germane.

Larson of Linn moved to suspend the rules to consider amendment  
 H-5066, as amended.

Roll call was requested by Siegrist of Pottawattamie and Rants of  
 Woodbury.

On the question “Shall the rules be suspended to consider amend-  
 ment H-5066, as amended?” (H.F. 2165)

The ayes were, 64:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Churchill	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Ertl

Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

The nays were, 36:

Baker	Bernau	Brammer	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

Absent or not voting, none.

The motion to suspend the rules prevailed.

Larson of Linn moved the adoption of amendment H-5066, as amended.

Roll call was requested by Schrader of Marion and Kreiman of Davis.

On the question "Shall amendment H-5066, as amended, be adopted?" (H.F. 2165)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman

Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 1:

Fallon

Absent or not voting, 1:

Shoultz

Amendment H-5066, as amended, was adopted.

Larson 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. 2165)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Hammit Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt

O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Carroll	Grundberg	Halvorson	Tyrrell
Weigel			

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

**Rule 76 invoked:** Under the provisions of Rule 76, conflict of interest, the following refrained from voting: Carroll of Poweshiek, Halvorson of Clayton, Tyrrell of Iowa and Weigel of Chickasaw.

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2165** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie the House was recessed at 10:12 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:07 p.m., Speaker Corbett in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cataldo of Polk, until his arrival, on request of Schrader of Marion.

#### INTRODUCTION OF BILLS

**House File 2209**, by committee on judiciary, a bill for an act requiring sex offender registry checks involving persons associated with the care of children.

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

**House File 2210**, by committee on agriculture, a bill for an act eliminating the requirement to commence litigation involving shipments of plants infested with gypsy moths, and providing an effective date.

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

**House File 2211**, by committee on commerce-regulation, a bill for an act relating to the percentage of the legal reserve of a life insurance company which may be invested in certain corporate obligations.

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

**House File 2212**, by committee on commerce-regulation, a bill for an act relating to the appointment of the director of the department of commerce.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2144**, a bill for an act relating to the payment by third parties of physician assistants and advanced registered nurse practitioners, was taken up for consideration.

Metcalf of Polk offered amendment H-5064 filed by her as follows:

H-5064

- 1 Amend House File 2144 as follows:
- 2 1. Page 1, by striking lines 20 and 21 and
- 3 inserting the following: "advanced registered nurse
- 4 practitioner. A policy or".

The House stood at ease at 1:14 p.m., until the fall of the gavel.

The House resumed session at 2:15 p.m., Gipp of Winneshiek in the chair.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2144** be deferred and that the bill be placed on the **unfinished business calendar**.

(Amendment H-5064 pending)

**House File 2152**, a bill for an act relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date, was taken up for consideration.

Churchill 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. 2152)

The ayes were, 100:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Gipp, Presiding

The nays were, none.

Absent or not voting, none.

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

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that House File 2152 be immediately messaged to the Senate.

### HOUSE FILE 2198 REREFERRED

The Speaker announced that House File 2198, previously referred to committee on state government, was rereferred to committee on local government.



## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Tuesday morning, February 13, 1996. Had I been present, I would have voted "aye" on House File 2104.

GIPP of Winneshiek

I was necessarily absent from the House chamber on February 13, 1996. Had I been present, I would have voted "aye" on House File 2104.

VEENSTRA of Sioux

## COMMUNICATIONS RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

### DEPARTMENT OF HUMAN SERVICES Division of Medical Services

A report on the Payment Options for Pharmacy Pay and Chase Systems, pursuant to Chapter 205.25(8), 1995 Acts of the Seventy-sixth General Assembly.

### DEPARTMENT OF JUSTICE

A report on crimes against children, multidisciplinary intervention and protection teams, pursuant to Chapter 147.7, 1995 Acts of the Seventy-sixth General Assembly.

### DEPARTMENT OF PUBLIC HEALTH

The Annual Report for Rural Health and Primary Care, pursuant to Chapter 1168, 1994 Acts of the Seventy-fifth General Assembly.

## CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\89 Lottie Peterson, Missouri Valley – For celebrating her Eightieth birthday.
- 1996\90 Vern Schwendemann, Ft. Dodge – For celebrating his One hundredth birthday.
- 1996\91 Michelle and Kendal Martin, Somers – For being named one of the Iowa Soybean Association's Outstanding Young Leaders for 1996.
- 1996\92 Eleanora Alt Wilson-Mack, Council Bluffs – For celebrating her Eightieth birthday.

- 1996\93 Wanda and Wayne Leaders, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\94 Jane and Lawrence Hale, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\95 Mary and Thomas Scarpello, Council Bluffs – For celebrating their Fiftieth wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2157

Education: Grundberg, Chair; Baker and Grubbs.

##### House File 2178

Education: Daggett, Chair; Brunkhorst and Kreiman.

##### House File 2185

Education: Grundberg, Chair; Baker and Daggett.

##### House File 2188

State Government: Gipp, Chair; Connors and Jacobs.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### House Study Bill 569

Environmental Protection: Van Fossen, Chair; Burnett and Drake.

##### House Study Bill 570

Environmental Protection: Meyer, Chair; Hahn and Mascher.

##### House Study Bill 571

Environmental Protection: Boggess, Chair; Bradley and Drees.

##### House Study Bill 572

Environmental Protection: Witt, Chair; Greiner, Holveck, Rants and Vande Hoef.

##### House Study Bill 622

Local Government: Huseman, Chair; Hanson and Myers.

##### House Study Bill 623

Local Government: Klemme, Chair; Carroll and Larkin.

##### House Study Bill 624

Local Government: Klemme, Chair; Carroll and Larkin.

##### House Study Bill 626

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

##### House Study Bill 627

Local Government: Carroll, Chair; Drees and Houser.

**House Study Bill 628**

Commerce-Regulation: Halvorson, Chair; McCoy and Renken.

**House Study Bill 629**

Commerce-Regulation: Doderer, Chair; Halvorson and Metcalf.

**House Study Bill 630**

Commerce-Regulation: Nutt, Chair; Holveck and Renken.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 631 Natural Resources**

Concerning mining by applying the criterion for the reclamation of mine sites, by redefining operator and mining operations, by amending the hearing procedures, by providing for administrative actions and the assessments of penalties by the division of soil conservation for noncompliance, and establishing additional penalties.

**H.S.B. 632 Judiciary**

Relating to marriage and divorce and providing for a tax credit for premarital counseling.

**H.S.B. 633 Commerce-Regulation**

Relating to voting, the distribution of earnings, and the bylaws of a cooperative association.

**H.S.B. 634 Commerce-Regulation**

Relating to disclosure requirements under the federal Community Reinvestment Act with respect to the eligibility of a financial institution to receive state public funds.

**H.S.B. 635 Transportation**

Relating to motor vehicle dimensional and weight requirements and certificates of title for commercial vehicles.

**H.S.B. 636 Transportation**

Requiring the state department of transportation to lease certain vehicles.

**H.S.B. 637 Transportation**

Relating to repair of out-of-state commercial vehicles and providing an immediate effective date.

**H.S.B. 638 Technology**

Relating to the Iowa communications network by making appropriations, providing for the connection and support of a Part III user,

directing the commission to establish a range of civil penalties, providing for related matters, and providing an effective date.

### **H.S.B. 639 Commerce-Regulation**

Relating to entities and subject matter under the regulatory authority of the division of insurance, including prearranged funeral contracts, cemeteries, and business opportunities, and establishing fees.

### **H.S.B. 640 Commerce-Regulation**

Relating to the regulation of insurance companies for purposes of solvency and establishing a measure for the risk-based capital of an insurer, and providing penalties.

### **H.S.B. 641 Local Government**

Relating to the financial procedures of counties, cities, and drainage districts, by amending the powers and duties of county treasurers, by eliminating the filing of late claims for property credits, by striking personal property tax credits of military veterans, by striking outdated property tax limitations, by providing for properly related matters, and by providing an applicability date.

### **H.S.B. 642 Technology**

Relating to the Iowa communications network by increasing the membership of the commission, providing authority to enter into lease-purchase agreements, restricting the use of the network, and requiring financial disclosure of Iowa telecommunications and technology commission members.

## **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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

### **COMMITTEE ON AGRICULTURE**

**Committee Bill** (Formerly House Study Bill 533), eliminating the requirement to commence litigation involving shipments of plants infested with gypsy moths, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1996.

### **COMMITTEE ON COMMERCE-REGULATION**

**Committee Bill** (Formerly House Study Bill 542), relating to certain franchise agreements by amending provisions relating to the definition of a franchise,

and applicability, transfer, encroachment, termination, nonrenewal, repurchase of assets, independent sourcing, and enforcement.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1996.

**Committee Bill** (Formerly House Study Bill 547), relating to unemployment insurance benefits by providing for employer contributions and liability for benefits regarding successor employers.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1996.

**Committee Bill** (Formerly House Study Bill 550), relating to the duties of the department of inspections and appeals concerning the administration of certain health care statutes and the conducting of audits.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1996.

**Committee Bill** (Formerly House Study Bill 551), relating to the appointment of the director of the department of commerce.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1996.

**Committee Bill** (Formerly House Study Bill 603), relating to the percentage of the legal reserve of a life insurance company which may be invested in certain corporate obligations.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1996.

#### COMMITTEE ON ECONOMIC DEVELOPMENT

**House File 2042**, a bill for an act relating to urban revitalization tax exemption for residential and commercial property.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1996.

**Pursuant to Rule 31.7, House File 2042 was referred to the committee on ways and means.**

**Committee Bill** (Formerly House Study Bill 563), relating to exempting certain nonresident aliens from land ownership restrictions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1996.

#### COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House File 2029), relating to the transfer of the duties and responsibilities of the college student aid commission, and the governance

of the community colleges, to the state board of regents, and providing for related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1996.

#### COMMITTEE ON JUDICIARY

**House File 2003**, a bill for an act relating to the definition of criminal trespass in nonmeandered, navigable streams.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1996.

**House File 2109**, a bill for an act relating to nonconsensual termination of or serious injury to a pregnancy and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1996.

**Senate File 2066**, a bill for an act relating to assisted suicide and providing criminal penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1996.

**Committee Bill** (Formerly House File 2147), requiring sex offender registry checks involving child day care, foster care, and adoptions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 8, 1996.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**House File 308**, a bill for an act relating to the election of workers' compensation coverage by a limited liability company member.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 13, 1996.

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 2071**, a bill for an act creating an advisory commission on inter-governmental relations, specifying its membership and its powers and duties, providing for other properly related matters, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1996.

#### COMMITTEE ON TRANSPORTATION

**Senate File 2072**, a bill for an act relating to implements of husbandry by providing for machinery towed by a motor vehicle or farm tractor, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1996.

**Committee Bill** (Formerly House Study Bill 606), relating to motorcycle rider education and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 13, 1996.

#### RESOLUTION FILED

**HCR 111**, by Larson, Renken, Weidman, Drake, Myers, Vande Hoef, Garman, Van Fossen, Sukup, Thomson, Warnstadt, Tyrrell, Kremer, Heaton, Bradley, Churchill, Siegrist, Halvorson, Schulte, Rants, Teig, Lamberti, Hammitt Barry, Arnold, Gries, Daggett, Baker, Dinkla and Nutt, a concurrent resolution supporting Iowa military personnel in the Bosnian peacekeeping mission.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—5071	H.F.	308	Committee on Labor- Industrial Relations
H—5072	H.F.	523	Coon of Warren
H—5073	H.F.	2109	Committee on Judiciary

On motion by Siegrist of Pottawattamie, the House adjourned at 2:27 p.m., until 8:45 a.m., Thursday, February 15, 1996.

# JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day – Twenty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 15, 1996

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Barbara Tooker Todd, First Presbyterian Church, Adair.

The Journal of Wednesday, February 14, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Siegrist of Pottawattamie, until his arrival; Rants of Woodbury; both on request of Gipp of Winneshiek.

## INTRODUCTION OF BILLS

**House File 2213**, by Klemme, a bill for an act relating to the distance between axles for special mobile equipment.

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

**House File 2214**, by Ollie, Bernau, Shoultz, Schrader, Moreland, Cohoon, Nelson of Pottawattamie, Drees, Warnstadt, Holveck, Murphy, Connors, Myers, Burnett, Baker, Kreiman, Harper, Doderer, O'Brien, Weigel, Jochum, Bell, and Mascher, a bill for an act relating to school finance, by providing for an increase in the regular and special education program foundation levels, funding the returning dropout, dropout prevention, and gifted and talented children programs through supplemental weighting, and making weighting adjustments for special education deficits, and providing an immediate effective and applicability date.

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

**House File 2215**, by Cohoon, a bill for an act relating to voter approval of annexation or severance proposals.

Read first time and referred to committee on **local government**.

**House File 2216**, by Cohoon, a bill for an act prohibiting mowing on primary and interstate highways and rights-of-way under certain circumstances.

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



**House File 2217**, by Tyrrell, a bill for an act relating to assistance in the initiation of contempt proceedings by the county attorney against a person for willfully disobeying the visitation provisions of a temporary order or final dissolution decree.

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

**House File 2218**, by Brand, a bill for an act relating to the membership of the council which provides assistance to the director of human services regarding medical assistance.

Read first time and referred to committee on **human resources**.

**House File 2219**, by Teig, Sukup, Arnold, and Branstad, a bill for an act relating to nuisance suits arising from animal feeding operations.

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

**House File 2220**, by Dinkla, a bill for an act increasing the penalties for certain methamphetamine offenses.

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

**House File 2221**, by Sukup, Teig, Arnold, Branstad, Garman, and Coon, a bill for an act classifying animal feeding operations as the same operation if located within a certain number of feet from each other.

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

**House File 2222**, by Warnstadt, a bill for an act relating to assistance rendered in emergencies by providing for mutual aid agreements between fire departments and providing immunity from suit for persons rendering assistance during workplace emergencies.

Read first time and referred to committee on **state government**.

**House File 2223**, by Mundie, a bill for an act prohibiting persons from standing in pickup beds or sitting on an open tailgate of a pickup on a highway and providing a penalty.

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

**House File 2224**, by Bell, a bill for an act relating to the creation of self-supported neighborhood improvement districts to acquire, construct, reconstruct, improve, or repair residential property, authorizing the imposition of property taxes and the issuance of bonds, and providing for other properly related matters.

Read first time and referred to committee on **local government**.

**House File 2225**, by committee on transportation, a bill for an act relating to motorcycle rider education and providing an effective date.

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

**House File 2226**, by Harrison, a bill for an act relating to the amount of the retirement income tax exemption for purposes of state individual income taxation and providing a retroactive applicability date.

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

**House File 2227**, by Mundie, a bill for an act relating to requiring immunization of children under the family investment program.

Read first time and referred to committee on **human resources**.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2181**, a bill for an act relating to the statistical reporting of terminations of pregnancy and establishing penalties, was taken up for consideration.

The House stood at ease at 9:09 a.m., until the fall of the gavel.

The House resumed session at 9:52 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Gipp of Winneshiek asked and received unanimous consent to defer action on **House File 2181** and that the bill retain its place on the **calendar**.

On motion by Gipp of Winneshiek, the House was recessed at 9:54 a.m., until 1:00 p.m.

## AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker Corbett in the chair.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-three members present, thirty-seven absent.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

McCoy of Polk, on request of Schrader of Marion; Dinkla of Guthrie, on request of Gipp of Winneshiek; both for the remainder of the day.

The House stood at ease at 1:05 p.m., until the fall of the gavel.

The House resumed session at 1:53 p.m., Speaker Corbett in the chair.

### INTRODUCTION OF BILLS

**House File 2228**, by Nelson of Pottawattamie and Hammitt Barry, a bill for an act establishing an education professional forgivable loan program and creating an education professional loan revolving fund, and providing for related matters.

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

**House File 2229**, by committee on commerce-regulation, a bill for an act relating to unemployment insurance benefits by providing for employer contributions and liability for benefits regarding successor employers.

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

**House File 2230**, by committee on commerce-regulation, a bill for an act relating to the duties of the department of inspections and appeals concerning liens on improper provider payments from the department of human services, the administration of certain health care statutes, and the conducting of audits.

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

**House File 2231**, by Arnold, a bill for an act relating to bond requirements for contracts for public improvements.

Read first time and referred to committee on **state government**.

**House File 2232**, by Bradley, a bill for an act relating to the revocation of a law enforcement officer's certification.

Read first time and referred to committee on **state government**.

**House File 2233**, by Arnold, Heaton, Mertz, and Houser, a bill for an act relating to the regulation of private sewage disposal systems and semi-public sewage disposal systems and authorizing each local board of health to adopt rules relating to such regulation.

Read first time and referred to committee on **local government**.

**House File 2234**, by committee on economic development, a bill for an act relating to exempting certain nonresident aliens from land ownership restrictions.

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

**House File 2235**, by committee on commerce-regulation, a bill for an act relating to certain franchise agreements by amending provisions relating to the definition of a franchise, and applicability, transfer, encroachment, termination, nonrenewal, repurchase of assets, independent sourcing, and enforcement.

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

**House File 2236**, by Larson, a bill for an act relating to the requirement of notifying a consumer of a change in the terms of an open-end credit agreement.

Read first time and referred to committee on **commerce-regulation**.

**House File 2237**, by Larson, a bill for an act relating to oral presentation of victim impact statements, which may be made in the presence of the defendant.

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

**House File 2238**, by committee on education, a bill for an act relating to the duties of the board of directors of each community college and creating a legislative task force to study certain matters relating to community colleges.

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

## CONSIDERATION OF BILLS

### Regular Calendar

The House resumed consideration of **House File 2181**, a bill for an act relating to the statistical reporting of terminations of pregnancy and establishing penalties, previously deferred.

## RULES SUSPENDED

Connors of Polk asked for unanimous consent to suspend the rules for the immediate consideration of amendment H-5077.

Objection was raised.

Connors of Polk moved to suspend the rules for the immediate consideration of amendment H-5077 filed from the floor by Connors of Polk, Doderer and Metcalf.

A non-record roll call was requested.

The ayes were 28, nays 51.

The motion to suspend the rules lost.

## RULES SUSPENDED

Harper of Black Hawk asked for unanimous consent to suspend the rules for the immediate consideration of amendment H-5076.

Objection was raised.

Harper of Black Hawk moved to suspend the rules for the immediate consideration of amendment H-5076, filed by her from the floor.

A non-record roll call was requested.

The ayes were 35, nays 51.

The motion to suspend the rules lost.

Connors of Polk moved to defer action on House File 2181.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 32, nays 62.

The motion to defer lost.

Grundberg of Polk asked and received unanimous consent to withdraw amendment H-5075, filed by her from the floor.

Schulte 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. 2181)

The ayes were, 76:

Arnold	Baker	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Cataldo	Churchill
Coon	Cormack	Daggett	Disney
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larson	Lord
Main	Martin	May	Mertz
Meyer	Millage	Mundie	Murphy

Myers	Nelson, B.	Nutt	O'Brien
Osterhaus	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, 20:

Bell	Bernau	Brand	Burnett
Cohoon	Connors	Doderer	Fallon
Grundberg	Harper	Holveck	Larkin
Mascher	Metcalf	Moreland	Nelson, L.
Ollie	Schrader	Shoultz	Taylor

Absent or not voting, 4:

Brammer	Dinkla	McCoy	Rants
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2181** be immediately messaged to the Senate.

#### RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of House Concurrent Resolution 111.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 111

Larson of Linn called up for consideration House Concurrent Resolution 111, a concurrent resolution supporting Iowa military personnel in the Bosnian peacekeeping mission and moved its adoption.

The motion prevailed and the resolution was adopted.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 109

Fallon of Polk called up for consideration House Concurrent Resolution 109, a concurrent resolution designating June 15, 1996, as the day to celebrate the ending of slavery and to recognize the worth and value of all people and moved its adoption.

The motion prevailed and the resolution was adopted.

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following resolutions be immediately messaged to the Senate: **House Concurrent Resolutions 109 and 111.**

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on January 30, 31, and February 1, 1996. Had I been present, I would have voted "aye" on House Files 210, 2017, 2044, 2061, 2066, 2113, 2114; and "nay" on Senate amendment H—5033 to Senate File 2030.

HARRISON of Scott

I was temporarily absent from the House chamber on the afternoon of Thursday, February 15, 1996. Had I been present, I would have voted "aye" on House File 2181.

McCOY of Polk

## SUBCOMMITTEE ASSIGNMENTS

**House File 2121**

Ways and Means: Dinkla, Chair; Main and Weigel.

**House File 2139**

Ways and Means: Halvorson, Chair; Dinkla and Jochum.

**House File 2145**

Agriculture: Vande Hoef, Chair; Hahn and Koenigs.

**House File 2149**

Ways and Means: Renken, Chair; Jochum and Van Fossen.

**House File 2160**

Ways and Means: Dinkla, Chair; Main and Weigel.

**House File 2176**

Ways and Means: Disney, Chair; Holveck and Lamberti.

**House File 2184**

Agriculture: Eddie, Chair; Main and Mundie.

**House File 2189**

Ways and Means: Grubbs, Chair; Dinkla and Shoultz.

**House File 2192**

Agriculture: Eddie, Chair; Greiner and Koenigs.

**House File 2193**

Agriculture: Eddie, Chair; Drees and Welter.

**House File 2194**

Agriculture: Eddie, Chair; Boggess and Koenigs.

**House File 2195**

Agriculture: Eddie, Chair; Koenigs and Salton.

**House File 2198**

Local Government: Martin, Chair; Drees and Jacobs.

**House File 2203**

Agriculture: Eddie, Chair; Greig and Koenigs.

**House File 2204**

Agriculture: Eddie, Chair; Burnett and Huseman.

**House File 2205**

Natural Resources: Thomson, Chair; Branstad and O'Brien.

**House File 2207**

Transportation: Nelson of Marshall, Chair; Carroll and Cohoon.

**House File 2213**

Transportation: Main, Chair; Branstad and McCoy.

**House File 2215**

Local Government: Hanson, Chair; Arnold and Mertz.

**House File 2216**

Transportation: Salton, Chair; Cohoon and Eddie.

**House File 2223**

Transportation: Branstad, Chair; Brauns and Mundie.

**House File 2224**

Local Government: Jacobs, Chair; Carroll, Connors, Myers and Vande Hoef.

**Senate File 2097**

Ways and Means: Dinkla, Chair; Main and Weigel.

**Senate File 2130**

Agriculture: Mertz, Chair; Boggess and Greiner.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 573**

Judiciary: Hurley, Chair; Nutt and Shoultz.

**House Study Bill 574**

Judiciary: Lamberti, Chair; Millage and Shoultz.

**House Study Bill 575**

Judiciary: Veenstra, Chair; Bell and Coon.



**House Study Bill 576**

Judiciary: Lamberti, Chair; Harrison and Holveck.

**House Study Bill 577**

Judiciary: Lamberti, Chair; Bernau and Coon.

**House Study Bill 578**

Judiciary: Lamberti, Chair; Moreland and Nutt.

**House Study Bill 579**

Judiciary: Coon, Chair; Bernau and Schulte.

**House Study Bill 580**

Judiciary: Millage, Chair; Doderer and Lamberti.

**House Study Bill 581**

Judiciary: Veenstra, Chair; Coon and Shoultz.

**House Study Bill 589**

Judiciary: Hurley, Chair; Boddicker and Moreland.

**House Study Bill 590**

Judiciary: Coon, Chair; Bell and Lamberti.

**House Study Bill 591**

Judiciary: Boddicker, Chair; Bernau and Nutt.

**House Study Bill 593**

Judiciary: Grubbs, Chair; Holveck and Hurley.

**House Study Bill 594**

Judiciary: Dinkla, Chair; Boddicker and Moreland.

**House Study Bill 595**

Judiciary: Boddicker, Chair; Doderer and Millage.

**House Study Bill 596**

Judiciary: Lamberti, Chair; Coon and Kreiman.

**House Study Bill 597**

Judiciary: Millage, Chair; Harrison and Moreland.

**House Study Bill 598**

Judiciary: Grubbs, Chair; Millage and Shoultz.

**House Study Bill 599**

Judiciary: Greiner, Chair; Boddicker and Shoultz.

**House Study Bill 600**

Judiciary: Greiner, Chair; Bell and Schulte.

**House Study Bill 601**

Judiciary: Greiner, Chair; Bernau and Boddicker.

**House Study Bill 609**

Judiciary: Greiner, Chair; Doderer and Harrison.

**House Study Bill 610**

Judiciary: Veenstra, Chair; Lamberti and Moreland.

**House Study Bill 611**

Judiciary: Schulte, Chair; Greiner and Holveck.

**House Study Bill 612**

Judiciary: Dinkla, Chair; Bernau and Veenstra.

**House Study Bill 619**

Transportation: Welter, Chair; Main and McCoy.

**House Study Bill 621**

Ways and Means: Lamberti, Chair; Dinkla and Holveck.

**House Study Bill 631**

Natural Resources: Klemme, Chair; Huseman and O'Brien.

**House Study Bill 632**

Judiciary: Hurley, Chair; Boddicker, Doderer, Kreiman and Lamberti.

**House Study Bill 633**

Commerce-Regulation: Nutt, Chair; Brunkhorst and Nelson of Pottawattamie.

**House Study Bill 634**

Commerce-Regulation: Larson, Chair; Churchill and Nelson of Pottawattamie.

**House Study Bill 635**

Transportation: Heaton, Chair; May and Welter.

**House Study Bill 636**

Transportation: Branstad, Chair; Grundberg and Mundie.

**House Study Bill 637**

Transportation: Welter, Chair; Arnold and McCoy.

**House Study Bill 639**

Commerce-Regulation: Van Fossen, Chair; Holveck and Sukup.

**House Study Bill 640**

Commerce-Regulation: Halvorson, Chair; Holveck and Renken.

**House Study Bill 641**

Local Government: Vande Hoef, Chair; Houser and Koenigs.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 643 Natural Resources**

Relating to issuance of free deer and wild turkey hunting licenses to certain landowners and tenants.

**H.S.B. 644 Judiciary**

Relating to associate juvenile judges.

**H.S.B. 645 Judiciary**

Removing the requirement that a corporation which has adopted a corporate seal affix the seal to all documents affecting real estate executed by the corporation.

**H.S.B. 646 Judiciary**

Defining an offense for possession of alcohol by persons aged eighteen, nineteen, and twenty, and providing a penalty.

**H.S.B. 647 Judiciary**

Relating to purchase money mortgages and providing a retroactive applicability provision.

**H.S.B. 648 Judiciary**

Relating to the department of corrections, including operating while intoxicated violator facilities, inmate hard labor, reimbursement by parole violators, tort claims protection for certain persons, and inmate accounts.

**H.S.B. 649 Judiciary**

Relating to excuse from jury service and the reimbursement of jurors and witnesses for transportation and mileage expenses.

**H.S.B. 650 Judiciary**

Relating to the authority of fiduciaries under the probate code to invest in open-end or closed-end management investment companies or investment trusts.

**H.S.B. 651 Natural Resources**

Relating to the issuance of deer and wild turkey nonresident hunting licenses to certain official guests and dignitaries.

**H.S.B. 652 Ways and Means**

Providing a livestock production credit for state income tax purposes, repealing the agricultural land and family farm property tax credits, and providing applicability dates.

**H.S.B. 653 Ways and Means**

Relating to the sales and property tax exemptions for pollution control equipment.

**H.S.B. 654 Ways and Means**

Relating to the tax exemption of active duty pay of national guard or armed forces military reserve personnel for certain foreign service.

**H.S.B. 655 Judiciary**

Deleting the requirement to enter a civil judgement after an order of restitution has been entered.

**H.S.B. 656 Judiciary**

Relating to unlawful military or training activity, including the possession of certain real or simulated explosive or incendiary devices, and establishing or making penalties applicable.

**H.S.B. 657 Judiciary**

Relating to juvenile justice, including dispositional alternatives for juveniles adjudicated delinquent, registering with the sex offender registry, and associate juvenile judge jurisdiction.

**H.S.B. 658 Judiciary**

Relating to the offense of driving while a license is denied, revoked, cancelled, or suspended, and providing a penalty.

**H.S.B. 659 Judiciary**

Relating to the designation of the drug ephedrine as a schedule IV controlled substance, and making penalties applicable.

**H.S.B. 660 Judiciary**

Relating to the authorization of school officials to conduct student searches, locker searches, and report alcohol or controlled substance possession or use.

**H.S.B. 661 Judiciary**

Relating to sentences for persons convicted of sexually predatory offenses.

### H.S.B. 662 Judiciary

Relating to underground storage tank cost recovery proceedings and providing an applicability provision and an effective date.

### H.S.B. 663 Commerce-Regulation

Relating to the regulation of activities of state banks and state bank affiliates, interstate branching or banking, and personnel of the banking division, state banks and state bank affiliates, and the regulation of financial transactions involving such entities and personnel.

## 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

### COMMITTEE ON AGRICULTURE

**Committee Bill** (Formerly House Study Bill 532), providing for the organization of cooperative corporations, providing for fees, and providing for penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 14, 1996.

### COMMITTEE ON APPROPRIATIONS

**Senate File 2063**, a bill for an act establishing a school improvement technology program to fund instructional technology for school districts, the Iowa braille and sight saving school, the state school for the deaf and the Price laboratory school, providing for properly related matters, and making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5074**, February 14, 1996.

### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 524), relating to permissible fees and commission to be paid to certified public accountants and accounting practitioners.

Fiscal Note is not required.

Recommended **Do Pass** February 14, 1996.

### COMMITTEE ON WAYS AND MEANS

**Senate File 2097**, a bill for an act providing a sales, services, and use tax exemption on certain packaging materials used in agricultural, livestock, or dairy production.

Fiscal Note is not required.

Recommended Do Pass February 14, 1996.

### AMENDMENTS FILED

H—5074	S.F.	2063	Committee on Appropriations
H—5078	H.F.	258	Sukup of Franklin

On motion by Siegrist of Pottawattamie, the House adjourned at 3:08 p.m., until 8:45 a.m., Friday, February 16, 1996.

# JOURNAL OF THE HOUSE

Fortieth Calendar Day -Twenty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 16, 1996

The House met pursuant to adjournment at 8:47 a.m., Siegrist of Pottawattamie in the chair.

Prayer was offered by the Honorable Clyde Bradley, state representative from Clinton County.

The Journal of Thursday, February 15, 1996 was approved.

## INTRODUCTION OF BILLS

**House File 2239**, by Larson, a bill for an act relating to the penalty for persons who commit felony sex offenses.

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

**House File 2240**, by Wise, a bill for an act relating to mortgage property which has been levied upon and the effect of the filing of a demand for delay of sale.

Read first time and referred to committee on **commerce-regulation**.

**House File 2241**, by Brunkhorst, a bill for an act eliminating registration requirements for construction contractors.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2242**, by Wise, Nelson of Marshall, Taylor, Warnstadt, Cohoon, Ollie, Mascher, Brand, Larkin, and Shoultz, a bill for an act relating to benefits under the Iowa public employees' retirement system.

Read first time and referred to committee on **state government**.

**House File 2243**, by Millage, Harrison, Van Fossen, Martin, Grubbs, and Bradley, a bill for an act creating an elderly homestead tax limitation credit to prevent increases in property taxes on the elderly and providing an applicability date.

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

**House File 2244**, by Bradley and Rants, a bill for an act relating to insurance coverage and registration requirements for motor vehicles in this state, providing for the seizure of motor vehicle registration plates, and providing penalties and conditional effective dates.

Read first time and referred to committee on **commerce-regulation**.

**House File 2245**, by Larkin and Wise, a bill for an act providing for release of information to a county concerning an individual with a property tax suspension due to receiving public assistance.

Read first time and referred to committee on **human resources**.

**House File 2246**, by Connors, a bill for an act eliminating the inclusion in a support obligation of payment for postsecondary educational expenses and providing for modification of certain support orders.

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

### 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 February 15, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2114, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date.

Also: That the Senate has on February 15, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2035, a bill for an act relating to the control and eradication of ecologically harmful exotic species and Eurasian milfoil and establishing a penalty.

Also: That the Senate has on February 15, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2074, a bill for an act relating to the dates on which city hospital or health care facility trustees take and depart from office.

Also: That the Senate has on February 15, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2135, a bill for an act providing for the organization of cooperative corporations, providing for fees, and providing for penalties.

Also: That the Senate has on February 15, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2142, a bill for an act relating to crime prevention by creating a local corrections infrastructure grant program, authorizing the use of bonding, making appropriations, imposing a civil penalty for certain motor vehicle license revocations, imposing a surcharge on criminal fines and forfeitures, providing for mandatory wage assignment for certain delinquent fines, and providing an effective date.

Also: That the Senate has on February 15, 1996, passed the following bill in which the concurrence of the House is asked:



Senate File 2149, a bill for an act relating to contracts for mutual aid between fire departments regarding emergency services and providing an effective date.

JOHN F. DWYER, Secretary

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 6, 1996. Had I been present, I would have voted "aye" on amendment H—5040 to House Joint Resolution 2003 and "nay" on amendments H—5027 and H—5038 to House Joint Resolution 2003.

SIEGRIST of Pottawattamie

### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\96 Dan Johnston, Evan Jeffrey, Joshua Prins, Josh Lapan and Dion Harmon, Ames High School – For winning first place in the State High School Science Bowl.
- 1996\97 Beth McCaw, LeClaire – For rescuing Ray Perkins after his vehicle had fallen on him.
- 1996\98 Daniel J. Kirkpatrick, West Des Moines – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

### SUBCOMMITTEE ASSIGNMENT

#### House File 2206

Environmental Protection: Greiner, Chair; Fallon and Hahn.

### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

#### House Study Bill 643

Natural Resources: Arnold, Chair; Mertz and Weidman.

#### House Study Bill 644

Judiciary: Dinkla, Chair; Kreiman and Nutt.

#### House Study Bill 645

Judiciary: Nutt, Chair; Coon and Shoultz.

#### House Study Bill 651

Natural Resources: Arnold, Chair; Mertz and Weidman.

#### House Study Bill 661

Judiciary: Grubbs, Chair; Kreiman and Schulte.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 664 Commerce-Regulation**

Relating to consumer protection by increasing the maximum dollar amount of certain transactions for purposes of the consumer credit code and establishing a cause of action for consumers.

**H.S.B. 665 Commerce-Regulation**

Relating to foreign and domestic business corporations by amending certain reporting and filing requirements and procedures and establishing fees.

## 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON-JUDICIARY

Senate File 2088, a bill for an act prohibiting abuse of a human corpse, and providing a penalty.

Fiscal Note not required.

Recommend Do Pass February 15, 1996.

## AMENDMENTS FILED

H—5079	H.F.	2114	Senate Amendment
H—5080	S.F.	2063	Ertl of Dubuque
H—5081	H.F.	2196	Shoultz of Black Hawk Witt of Black Hawk
H—5082	H.F.	2196	Cataldo of Polk

On motion by Gipp of Winneshiek, the House adjourned at 8:50 a.m., until 1:00 p.m., Monday, February 19, 1996.

# JOURNAL OF THE HOUSE

Forty-third Calendar Day – Twenty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 19, 1996

The House met pursuant to adjournment at 1:00 p.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Renee Mackey, First Presbyterian Church, Missouri Valley.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Girl Scout Troop 2089 from Linn-Marr Intermediate School, Marion. They were accompanied by Troop Leader, Cheryl Martin.

The Journal of Friday, February 16, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Weigel of Chickasaw, on request of Cohoon of Des Moines; Larson of Linn, on request of Teig of Hamilton; Rants of Woodbury, for February 19, 20 and 21, 1996, on request of Gipp of Winneshiek and Wise of Lee, for the week of February 19, 1996, on request of Cohoon of Des Moines.

## INTRODUCTION OF BILL

**House File 2247**, by committee on state government, a bill for an act relating to permissible fees and commission to be paid to certified public accountants and accounting practitioners.

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

## SENATE MESSAGES CONSIDERED

**Senate File 2035**, by Kibbie, a bill for an act relating to the control and eradication of ecologically harmful exotic species and Eurasian milfoil and establishing a penalty.

Read first time and referred to committee on **environmental protection**.

**Senate File 2074**, by Hammond, a bill for an act relating to the dates on which city hospital or health care facility trustees take and depart from office.

Read first time and referred to committee on **state government**.

**Senate File 2135**, by committee on agriculture, a bill for an act providing for the organization of cooperative corporations, providing for fees, and providing for penalties.

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

**Senate File 2142**, by committee on appropriations, a bill for an act relating to crime prevention by creating a local corrections infrastructure grant program, authorizing the use of bonding, making appropriations, imposing a civil penalty for certain motor vehicle license revocations, imposing a surcharge on criminal fines and forfeitures, providing for mandatory wage assignment for certain delinquent fines, and providing an effective date.

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

**Senate File 2149**, by committee on local government, a bill for an act relating to contracts for mutual aid between fire departments regarding emergency services and providing an effective date.

Read first time and referred to committee on **local government**.

#### ADOPTION OF HOUSE RESOLUTION 102

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House Resolution 102, a resolution honoring Iowa State University's football running back Troy Davis and moved its adoption.

The motion prevailed and the resolution was adopted.

#### SPECIAL PRESENTATION

Siegrist of Pottawattamie presented to the House, from Iowa State University, football running back, Troy Davis; his coach, Dan McCarney and Athletic Director, Gene Smith.

Mr. Davis was honored for his outstanding contribution to the Iowa State football team during the 1995 season. He led the nation in rushing, 182.7 yards per game and in all-purpose yards at 224.2 per game. He was the first sophomore in NCAA history to reach the 1000-yard mark during the first five games of a season and finished the season with a total of 2,010 yards, ranking him fifth on the all-time NCAA list for the most rushing yards in a season. He was a finalist for the Heisman Trophy and earned numerous other awards.

In addition to his success on the football field, he is equally as successful in the classroom, earning commendable academic marks during the 1995 fall semester.

Siegrist of Pottawattamie presented to Mr. Davis, House Resolution 102, adopted in his honor. Mr. Davis responded with brief remarks to the House.

The House rose and expressed its appreciation.

## CONSIDERATION OF BILLS Regular Calendar

**House File 2109**, a bill for an act relating to nonconsensual termination of or serious injury to a pregnancy and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Harrison of Scott offered the following amendment H-5073 filed by the committee on judiciary and moved its adoption:

H-5073

1 Amend House File 2109 as follows:

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

4 "Section 1. Section 707.7, unnumbered paragraphs  
5 1, 2, and 4, Code 1995, are amended to read as  
6 follows:

7 Any person who intentionally terminates a human  
8 pregnancy, with the knowledge and voluntary consent of  
9 the pregnant person, after the end of the second  
10 trimester of the pregnancy where death of the fetus  
11 results commits feticide. Feticide is a class "C"  
12 felony.

13 Any person who attempts to intentionally terminate  
14 a human pregnancy, with the knowledge and voluntary  
15 consent of the pregnant person, after the end of the  
16 second trimester of the pregnancy where death of the  
17 fetus does not result commits attempted feticide.  
18 Attempted feticide is a class "D" felony.

19 Any person who terminates a human pregnancy, with  
20 the knowledge and voluntary consent of the pregnant  
21 person, who is not a person licensed to practice  
22 medicine and surgery under the provisions of chapter  
23 148, or an osteopathic physician and surgeon licensed  
24 to practice osteopathic medicine and surgery under the  
25 provisions of chapter 150A, commits a class "C"  
26 felony.

27 Sec. 2. Section 707.8, Code 1995, is amended to  
28 read as follows:

29 707.8 NONCONSENSUAL TERMINATION — SERIOUS INJURY  
30 TO A HUMAN PREGNANCY.

31 1. A person who terminates a human pregnancy  
32 without the consent of the pregnant person during the

33 commission of a forcible felony is guilty of a class  
 34 "B" felony.

35 1. 2. A person who terminates a human pregnancy  
 36 without the consent of the pregnant person during the  
 37 commission of a felony or felonious assault is guilty  
 38 of a class "B"-"C" felony.

39 2. 3. A person who intentionally terminates a  
 40 human pregnancy without the knowledge and voluntary  
 41 consent of the pregnant person is guilty of a class  
 42 "C" felony. This subsection shall not apply to a  
 43 termination performed without the consent or knowledge  
 44 of the pregnant person by a physician licensed in this  
 45 state to practice medicine and surgery when  
 46 circumstances preclude the pregnant person from  
 47 providing consent and the termination is performed to  
 48 preserve the life or health of the pregnant person or  
 49 of the fetus.

50 4. A person who unintentionally terminates a human

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1 pregnancy by any of the means provided pursuant to  
 2 section 707.6A, subsection 1, is guilty of a class "C"  
 3 felony.

4 3. 5. A person who by force or intimidation  
 5 procures the consent of the pregnant person to a  
 6 termination of a human pregnancy is guilty of a class  
 7 "C" felony.

8. 6. A person who unintentionally terminates a human  
 9 pregnancy while drag racing in violation of section  
 10 321.278 is guilty of a class "D" felony.

11 7. A person who unintentionally terminates a human  
 12 pregnancy without the knowledge and voluntary consent  
 13 of the pregnant person by the commission of an act in  
 14 a manner likely to cause the termination of or serious  
 15 injury to a human pregnancy is guilty of an aggravated  
 16 misdemeanor.

17 8. A person commits an aggravated misdemeanor when  
 18 the person intentionally causes serious injury to a  
 19 human pregnancy by the commission of an act in a  
 20 manner likely to cause the termination of or serious  
 21 injury to a human pregnancy.

22 9. A person commits an aggravated misdemeanor when  
 23 the person unintentionally causes serious injury to a  
 24 human pregnancy by any of the means described in  
 25 section 707.6A, subsection 1.

26 10. A person commits a serious misdemeanor when  
 27 the person unintentionally causes serious injury to a  
 28 human pregnancy by the commission of an act in a  
 29 manner likely to cause the termination of or serious  
 30 injury to the human pregnancy.

31 11. For the purposes of this section "serious  
 32 injury to a human pregnancy" means, relative to the

33 human pregnancy, disabling mental illness, or bodily  
 34 injury which creates a substantial risk of death or  
 35 which causes serious permanent disfigurement, or  
 36 protracted loss or impairment of the function of any  
 37 bodily member or organ, and includes but is not  
 38 limited to skull fractures, rib fractures, and  
 39 metaphyseal fractures of the long bones.  
 40 12. As used in this section, actions which cause  
 41 the termination of or serious injury to a pregnancy do  
 42 not apply to any of the following:  
 43 a. An act or omission of the pregnant person.  
 44 b. A termination of or a serious injury to a  
 45 pregnancy which is caused by the performance of an  
 46 approved medical procedure performed by a person  
 47 licensed in this state to practice medicine and  
 48 surgery or osteopathic medicine and surgery,  
 49 irrespective of the duration of the pregnancy and with  
 50 or without the voluntary consent of the pregnant

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1 person when circumstances preclude the pregnant person  
 2 from providing consent.  
 3 c. An act committed in self-defense or in defense  
 4 of another person or any other act committed if  
 5 legally justified or excused."

The committee amendment H-5073 was adopted.

Harrison 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?" (H.F. 2109)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf

Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Witt	Mr. Speaker
			Corbett

The nays were, none.

Absent or not voting, 4:

Larson	Rants	Weigel	Wise
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2109** be immediately messaged to the Senate.

### SENATE AMENDMENT CONSIDERED

Sukup of Franklin called up for consideration **House File 258**, a bill for an act relating to drug testing of certain employees and applicants for employment, providing for employer defenses, and making penalties applicable, amended by the Senate amendment H-4229 as follows:

H-4229

- 1 Amend House File 258, 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 730.5, subsection 1, Code
- 6 1995, is amended to read as follows:
- 7 1. As used in this section, unless the context
- 8 otherwise requires:
- 9 a. "drug Drug test" means any blood, urine,
- 10 saliva, chemical, or skin tissue test conducted for
- 11 the purpose of detecting the presence of a chemical
- 12 substance in an individual.
- 13 b. "Preemployment" means that period of time
- 14 between when a bona fide offer of employment is made
- 15 and when employment begins.
- 16 Sec. 2. Section 730.5, subsection 2, Code 1995, is
- 17 amended to read as follows:



18 2. Except as provided in subsection 7, an employer  
19 shall not require or request employees or applicants  
20 for employment to submit to a drug test as a condition  
21 of employment, preemployment, promotion, or change in  
22 status of employment. An employer shall not request,  
23 require, or conduct random or blanket drug testing of  
24 employees. However, this section does not apply to  
25 preemployment drug tests authorized for peace officers  
26 or correctional officers of the state, or to drug  
27 tests required under federal statutes or under federal  
28 regulations adopted as of July 1, 1990 in effect on or  
29 before February 16, 1995, or to drug tests conducted  
30 pursuant to a nuclear regulatory commission  
31 regulation, or to drug tests conducted to determine if  
32 an employee is ineligible to receive workers'  
33 compensation under section 85.16, subsection 2.

34 The exemption granted by this subsection relating  
35 to drug testing pursuant to federal regulations  
36 adopted as of July 1, 1990 in effect on or before  
37 February 16, 1995, is of no effect, as it applies to a  
38 particular regulation, upon a finding by a court of  
39 competent jurisdiction, including any appeal of such  
40 finding, that the particular regulation is  
41 unconstitutional or otherwise invalid. The decision  
42 of a court invalidating any regulation exempted by  
43 this section shall not be stayed pending appeal.

44 Sec. 3. Section 730.5, subsection 3, paragraph a,  
45 Code 1995, is amended to read as follows:

46 a. The employer has probable cause to believe that  
47 an employee's faculties are impaired on the job. For  
48 purposes of this paragraph, an employer has probable  
49 cause to believe that an employee's faculties are  
50 impaired on the job if the employer is investigating

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1 an accident in the workplace and all of the following  
2 conditions are met:

3 (1) The employer has reasonable grounds to believe  
4 that the employee proposed to be tested either  
5 directly caused or directly contributed to the  
6 accident.

7 (2) The employer has reasonable grounds to believe  
8 that the employee's faculties were impaired and that  
9 the impairment was likely a substantial factor in  
10 causing the accident.

11 (3) The accident results in a personal injury  
12 which requires medical treatment away from the  
13 workplace or damage to property, including equipment,  
14 in an amount reasonably estimated to exceed five  
15 thousand dollars at the time of the accident.

16 (4) Prior to the accident, the employer has  
17 provided the employee to be tested with written notice

18 of the employer's rules or policies regarding alcohol  
19 and controlled substances and testing when a workplace  
20 accident or injury occurs.

21 Sec. 4. Section 730.5, subsection 3, paragraph c,  
22 Code 1995, is amended to read as follows:

23 c. The test sample withdrawn from the employee is  
24 analyzed by a laboratory or testing facility that has  
25 been approved under rules adopted by the department of  
26 public health. The laboratory or testing facility  
27 shall test for and report to the employer only the  
28 presence of alcohol or illegal controlled substances  
29 in any test sample. Upon request by an employee or  
30 applicant for employment, the employer shall provide  
31 to the employee or applicant the results of any drug  
32 test. The rules adopted by the department of public  
33 health shall provide for all of the following:

34 (1) The initial screening test may utilize  
35 immunoassay, thin layer, high performance liquid or  
36 gas chromatography, or an equivalent technology. If  
37 the initial test utilizes immunoassay, the test kit  
38 must meet the requirements of the United States food  
39 and drug administration.

40 (2) Samples which have tested positive by initial  
41 testing, with the exception of alcohol, shall be  
42 confirmed by gas chromatography-mass spectrometry or  
43 by a scientifically equivalent technique approved by  
44 the department.

45 (3) All initial positive drug test results with  
46 the exception of alcohol shall be confirmed by gas  
47 chromatography-mass spectrometry or an equivalent test  
48 approved by the department before being reported as  
49 positive or negative.

50 (4) All initial positive test results for alcohol

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1 shall be confirmed by gas chromatography, or a test  
2 that is recognized by the department as an equivalent  
3 test before being reported as positive or negative.

4 (5) Preliminary reports for drugs other than  
5 alcohol shall not be issued in the absence of  
6 confirmation by gas chromatography-mass spectrometry  
7 or a scientifically equivalent test approved by the  
8 department.

9 (6) Complete chain of custody procedures shall be  
10 used for referred specimens. When sample volumes  
11 permit, it is recommended that only an aliquot of the  
12 original specimen be sent to a reference laboratory.

13 Sec. 5. Section 730.5, subsection 7, Code 1995, is  
14 amended to read as follows:

15 7. A drug test conducted as a part of a physical  
16 examination performed as a part of a preemployment  
17 physical or as a part of a regularly scheduled

18 ~~physical is only permissible~~ In addition to drug  
19 testing permitted by subsection 3, drug testing of an  
20 employee or applicant for employment shall also be  
21 permitted under the following circumstances:  
22 a. For a preemployment physical, the employer  
23 shall include notice that a drug test will be part of  
24 a preemployment physical in any notice or  
25 advertisement soliciting applicants for employment or  
26 in the application for employment, and an applicant  
27 for employment shall be personally informed of the  
28 requirement for a drug test at the first interview.  
29 b. For a regularly scheduled physical, the  
30 employer shall give notice that a drug test will be  
31 part of the physical at least thirty days prior to the  
32 date the physical is scheduled.  
33 c. An employer may require an employee, as a  
34 condition of employment, to undergo drug testing if  
35 that employee has been referred by the employer for  
36 substance abuse evaluation pursuant to subsection 3,  
37 paragraph "f", and treatment, if recommended by the  
38 evaluation. The employee may be required to undergo  
39 drug testing without prior notice, but in no case  
40 shall more than two tests be conducted in the twelve-  
41 month period following the employee's completion of  
42 substance abuse treatment if the treatment was  
43 recommended by the evaluation. A drug test shall not  
44 be required of an employee by an employer during drug  
45 treatment of the employee, if such testing would  
46 duplicate testing of the employee conducted in the  
47 course of treatment and the employee has waived  
48 confidentiality as to the employer of the results of  
49 such testing. An employer shall not require an  
50 employee to submit to drug testing under this

Page 4

1 paragraph if more than twelve months have elapsed  
2 since the employee successfully completed drug  
3 treatment and the employee has not had a drug test  
4 conducted indicating the presence of alcohol or an  
5 illegal controlled substance during that twelve-month  
6 period.  
7 Drug testing conducted under this subsection shall  
8 conform to the requirements of subsection 3,  
9 paragraphs "c", "d", "e", and "f"; however, paragraph  
10 "f" shall not apply to drug tests conducted as a part  
11 of a preemployment physical.  
12 Sec. 6. Section 730.5, Code 1995, is amended by  
13 adding the following new subsection:  
14 NEW SUBSECTION. 12. An employer who conducts a  
15 drug test pursuant to this section shall, for each  
16 fiscal year beginning on or after July 1, 1995, file  
17 an annual written report with the labor division of

18 the department of employment services consisting of  
19 the following information:

20 a. The number of drug tests conducted by the  
21 employer and the number of employees employed by the  
22 employer.

23 b. The number of drug tests conducted as part of a  
24 preemployment application process, a regularly  
25 scheduled physical, or as a result of a drug test  
26 conducted pursuant to a finding of probable cause as  
27 provided by subsection 3, paragraph "a". Of the drug  
28 tests conducted pursuant to a finding of probable  
29 cause, the employer shall indicate the number of drug  
30 tests conducted as a result of a workplace accident  
31 that resulted in personal injury, property damage, or  
32 both personal injury and property damage.

33 c. The number of drug tests that resulted in a  
34 confirmed positive test result indicating the presence  
35 of alcohol and the number of drug tests that resulted  
36 in a confirmed positive test result indicating the  
37 presence of an illegal controlled substance.

38 d. The number of personal injuries, and the dollar  
39 loss for property damage, arising out of the use of  
40 alcohol and illegal controlled substances by  
41 employees.

42 e. The cost of substance abuse evaluation and  
43 treatment for employees."

44 \_\_. Title page, line 2, by striking the word  
45 "defenses" and inserting the following: "reporting of  
46 drug tests".

47 2. By renumbering as necessary.

The House stood at ease at 1:45 p.m., until the fall of the gavel.

The House resumed session at 3:10 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Gipp of Winneshiek asked and received unanimous consent to defer action on **House File 258**.

(Senate amendment H-4229 pending.)

### Unfinished Business Calendar

The House resumed consideration of **House File 2144**, a bill for an act relating to the payment by third parties of physician assistants and advanced registered nurse practitioners, previously deferred and placed on the unfinished business calendar and amendment H-5064, found on page 325 of the House Journal, pending.

Metcalf of Polk moved the adoption of amendment H-5064.

A non-record roll call was requested.

The ayes were 21, nays 53.

Amendment H-5064 lost.

Boddicker of Cedar asked and received unanimous consent to withdraw amendment H-5068 filed by him and Myers on February 13, 1996.

Boddicker of Cedar offered the following amendment H-5070 filed by him and Myers and moved its adoption:

H-5070

- 1 Amend House File 2144 as follows:
- 2 1. Page 2, line 16, by inserting after the word
- 3 "contract" the following: "or other agreement to
- 4 provide services".

Amendment H-5070 was adopted.

Boddicker of Cedar 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. 2144)

The ayes were, 88:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Cataldo	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt Barry	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Veenstra
Warnstadt	Welter	Witt	Van Maanen, Presiding

The nays were, 8:

Carroll	Churchill	Grundberg	Hanson
Jacobs	Metcalf	Vande Hoef	Weidman

Absent or not voting, 4:

Larson	Rants	Weigel	Wise
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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

Gipp of Winneshiek asked and received unanimous consent that **House File 2144** be immediately messaged to the Senate.

The House stood at ease at 3:40 p.m., until the fall of the gavel.

The House resumed session at 4:17p.m., Speaker pro tempore Van Maanen of Marion in the chair.

The House resumed consideration of **House File 258**, a bill for an act relating to drug testing of certain employees and applicants for employment, providing for employer defenses, and making penalties applicable, previously deferred and the Senate amendment H-4229, found on pages 358 through 362 of the House Journal, pending.

Sukup of Franklin offered amendment H-5078, to the Senate amendment H-4229, filed by him as follows:

H-5078

- 1 Amend the amendment, H-4229, to House File 258, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, line 8, by striking the word
- 5 "requires:" and inserting the following: "requires.".
- 6 2. Page 1, line 9, by striking the words
- 7 "a. 'drug Drug test'" and inserting the following :
- 8 "'drug test'".
- 9 3. Page 1, by striking lines 13 through 15.
- 10 4. Page 1, lines 28 and 29, by striking the words
- 11 and figures "in effect on or before February 16,
- 12 1995".
- 13 5. Page 1, lines 36 and 37, by striking the words
- 14 and figures "in effect on or before February 16,
- 15 1995".
- 16 6. Page 2, by striking lines 7 through 10.
- 17 7. Page 2, line 11, by striking the figure "(3)"
- 18 and inserting the following: "(2)".
- 19 8. Page 2, line 14, by striking the word "five"
- 20 and inserting the following: "one".
- 21 9. Page 2, line 16, by striking the figure "(4)"

22 and inserting the following: "(3)".

23 10. Page 2, line 29, by inserting after the word  
24 "sample." the following: "The report and information  
25 provided the employer may be both qualitative and  
26 quantitative but only concerning the presence of  
27 alcohol or an illegal controlled substance in any test  
28 sample."

29 11. By striking page 2, line 32, through page 3,  
30 line 12, and inserting the following: "test."

31 12. Page 3, line 22, by striking the words "For a  
32 preemployment physical, the" and inserting the  
33 following: "For a preemployment physical, the During  
34 preemployment application process. The".

35 13. Page 3, line 24, by striking the word  
36 "physical" and inserting the following: "physical  
37 application process".

38 14. Page 3, line 29, by striking the words "For a  
39 regularly scheduled physical, the" and inserting the  
40 following: "For a regularly scheduled physical, the  
41 During a regularly scheduled physical. The".

42 15. Page 3, line 40, by striking the word "two"  
43 and inserting the following: "four".

44 16. Page 3, line 40, by striking the word  
45 "twelve." and inserting the following: "twenty-four-  
46 ."

47 17. Page 4, line 1, by striking the word "twelve"  
48 and inserting the following: "twenty-four".

49 18. Page 4, line 5, by striking the word "twelve-  
50 month" and inserting the following: "twenty-four-

## Page 2

1 month".

2 19. Page 4, line 11, by striking the word  
3 "physical" and inserting the following: "physical  
4 application process".

5 20. Page 4, by striking lines 15 through 43 and  
6 inserting the following: "drug test pursuant to this  
7 section shall submit a report annually to the labor  
8 division of the department of employment services,  
9 documenting the number of drug tests conducted, the  
10 results of the tests conducted, and the direct costs  
11 associated with the testing."

Connors of Polk offered amendment H-5090, to amendment H-5078, to the Senate amendment H-4229, filed by him from the floor as follows:

## H-5090

1 Amend the amendment, H-5078, to the amendment, H-  
2 4229, to House File 258, as amended, passed, and  
3 reprinted by the House, as follows:

- 4 1. Page 1, by striking lines 4 through 9 and  
 5 inserting the following:  
 6 “\_. Page 1, by striking lines 13 through 15 and  
 7 inserting the following:  
 8 “b. “Employee” means any person who works for  
 9 salary, wages, or other remuneration for an employer,  
 10 including those working part-time or as leased  
 11 employees. “Employee” also means employee as defined  
 12 in section 85.61 and includes the employer, and any  
 13 chief executive officer, president, vice president,  
 14 supervisor, manager, and officer of the employer.””  
 15 2. Page 1, by inserting after line 37 the  
 16 following:  
 17 “\_. Page 3, line 28, by inserting after the  
 18 word “interview.” the following: “However, in order  
 19 to conduct a drug test pursuant to this paragraph, the  
 20 employer shall provide that a preemployment  
 21 application process which includes a drug test shall  
 22 be required in the same manner for all job  
 23 classifications of the employer in which applicants  
 24 for employment are sought.””  
 25 3. Page 1, by inserting after line 41 the  
 26 following:  
 27 “\_. Page 3, line 32, by inserting after the  
 28 word “scheduled.” the following: “However, in order  
 29 to conduct a drug test pursuant to this paragraph, the  
 30 employer shall provide that a regularly scheduled  
 31 physical which includes a drug test shall be required  
 32 in the same manner for all classifications of  
 33 employees of the employer.””  
 34 4. By renumbering as necessary.

Connors of Polk asked and received unanimous consent to defer action on amendment H-5090, to amendment H-5078, to the Senate amendment H-4229.

Sukup of Franklin offered the following amendment H-5092, to amendment H-5078, to the Senate amendment H-4229, filed by him from the floor and moved its adoption:

#### H-5092

- 1 Amend the amendment, H-5078, to the amendment, H-  
 2 4229, to House File 258, as amended, passed, and  
 3 reprinted by the House, as follows:  
 4 1. Page 1, by striking lines 4 through 9 and  
 5 inserting the following:  
 6 “\_. Page 1, by striking lines 13 through 15 and  
 7 inserting the following:  
 8 “b. “Employee” means employee as defined in  
 9 section 85.61 and includes the employer, and any chief  
 10 executive officer, president, vice president,



11 supervisor, manager, and officer of the employer.”

12 2. By renumbering as necessary.

Amendment H-5092 was adopted, placing out of order amendment H-5090, to amendment H-5078, to the Senate amendment H-4229, previously deferred.

Connors of Polk offered the following amendment H-5084, to amendment H-5078, to the Senate amendment H-4229, filed by him from the floor and moved its adoption:

H-5084

1 Amend the amendment, H-5078, to the amendment, H-  
2 4229, to House File 258, as amended, passed, and  
3 reprinted by the House, as follows:

4 1. Page 1, by inserting after aline 37 the  
5 following:

6 “\_. Page 3, line 28, by inserting after the  
7 word “interview.” the following: “However, in order  
8 to conduct a drug test pursuant to this paragraph, the  
9 employer shall provide that a preemployment  
10 application process which includes a drug test shall  
11 be required in the same manner for all job  
12 classifications of the employer in which applicants  
13 for employment are sought.””

14 2. Page 1, by inserting after line 41 the  
15 following:

16 “\_. Page 3, line 32, by inserting after the  
17 word “scheduled.” the following: “However, in order  
18 to conduct a drug test pursuant to this paragraph, the  
19 employer shall provide that a regularly scheduled  
20 physical which includes a drug test shall be required  
21 in the same manner for all classifications of  
22 employees of the employer.””

23 3. By renumbering as necessary.

Amendment H-5084 was adopted.

Nelson of Marshall offered the following amendment H-5091, to amendment H-5078, to the Senate amendment H-4229, filed by her from the floor and moved its adoption:

H-5091

1 Amend the amendment, H-5078, to the amendment, H-  
2 4229, to House File 258, as amended, passed, and  
3 reprinted by the House, as follows:

4 1. Page 1, by inserting after line 41 the  
5 following:

6 “\_. Page 3, by striking lines 33 through 38 and  
7 inserting the following:

8 "c. An employer may require an employee, as a  
 9 condition of employment to undergo drug testing, if  
 10 the employer has provided substance abuse evaluation,  
 11 and treatment, if recommended by the evaluation, which  
 12 have been paid for in whole or in part by the employer  
 13 or its insurance carrier. The employee may be  
 14 required to undergo"."

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

17 "\_. Page 4, by inserting after line 11 the  
 18 following:

19 "Sec. \_\_. Section 730.5, subsection 11, Code  
 20 1995, is amended by striking the subsection.""

21 3. By renumbering as necessary.

Amendment H-5091 was adopted.

Division of amendment H-5078, to the Senate amendment H-4229,  
 was requested as follows:

Division A, lines 4 through 41, page 1; lines 2 through 11, page 2.

Division B, lines 42 through 50, page 1; line 1, page 2.

Sukup of Franklin moved the adoption of amendment H-5078A, to  
 the Senate amendment H-4229.

Roll call was requested by Nelson of Pottawattamie and Schrader  
 of Marion.

On the question "Shall amendment H-5078A, to the Senate amend-  
 ment H-4229, be adopted?" (H.F. 258)

The ayes were, 59:

Arnold	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

The nays were, 36:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Cormack	Doderer	Drees
Fallon	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Warnstadt	Witt

Absent or not voting, 5:

Blodgett	Larson	Rants	Weigel
Wise			

Amendment H-5078A was adopted.

Sukup of Franklin moved the adoption of amendment H-5078B, to the Senate amendment H-4229.

Roll call was requested by Nelson of Pottawattamie and Schrader of Marion.

On the question "Shall amendment H-5078B, to the Senate amendment H-4229, be adopted?" (H.F. 258)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Boddicker	Bogess	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig

Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 6:

Blodgett	Daggett	Larson	Rants
Weigel	Wise		

Amendment H-5078B was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Union, for the remainder of the day, on request of Siegrist of Pottawattamie.

On motion by Sukup of Franklin, the House concurred in the Senate amendment H-4229, as amended.

The House stood at ease at 4:56 p.m., until the fall of the gavel.

The House resumed session at 5:17 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Sukup of Franklin 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. 258)

The ayes were, 77:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Churchill	Connors	Coon	Corbett, Spkr.
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Lord	Main	Martin
May	McCoy	Mertz	Metcalf
Meyer	Millage	Mundie	Myers
Nelson, B.	Nutt	O'Brien	Ollie

Osterhaus	Renken	Salton	Schulte
Shoultz	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Witt
Van Maanen, Presiding			

The nays were, 18:

Baker	Bernau	Brammer	Cataldo
Cohoon	Cormack	Drees	Fallon
Harper	Jochum	Larkin	Mascher
Moreland	Murphy	Nelson, L.	Schrader
Taylor	Warnstadt		

Absent or not voting, 5:

Daggett	Larson	Rants	Weigel
Wise			

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 258** 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 February 1, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 259, a bill for an act relating to the practice of mortuary science, cremation, and licensing of funeral establishments and providing penalties.

JOHN F. DWYER, Secretary

#### HOUSE FILE 412 REREFERRED

The Speaker announced that House File 412, previously referred to the committee on **agriculture**, was rereferred to committee on **appropriations**.

#### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\99 Rita and Gerald Kies, Jesup – For celebrating their Fiftieth wedding anniversary.
- 1996\100 Darlene and Benjamin Hill, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\101 Ada Leaders, Council Bluffs – For celebrating her Ninetieth birthday.
- 1996\102 Megan Stegge, Ames – For receiving the Girl Scout Gold Award, the highest award in the Girl Scouts of America.
- 1996\103 Delores and Jack Wilding, Logan – For celebrating their Fiftieth wedding anniversary.
- 1996\104 Regina and Wayne Jones, Magnolia – For celebrating their Fiftieth wedding anniversary.
- 1996\105 Leeta and Edward Hubbard, Logan – For celebrating their Sixtieth wedding anniversary.
- 1996\106 Marion Bonsall, Dunlap – For celebrating his Eightieth birthday.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2163

Commerce-Regulation: Lamberti, Chair; Metcalf and Nelson of Pottawattamie.

##### House File 2186

Commerce-Regulation: Brunkhorst, Chair; Cataldo and Larson.

##### House File 2197

Commerce-Regulation: Nutt, Chair; Holveck and Jacobs.

##### House File 2214

Education: Grundberg, Chair; Cohoon and Daggett.

##### House File 2228

Education: Veenstra, Chair; Boddicker and Nelson of Pottawattamie.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

##### House Study Bill 663

Commerce-Regulation: Renken, Chair; Churchill, Larson, Weigel and Wise.

##### House Study Bill 664

Commerce-Regulation: Lamberti, Chair; Holveck and Larson.

##### House Study Bill 665

Commerce-Regulation: Cormack, Chair; Brunkhorst and McCoy.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 666 Technology**

Prohibiting certain uses associated with the Iowa communications network.

**H.S.B. 667 Local Government**

Relating to county budgets, limiting expenditures by counties, providing for appropriation of county funds, and creating a capital improvements fund.

**H.S.B. 668 Agriculture**

Relating to soil and water conservation, by providing for the powers and duties of commissions of soil and water conservation districts, and soil and water conservation practices.

**H.S.B. 669 Agriculture**

Providing for the selection and tenure of the executive director of the agricultural development authority.

## 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON ECONOMIC DEVELOPMENT

**Committee Bill** (Formerly House Study Bill 616), relating to eligibility criteria and benefits, including tax benefits to businesses under the new jobs and income program and establishing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1996.

## COMMITTEE ON ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House Study Bill 572), relating to the midwest interstate compact on low-level radioactive waste and establishing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1996.

## COMMITTEE ON HUMAN RESOURCES

**House File 2182**, a bill for an act relating to prenatal testing for group B streptococcus, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5083** February 15, 1996.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 2009**, a bill for an act to legalize certain city and county deeds and conveyances.

Fiscal Note is not required.

Recommended **Do Pass** February 15, 1996.

**Committee Bill** (Formerly House File 488), relating to city sewer or water utility connections.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1996.

**Committee Bill** (Formerly House Study Bill 620), providing requirements for implementation of new or revised federal block grant provisions which affect local governments and providing an effective date and applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 15, 1996.

#### AMENDMENTS FILED

H—5083	H.F.	2182	Committee on Human Resources
H—5085	S.F.	2063	Koenigs of Mitchell
H—5086	H.F.	2196	Koenigs of Mitchell
H—5087	H.F.	2196	Kreiman of Davis
H—5088	H.F.	2140	Van Fossen of Scott
H—5089	H.F.	2182	Fallon of Polk
H—5093	H.F.	2196	Murphy of Dubuque
H—5094	H.F.	2196	Murphy of Dubuque
H—5095	H.F.	2183	Fallon of Polk
H—5096	H.F.	2183	Grubbs of Scott

On motion by Siegrist of Pottawattamie, the House adjourned at 5:25 p.m., until 8:45 a.m., Tuesday, February 20, 1996.



# JOURNAL OF THE HOUSE

Forty-fourth Calendar Day – Thirtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 20, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Thomas Bower, First Presbyterian Church of Marshalltown, Marshalltown.

The Journal of Monday, February 19, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Larson of Linn, for the remainder of the week, on request of Siegrist of Pottawattamie.

## INTRODUCTION OF BILLS

**House File 2248**, by Shoultz, Holveck, Vande Hoef, Witt, Doderer, Burnett, Jochum, and Mascher, a bill for an act relating to alternate energy production and purchasing requirements, and providing an applicability provision and an effective date.

Read first time and referred to committee on **commerce-regulation**.

**House File 2249**, by Myers, a bill for an act relating to payments by counties and certain defendants of the fees and expenses received by a county medical examiner in investigating a person's death.

Read first time and referred to committee on **local government**.

**House File 2250**, by Eddie, a bill for an act relating to the hunting of deer with a pistol or revolver and providing a penalty.

Read first time and referred to committee on **natural resources**.

**House File 2251**, by Burnett, a bill for an act relating to the prohibition of certain telephone solicitations and providing a penalty.

Read first time and referred to committee on **commerce-regulation**.

**House File 2252**, by Brauns, a bill for an act relating to the administration of county fairs, by appropriating and distributing state aid for the fairs.

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

**House File 2253**, by Schulte, Boddicker, Veenstra, Kremer, Klemme, Daggett, and Lord, a bill for an act relating to the enactment, interpretation, and implementation of laws relating to parental rights and responsibilities.

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

**House File 2254**, by committee on economic development, a bill for an act relating to eligibility criteria and benefits, including tax benefits to businesses under the new jobs and income program and establishing a penalty.

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

**House File 2255**, by Greiner, a bill for an act relating to the extension of time during which an alternative surcharge may be imposed for E911.

Read first time and referred to committee on **commerce-regulation**.

**House File 2256**, by committee on local government, a bill for an act providing requirements for implementation of new or revised federal block grant provisions which affect local governments and providing an effective date and applicability provision.

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

**House File 2257**, by committee on agriculture, a bill for an act providing for the organization of cooperative corporations, providing for fees, and providing for penalties.

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

**House File 2258**, by Weidman, a bill for an act relating to the powers of a benefited recreational lake district to promote water quality.

Read first time and referred to committee on **natural resources**.

**House File 2259**, by committee on local government, a bill for an act relating to city sewer or water utility connections.

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

**House File 2260**, by Heaton, a bill for an act authorizing a supplemental property tax levy for county administrative costs to implement management of mental health, mental retardation, and developmental disabilities services and providing an applicability date.

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

**House File 2261**, by Moreland, a bill for an act relating to eligibility time for lists of civil service candidates.

Read first time and referred to committee on **local government**.

**House File 2262**, by Main, a bill for an act relating to payment of insurance deductibles resulting from accidents involving deer and motor vehicles.

Read first time and referred to committee on **natural resources**.

**House File 2263**, by Teig, a bill for an act relating to permitting and fee requirements for confinement feeding operations.

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

### SENATE MESSAGE CONSIDERED

**Senate File 259**, by committee on state government, a bill for an act relating to the practice of mortuary science, cremation, and licensing of funeral establishments and providing penalties.

Read first time and referred to committee on **state government**.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2018**, a bill for an act relating to the statewide applicability of real estate improvement districts and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Jacobs 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. 2018)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg

Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, L.	Nutt	O'Brien	Osterhaus
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 8:

Brauns	Harrison	Larson	Nelson, B.
Ollie	Rants	Weigel	Wise

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

**House File 2183**, a bill for an act relating to the validity of certain marriages, was taken up for consideration.

The House stood at ease at 9:00 a.m., until the fall of the gavel.

The House resumed session at 9:38 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ollie of Clinton and Weigel of Chickasaw, both until their arrival; Cataldo of Polk, until his return, all on request of Schrader of Marion.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2183** be deferred and that the bill be placed on the **unfinished business calendar**.

On motion by Siegrist of Pottawattamie, the House was recessed at 9:40 a.m., until 3:00 p.m.

## AFTERNOON SESSION

The House reconvened at 3:08 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

## INTRODUCTION OF BILL

**House File 2264**, by committee on environmental protection, a bill for an act relating to the midwest interstate compact on low-level radioactive waste and establishing a penalty.

Read first time and placed on the calendar.

## QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-one members present, twenty-nine absent.

## CONSIDERATION OF BILLS

## Unfinished Business Calendar

The House resumed consideration of **House File 2183**, a bill for an act relating to the validity of certain marriages, previously deferred and placed on the unfinished business calendar.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-5095 filed by him on February 19, 1996.

Grubbs of Scott offered the following amendment H-5096 filed by him and moved its adoption:

H-5096

- 1 Amend House File 2183 as follows:
- 2 1. Page 2, line 29, by inserting after the figure
- 3 "1" the following: "and if the marriage would not
- 4 otherwise be declared void".

Amendment H-5096 was adopted.

Grubbs 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?" (H.F. 2183)

The ayes were, 86:

Arnold  
Boggess

Bell  
Bradley

Blodgett  
Brand

Boddicker  
Branstad

Brauns	Brunkhorst	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hamitt Barry	Hanson	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Lord	Main	Martin
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Nelson, B.	Nelson, L.	Nutt
O'Brien	Osterhaus	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Witt	Van Maanen, Presiding		

The nays were, 11:

Baker	Bernau	Brammer	Burnett
Doderer	Fallon	Grundberg	Harper
Mascher	Myers	Ollie	

Absent or not voting, 3:

Larson	Rants	Wise
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2018 and 2183.**

### Appropriations Calendar

**House File 2196**, a bill for an act transferring gambling moneys to the rebuild Iowa infrastructure fund and providing retroactive and effective dates, was taken up for consideration.

The House stood at ease at 4:42 p.m., until the fall of the gavel.

The House resumed session at 5:16 p.m., Speaker Corbett in the chair.

Kreiman of Davis offered the following amendment H-5087 filed by him and moved its adoption:

H-5087

- 1 Amend House File 2196 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 8.22A, subsection 5,
- 5 unnumbered paragraph 2, Code Supplement 1995, is
- 6 amended to read as follows:
- 7 a. The amount of lottery revenues for the
- 8 following fiscal year to be available for disbursement
- 9 following the deductions made pursuant to section
- 10 99E.10, subsection 1.
- 11 b. The amount of revenue for the following fiscal
- 12 year to be deposited in the rebuild Iowa
- 13 infrastructure fund from interest earned on the cash
- 14 reserve fund and the economic emergency fund and
- 15 gambling revenues allocated to the fund under section
- 16 8.57, subsection 5, paragraph "e".
- 17 2. Page 1, line 2, by striking the word
- 18 "paragraph" and inserting the following:
- 19 "paragraphs".
- 20 3. Page 1, by inserting after line 9 the
- 21 following:
- 22 "NEW PARAGRAPH. f. The rebuild Iowa
- 23 infrastructure fund limitation for a fiscal year shall
- 24 be ninety-nine percent of all revenue derived from
- 25 interest earnings on the cash reserve fund and the
- 26 economic emergency fund and pursuant to paragraph "e",
- 27 as estimated pursuant to section 8.22A, subsection 5,
- 28 paragraph "b", and ninety-nine percent of all other
- 29 revenues allocated to the fund for that fiscal year."
- 30 4. By renumbering as necessary.

Amendment H-5087 was adopted.

Koenigs of Mitchell offered amendment H-5086 filed by him as follows:

H-5086

- 1 Amend House File 2196 as follows:
- 2 1. Page 1, line 2, by striking the word
- 3 "paragraph" and inserting the following:
- 4 "paragraphs".
- 5 2. Page 1, by inserting after line 9, the
- 6 following:
- 7 "NEW PARAGRAPH. f. Beginning July 1, 1996, and in
- 8 each fiscal year thereafter, sixteen million dollars
- 9 is appropriated from the fund under this subsection,

10 to the department of education to be used to provide  
 11 matching funds for school districts that have approved  
 12 a bond issue in the fiscal year in which the  
 13 appropriation is made. The match shall be twenty  
 14 percent of the amount of the bond issuance. If the  
 15 amount of school district claims in a particular  
 16 fiscal year exceed the amount of moneys appropriated  
 17 in this paragraph, the unpaid claims shall be paid  
 18 from moneys appropriated for the following fiscal  
 19 year. The department of education may reduce the  
 20 amount of the match in any given fiscal year, if the  
 21 claims from the preceding fiscal year exceeded sixteen  
 22 million dollars. If the department of education has  
 23 reduced the match in any given fiscal year and there  
 24 is money remaining at the end of that fiscal year, the  
 25 department shall readjust the match to twenty percent  
 26 for the following fiscal year. Notwithstanding  
 27 section 8.33, moneys appropriated to the department of  
 28 education in this paragraph shall not revert to the  
 29 rebuild Iowa infrastructure fund, but shall remain  
 30 available for expenditure for the following fiscal  
 31 year.”  
 32 3. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-5086 was not germane.

The Speaker ruled the point well taken and amendment H-5086 not germane.

Murphy of Dubuque offered the following amendment H-5093 filed by him and moved its adoption:

H-5093

- 1 Amend House File 2196 as follow:
- 2 1. Page 1, line 4, by striking the word “sixty”
- 3 and inserting the following: “forty-five”.
- 4 2. Page 1, line 7, by striking the word “sixty”
- 5 and inserting the following: “forty-five”.

Amendment H-5093 lost.

Cataldo of Polk asked and received unanimous consent to withdraw amendment H-5082 filed by him on February 15, 1996.

Murphy of Dubuque offered amendment H-5094 filed by him as follows:

H-5094

- 1 Amend House File 2196 as follows:



2 1. Page 1, lines 8 and 9, by striking the words  
 3 "as provided in this section, notwithstanding section  
 4 8.60." and inserting the following: "for vertical  
 5 infrastructure projects as provided in this section,  
 6 notwithstanding section 8.60. For purposes of this  
 7 section, "vertical infrastructure" means the  
 8 construction or renovation of buildings, all  
 9 appurtenant structures and utilities, and site  
 10 development and related maintenance projects which are  
 11 not otherwise eligible for funding under chapter 312  
 12 or from any other dedicated source of revenue."

Millage of Scott rose on a point of order that amendment H-5094 was not germane.

The Speaker ruled the point not well taken and amendment H-5094 germane.

On motion by Murphy of Dubuque, amendment H-5094 lost.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Siegrist of Pottawattamie, for the remainder of the day, on request of Gipp of Winneshiek.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-5081 filed by him and Witt on February 15, 1996.

Millage 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?" (H.F. 2196)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs

Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Renken	Salton	Schrader	Schulte
Shoultz	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Larson	Rants	Siegrist	Wise
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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

Van Maanen of Marion asked and received unanimous consent that **House File 2196** be immediately messaged to the Senate.

#### HOUSE FILE 2255 REREFERRED

The Speaker announced that House File 2255 previously referred to committee on **commerce-regulation**, was rereferred to committee on **local government**.

#### EXPLANATIONS OF VOTE

On February 20, 1996, I inadvertently voted "nay" on House File 2183, I meant to vote "aye."

BAKER of Polk

I was necessarily absent from the House chamber on February 20, 1996. Had I been present, I would have voted "aye" on House File 2018.

BRAUNS of Muscatine

I was necessarily absent from the House chamber on February 20, 1996. Had I been present, I would have voted "aye" on House File 2018.

HARRISON of Scott

I was necessarily absent from the House chamber on February 20, 1996. Had I been present, I would have voted "aye" on House File 2018.

NELSON of Marshall

I was necessarily absent from the House chamber on February 19 and 20, 1996. Had I been present, I would have voted "aye" on House Files 258, 2018, 2109 and 2144.

WEIGEL of Chickasaw

### PRESENTATION OF VISITORS

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

FFA students from Prairie Valley-Gowrie High School, Gowrie. Accompanied by Steve Kehoe. By Mundie of Webster.

### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF ECONOMIC DEVELOPMENT

The Annual Report of the Business Interpreters Services Program, pursuant to Chapter 7E.5(h), Code of Iowa.

### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\107 Howard Barton, Dubuque -- For his Twenty years of service to Dubuque and the Gannon Center for Mental Health.
- 1996\108 Anthony Michael Jensen, Decorah -- For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\109 Elmeda Carpenter, Cedar Falls -- For celebrating her One hundredth birthday.
- 1996\110 Karen Donaldson, Ames -- For receiving a Daily Tribune's 1996 Unsung Hero Award.
- 1996\111 Kathy Svec, Ames -- For receiving a Daily Tribune's 1996 Unsung Hero Award.
- 1996\112 Hazel Graham, Ames -- For receiving a Daily Tribune's 1996 Unsung Hero Award.
- 1996\113 Mark Peterson, Ames -- For receiving a Daily Tribune's 1996 Unsung Hero Award.

- 1996\114 Della and Ken Miller, Ames – For receiving a Daily Tribune's 1996  
Unsung Hero Award.
- 1996\115 Al Murdoch, Ames – For receiving a Daily Tribune's 1996 Unsung  
Hero Award.
- 1996\116 Irma Elliot, Ames – For receiving a Daily Tribune's 1996 Unsung  
Hero Award.
- 1996\117 Barb Gurganus, Ames – For receiving a Daily Tribune's 1996 Unsung  
Hero Award.
- 1996\118 Priscilla Matt, Ames – For receiving a Daily Tribune's 1996 Unsung  
Hero Award.
- 1996\119 Susan Bokhoven, Ames – For receiving a Daily Tribune's 1996  
Unsung Hero Award.
- 1996\120 Jack Shelley, Ames – For being selected as the Ames Daily Tribune's  
1996 Citizen of the Year.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 412

Appropriations: Kremer, Chair; Meyer and Ollie.

##### House File 2171

Local Government: Disney, Chair; Hanson and Koenigs.

##### House File 2199

Human Resources: Boddicker, Chair; Brand, Carroll, Fallon and Hurley.

##### House File 2201

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

##### House File 2218

Human Resources: Carroll, Chair; Brand and Harrison.

##### House File 2219

Agriculture: Eddie, Chair; Koenigs and Meyer.

##### House File 2221

Agriculture: Eddie, Chair; Hahn and Koenigs.

##### House File 2227

Human Resources: Veenstra, Chair; Burnett and Lord.

##### House File 2233

Local Government: Arnold, Chair; Houser and Mertz.

**House File 2240**

Commerce-Regulation: Lamberti, Chair; Cormack and Holveck.

**House File 2241**

Labor and Industrial Relations: Renken, Chair; Harper and Kremer.

**House File 2244**

Commerce-Regulation: Halvorson, Chair; McCoy and Renken.

**House File 2245**

Human Resources: Carroll, Chair; Fallon, Myers, Salton and Schulte.

**House File 2248**

Commerce-Regulation: Nutt, Chair; Holveck and Renken.

**House File 2249**

Local Government: Welter, Chair; Arnold and Myers.

**House File 2250**

Natural Resources: Eddie, Chair; May and Weidman.

**House File 2251**

Commerce-Regulation: Sukup, Chair; Cataldo and Churchill.

**House File 2252**

Appropriations: Brauns, Chair; Ertl and Moreland.

**House File 2255**

Commerce-Regulation: Cormack, Chair; Metcalf and Nelson of Pottawattamie.

**House File 2258**

Natural Resources: Weidman, Chair; Drees and Greig.

**House File 2261**

Local Government: Disney, Chair; Brauns and Connors.

**House File 2262**

Natural Resources: Greig, Chair; Bell and Tyrrell.

**Senate File 2035**

Environmental Protection: Meyer, Chair; Bradley and Burnett.

**Senate File 2074**

State Government: Disney, Chair; Bernau and Ertl.

**Senate File 2135**

Agriculture: Meyer, Chair; Huseman and Weigel.

**Senate File 2138**

Local Government: Carroll, Chair; Arnold and Myers.

**Senate File 2142**

Appropriations: Garman, Chair; Brauns and Kreiman.

**Senate File 2149**

Local Government: Welter, Chair; Mertz and Weidman.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 602 Reassigned**

Commerce-Regulation: Jacobs, Chair; Dinkla and Holveck.

**House Study Bill 613**

Judiciary: Nutt, Chair; Kreiman and Veenstra.

**House Study Bill 614**

Judiciary: Nutt, Chair; Coon and Moreland.

**House Study Bill 634 Reassigned**

Commerce-Regulation: Brunkhorst, Chair; Churchill and Nelson of Pottawattamie

**House Study Bill 646**

Judiciary: Veenstra, Chair; Bell and Kremer.

**House Study Bill 647**

Judiciary: Nutt, Chair; Greiner and Moreland.

**House Study Bill 648**

Judiciary: Harrison, Chair; Bernau and Greiner.

**House Study Bill 649**

Judiciary: Nutt, Chair; Holveck and Schulte.

**House Study Bill 650**

Judiciary: Dinkla, Chair; Lamberti and Moreland.

**House Study Bill 655**

Judiciary: Dinkla, Chair; Kreiman and Nutt.

**House Study Bill 656**

Judiciary: Schulte, Chair; Coon and Doderer.

**House Study Bill 657**

Judiciary: Harrison, Chair; Coon and Moreland.

**House Study Bill 658**

Judiciary: Kremer, Chair; Coon and Kreiman.

**House Study Bill 659**

Judiciary: Veenstra, Chair; Bell and Harrison.

**House Study Bill 660**

Judiciary: Greiner, Chair; Bernau and Kremer.

**House Study Bill 662**

Judiciary: Dinkla, Chair; Bernau and Greiner.

**House Study Bill 663 Reassigned**

Commerce-Regulation: Renken, Chair; Churchill, Van Fossen, Weigel and Wise.

**House Study Bill 664 Reassigned**

Commerce-Regulation: Lamberti, Chair; Holveck and Jacobs.

**House Study Bill 668**

Agriculture: Boggess, Chair; Drees and Salton.

**House Study Bill 669**

Agriculture: Greiner, Chair; May and Meyer.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 670 Commerce-Regulation**

Authorizing a foreign mutual insurance company or a foreign health service corporation to reorganize by forming an insurance holding company, and providing that a mutual insurance holding company shall at all times own a majority of the voting shares of the capital stock of a reorganized domestic or foreign insurance company.

**H.S.B. 671 Environmental Protection**

Relating to underground storage tank cost recovery proceedings and providing an applicability provision and an effective date.

**H.S.B. 672 Labor and Industrial Relations**

Relating to occupational hearing loss, concerning the definitions, apportionment of hearing loss, and measurement of hearing loss.

**H.S.B. 673 Human Resources**

Relating to handicapped parking and providing a penalty.

**H.S.B. 674 Local Government**

Relating to county budgets, limiting expenditures by counties, providing for appropriation of county funds, creating a capital improvements fund, and repealing the property tax limitation on counties.

**H.S.B. 675 Environmental Protection**

Relating to the management of waste tires by providing for the establishment of a waste tire management fund, allocation of moneys to facilitate elimination of waste tires and the establishment of future

markets for waste tires, providing for the redirection of the existing fee on certificates of title of motor vehicles, and providing a repeal.

#### **H.S.B. 676 State Government**

Relating to matters within the jurisdiction of the Iowa ethics and campaign disclosure board, by providing for certain changes in reporting requirements relating to campaign contributions and expenditures; liability for the activities of committees; certain restrictions on fundraising and use of funds by political committees; certain changes in the handling of investigations and complaints before the board; and permitting a fee for access to computerized campaign finance disclosure records.

#### **H.S.B. 677 Judiciary**

Relating to the offense of driving while a license is denied, revoked, canceled, or suspended, and providing a penalty.

#### **H.S.B. 678 Judiciary**

Providing for the regulation of investment securities under Article 8 of the Uniform Commercial Code, and providing conforming changes, and an effective date.

#### **H.S.B. 679 Ways and Means**

Relating to the administration of taxes, electronic filing of tax returns and payments, imposition of the penalty for willfully filing a false claim for refund, low income, elderly, and disabled property tax credit filing and certification dates, computation of the real estate transfer tax, repeal of obsolete property tax provision, and providing effective and retroactive applicability dates.

#### **H.S.B. 680 Local Government**

Relating to state agency conformity with federal funding changes and providing an effective date.

#### **H.S.B. 681 Commerce-Regulation**

Relating to investment guidelines for trustees and providing an applicability date.

#### **H.S.B. 682 State Government**

Relating to members of special classifications within the Iowa public employees' retirement system.

#### **H.S.B. 683 State Government**

Relating to the public safety peace officers' retirement, accident, and disability system and the statewide fire and police retirement system, and providing an effective date.



**H.S.B. 684 Education**

Permitting an eligible institution under the postsecondary enrollment options law to offer a course for an eligible pupil at a location leased by the eligible institution from the board of directors of a school district.

**H.S.B. 685 Commerce-Regulation**

Amending the uniform commercial code relating to letters of credit and providing an effective date.

**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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

**COMMITTEE ON ENVIRONMENTAL PROTECTION**

**Committee Bill** (Formerly House Study Bill 569), relating to the limitations on the use of toxic materials in packaging and providing additional exemptions.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1996.

**Committee Bill** (Formerly House Study Bill 571), relating to asbestos removal and encapsulation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1996.

**AMENDMENT FILED**

H—5097

H.F.

397

Harrison of Scott

On motion by Van Maanen of Marion, the House adjourned at 6:10 p.m., until 8:45 a.m., Wednesday, February 21, 1996.

# JOURNAL OF THE HOUSE

Forty-fifth Calendar Day – Thirty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 21, 1996

The House met pursuant to adjournment at 8:48 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Steve Aronowitz, Community Bible Church, Mount Vernon.

The Journal of Tuesday, February 20, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk and Brand of Benton, both on request of Schrader of Marion; Gries of Crawford, on request of Siegrist of Pottawattamie, all until their arrival.

## PETITION FILED

By Doderer, Mascher and Myers, all of Johnson, from one hundred sixty four constituents of Iowa City favoring legislation ensuring bicyclists' safety and well-being.

## INTRODUCTION OF BILLS

**House File 2265**, by Teig, a bill for an act relating to a limitation on qualifications for rebuttable presumptions for nuisance defenses for certain persons classified as chronic violators involved in confinement feeding operations.

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

**House File 2266**, by Larkin, a bill for an act allowing employee canteens in correctional facilities.

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

**House File 2267**, by Witt, Klemme, Nelson of Marshall, and Harper, a bill for an act providing for the impoundment of motor vehicles driven by persons whose licenses are suspended, denied, revoked, or barred for an operating while intoxicated offense, providing for civil liability by the vehicle owner for damages caused by the vehicle operator, and providing for a hearing procedure for recovery of the vehicle in question.

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

**House File 2268**, by Fallon and Sukup, a bill for an act prohibiting the operation of satellite terminals within a gambling enclosure or at related facilities and parking areas. .

Read first time and referred to committee on **state government**.

**House File 2269**, by Harrison, a bill for an act relating to child abuse and child sexual abuse reporting and referral requirements and increasing a penalty.

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

**House File 2270**, by Harrison, a bill for an act relating to the central child abuse registry by providing access to a person authorized by an individual for the purpose of determining whether the individual is named in a founded child abuse report.

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

**House File 2271**, by Grundberg, a bill for an act directing the department of education to conduct a study relating to driver education and instruction.

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

**House File 2272**, by Harrison, a bill for an act relating to human immunodeficiency virus provisions involving the legal guardian of a minor.

Read first time and referred to committee on **human resources**.

**House File 2273**, by Disney, a bill for an act relating to the voter approval of annexation and severance of territory to or from a city.

Read first time and referred to committee on **local government**.

**House File 2274**, by Larkin, a bill for an act establishing the offense of promoting or possessing contraband in prisons, jails, and juvenile facilities and establishing penalties.

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

**House File 2275**, by Harrison, a bill for an act revising provisions for regional and statewide targets for foster care placements.

Read first time and referred to committee on **human resources**.

**House File 2276**, by McCoy, a bill for an act relating to vehicles classified as school buses.

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

**House File 2277**, by Dinkla, a bill for an act relating to the eligibility requirements for a child to participate in certain extracurricular interscholastic contests or competitions.

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

**House File 2278**, by Vande Hoef and Greig, a bill for an act relating to property taxation of property given to the state or a political subdivision upon which a life estate is retained.

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

**House File 2279**, by Daggett, a bill for an act relating to the funding of job training projects.

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

**House File 2280**, by Mertz, a bill for an act relating to an individual income tax deduction for certain contract sales of agricultural property made to beginning farmers and providing effective and applicability date provisions.

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

**House File 2281**, by Heaton, a bill for an act prohibiting an insurance company from considering certain accidents for the purpose of establishing motor vehicle insurance rates.

Read first time and referred to committee on **commerce-regulation**.

**House File 2282**, by Heaton, a bill for an act providing for state reimbursement of certain costs incurred by counties concerning persons on parole.

Read first time and referred to committee on **state government**.

**House File 2283**, by Connors, a bill for an act relating to family counseling for runaways.

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

**House File 2284**, by Arnold and Lamberti, a bill for an act relating to special minors' licenses and transportation to and from school and providing an effective date.

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

**House File 2285**, by Harrison, a bill for an act requiring disclosure regarding child day care providers, employees, or residents who have committed a crime or have a record of founded child abuse and providing civil liability and a penalty.

Read first time and referred to committee on **human resources**.

**House File 2286**, by Bernau, Moreland, and Dinkla, a bill for an act relating to compensation for certain miscarriages of justice.

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

**House File 2287**, by Shoultz, Witt, and Holveck, a bill for an act prohibiting the construction and operation of commercial infectious waste incinerators.

Read first time and referred to committee on **environmental protection**.

**House File 2288**, by O'Brien, a bill for an act relating to insurance coverage and registration requirements for motor vehicles in this state and providing penalties and effective dates.

Read first time and referred to committee on **commerce-regulation**.

**House File 2289**, by Weigel, Garman, Larkin, Mertz, Koenigs, Nelson of Pottawattamie, Mascher, Brand, Kreiman, Shoultz, Moreland, Bernau, Taylor, Burnett, Baker, McCoy, Murphy, Connors, Jochum, Ollie, Harper, Doderer, Witt, Fallon, Myers, Bell, Sukup, Welter, and Hurley, a bill for an act relating to victim compensation for health care for persons other than the victim.

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

**House File 2290**, by Burnett, a bill for an act making an appropriation to the department of natural resources for the establishment of a wildlife diversity initiative.

Read first time and referred to committee on **natural resources**.

**House File 2291**, by Burnett, a bill for an act establishing a school community service program.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2209**, a bill for an act requiring sex offender registry checks involving persons associated with the care of children, was taken up for consideration.

Coon of Warren 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. 2209)

The ayes were, 91:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogess	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Renken	Salton	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 9:

Brammer	Brand	Connors	Gries
Grundberg	Larson	Rants	Schulte
Wise			

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

**House File 2225**, a bill for an act relating to motorcycle rider education and providing an effective date, was taken up for consideration.

Welter of Jones 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. 2225)

The ayes were, 91:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Grubbs	Hahn	Halvorson	Hamitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Renken	Salton	Schrader	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 9:

Brammer	Brand	Connors	Gries
Grundberg	Larson	Rants	Schulte
Wise			

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

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2209 and 2225.**

**Senate File 2066**, a bill for an act relating to assisted suicide and providing criminal penalties, with report of committee recommending passage, was taken up for consideration:

Shoultz of Black Hawk asked for unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-5098.

Objection was raised.

Shoultz of Black Hawk moved to suspend rule 31.8 for the immediate consideration of amendment H-5098, filed by him from the floor as follows:

H-5098

1 Amend Senate File 2066, 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. 144D.1 SHORT TITLE.

6 This chapter may be cited as the "Assistance-in-  
7 Dying Act".

8 Sec. 2. NEW SECTION. 144D.2 DEFINITIONS.

9 As used in this chapter, unless the context  
10 otherwise requires:

11 1. "Adult" means an individual eighteen years of  
12 age or older.

13 2. "Assistance-in-dying" means assistance in the  
14 form of medical services provided in person by a  
15 physician that will end the life of a qualified  
16 patient in a dignified, painless, and humane manner,  
17 when requested, voluntarily, by the patient through a  
18 written declaration in accordance with this chapter,  
19 at the time the medical service is to be provided.

20 3. "Attending physician" means the physician  
21 selected by, or assigned to, the patient who has  
22 primary responsibility for the treatment and care of  
23 the patient.

24 4. "Declaration" means a document executed in  
25 accordance with the requirements of section 144D.3.

26 5. "Health care provider" means a health care  
27 facility licensed pursuant to chapter 135C, a hospice  
28 program licensed pursuant to chapter 135J, or a  
29 hospital licensed pursuant to chapter 135B.

30 6. "Life-sustaining procedure" means any medical  
31 procedure, treatment, or intervention which meets both  
32 of the following requirements:

33 a. Utilizes mechanical or artificial means to  
34 sustain, restore, or supplant a spontaneous vital  
35 function.

36 b. When applied to a patient in a terminal  
37 condition, would serve only to prolong the dying  
38 process.

39 "Life-sustaining procedure" includes but is not  
40 limited to cardiac resuscitation, respiratory support,  
41 and artificially administered nutrition and hydration,  
42 but does not include the administration of medication  
43 to relieve pain or the performance of any medical  
44 procedure deemed necessary to alleviate pain.



- 45 7. "Physician" means a person licensed to practice  
46 medicine and surgery, osteopathy, or osteopathic  
47 medicine and surgery in this state.  
48 8. "Qualified patient" means a patient who has  
49 executed a declaration in accordance with this chapter  
50 and who has been diagnosed to be in a terminal

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- 1 condition, by two physicians, one of whom is the  
2 attending physician, and both of whom have personally  
3 examined the patient and have certified in writing the  
4 diagnosis of the patient's terminal condition.  
5 9. "Terminal condition" means an incurable or  
6 irreversible condition that, without the  
7 administration of life-sustaining procedures, will, in  
8 the opinion of two physicians having examined the  
9 patient and exercising reasonable medical judgment,  
10 result in the death of the patient within six months.
- 11 Sec. 3. NEW SECTION. 144D.3 DECLARATION RELATING  
12 TO THE PROVISION OF ASSISTANCE-IN-DYING.
- 13 1. A competent adult may execute a declaration to  
14 request assistance-in-dying at any time. The  
15 declaration shall be given operative effect only if  
16 the declarant's condition is determined to be  
17 terminal. Prior to effectuating a declaration, the  
18 diagnosis of a terminal condition by two physicians  
19 shall be verified in writing, attached to the  
20 declaration, and made a permanent part of the  
21 patient's medical records.
- 22 2. The declaration shall be signed by the  
23 declarant in the presence of two witnesses, neither of  
24 whom is any of the following:
- 25 a. A person who would be entitled to any portion  
26 of the estate of the declarant, upon the declarant's  
27 death, under any will of the declarant, then existing,  
28 or at the time of the declaration by operation of  
29 existing law.
- 30 b. The attending physician, an employee of the  
31 attending physician, or a health care provider in  
32 which the declarant is a patient.
- 33 3. It is the responsibility of the declarant to  
34 provide the declarant's attending physician with the  
35 declaration.
- 36 4. The declaration, or a copy of the declaration,  
37 shall be made a part of the patient's medical record  
38 by the attending physician.
- 39 5. A declaration executed pursuant to this chapter  
40 shall be essentially in the following form, but may  
41 also include other directions as specified by the  
42 declarant:
- 43                   DECLARATION  
44 I, \_\_\_\_\_, being of sound mind, willfully, and

45 voluntarily make known my desire that:  
 46 1. If at any time I should have an incurable or  
 47 irreversible condition, certified by two physicians,  
 48 in writing, to be a terminal condition, I direct that  
 49 upon my request, my attending physician provide  
 50 assistance-in-dying so that I might die in a

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1 dignified, painless, and humane manner.  
 2 2. It is my intention that this declaration shall  
 3 be honored by my family and physician as the final  
 4 expression of my legal right to be provided  
 5 assistance-in-dying, and I accept the consequences of  
 6 this declaration.

7 3. If I am pregnant with a fetus that could  
 8 develop to the point of live birth, this declaration  
 9 shall have no force or effect during the course of my  
 10 pregnancy.

11 4. I understand that I may amend or revoke this  
 12 declaration at any time.

13 Signed this \_\_\_\_\_ day of \_\_\_\_\_,

14 Signature \_\_\_\_\_

15 City, County, and State of residence \_\_\_\_\_

16 \_\_\_\_\_

17 This declarant is personally known to me and  
 18 voluntarily signed this document in my presence.

19 Witness \_\_\_\_\_

20 Address \_\_\_\_\_

21 Witness \_\_\_\_\_

22 Address \_\_\_\_\_

23 Sec. 4. NEW SECTION. 144D.4 REVOCATION.

24 1. A declaration may be revoked at any time and in  
 25 any manner by which the declarant is able to  
 26 communicate the declarant's intent to revoke, without  
 27 regard to the declarant's mental or physical state.

28 2. The attending physician shall make the  
 29 revocation a part of the declarant's medical record.

30 3. A person is not subject to civil or criminal  
 31 liability for failure to act upon a revocation made  
 32 pursuant to this section unless the person has actual  
 33 or constructive notice of the revocation.

34 Sec. 5. NEW SECTION. 144D.5 IMMUNITIES.

35 1. In the absence of actual or constructive notice  
 36 of the revocation of a declaration, the following,  
 37 while acting in accordance with the requirements of  
 38 this chapter, are not subject to civil or criminal  
 39 liability or guilty of unprofessional conduct:

40 a. A physician who provides assistance-in-dying to  
 41 a qualified patient.

42 b. The health care provider in which the  
 43 assistance-in-dying is provided.

44 c. A person who participates in providing

45 assistance-in-dying to a qualified patient under the  
46 direction of or with the authorization of the  
47 physician providing the assistance.  
48 2. A physician is not subject to civil or criminal  
49 liability for actions under this chapter which are in  
50 accord with reasonable medical standards.

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1 3. A person or health care provider against whom  
2 criminal or civil liability is asserted because of  
3 conduct in compliance with this chapter may interpose  
4 compliance with this chapter as an absolute defense.

5 Sec. 6. NEW SECTION. 144D.6 PENALTIES.

6 1. A person who willfully conceals, withholds,  
7 cancels, destroys, alters, defaces, or obliterates the  
8 declaration of another without the declarant's consent  
9 is guilty of a serious misdemeanor.

10 2. A person who falsifies or forges the  
11 declaration of another, or who willfully conceals or  
12 withholds personal knowledge of a revocation with the  
13 intent to cause the provision of assistance-in-dying  
14 contrary to the wishes of the declarant, resulting in  
15 the provision of assistance-in-dying and the hastening  
16 of the death of another, commits murder as if the  
17 person had personally killed the declarant.

18 Sec. 7. NEW SECTION. 144D.7 GENERAL PROVISIONS.

19 1. Prior to providing assistance-in-dying to a  
20 qualified patient pursuant to a declaration, the  
21 attending physician shall make a reasonable effort to  
22 determine that the declaration complies with this  
23 chapter and that the measures proposed by the  
24 declaration are in accord with the current desires of  
25 the qualified patient. The declaration shall only be  
26 effectuated to end the life of a qualified patient.

27 2. Death resulting from the provision of  
28 assistance-in-dying pursuant to a declaration and in  
29 accordance with this chapter, does not, for any  
30 purpose, constitute a suicide or homicide.

31 3. The making of a declaration pursuant to section  
32 144D.3 does not affect in any manner the sale,  
33 procurement, or issuance of any policy of life  
34 insurance, and shall not be deemed to modify the terms  
35 of an existing policy of life insurance. A policy of  
36 life insurance is not legally impaired or invalidated  
37 in any manner by the provision of assistance-in-dying  
38 pursuant to this chapter, notwithstanding any term of  
39 the policy to the contrary.

40 4. A physician, health care provider, accident and  
41 sickness insurer, health maintenance organization,  
42 insurer issuing disability insurance, self-insured  
43 employee welfare benefit plan, or nonprofit health  
44 service corporation shall not require any person to

45 execute a declaration as a condition for being insured  
 46 for, or receiving, health care services.  
 47 5. This chapter does not create a presumption  
 48 concerning the intention of an individual who has not  
 49 executed a declaration with respect to the provision  
 50 of assistance-in-dying procedures in the event of a

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1 terminal condition.  
 2 6. This chapter shall not be construed to condone,  
 3 authorize, or approve mercy killing or euthanasia, or  
 4 to permit any affirmative or deliberate act or  
 5 omission to end life other than to permit the natural  
 6 process of dying and to permit death with dignity  
 7 through the provision of assistance-in-dying only by a  
 8 physician when voluntarily requested in writing, as  
 9 provided in this chapter, by a conscious and competent  
 10 qualified patient at the time assistance-in-dying is  
 11 to be provided."  
 12 2. Title page, line 1, by striking the words  
 13 "assisted suicide" and inserting the following:  
 14 "assistance-in-dying".

A non-record roll call was requested.

The ayes were 28, nays 53.

The motion to suspend the rule lost.

Lamberti 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. 2066)

The ayes were, 74:

Arnold	Baker	Blodgett	Boddicker
Bogess	Bradley	Brand	Branstad
Brauns	Brunkhorst	Carroll	Cataldo
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Drake	Drees
Ertl	Garman	Gipp	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jochum	Klemme	Koenigs	Kreiman
Lamberti	Larkin	Lord	Main
Martin	May	McCoy	Mertz
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nutt	O'Brien
Ollie	Osterhaus	Renken	Salton

Schrader	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Weigel
Welter	Van Maanen, Presiding		

The nays were, 20:

Bell	Bernau	Burnett	Churchill
Cohoon	Doderer	Eddie	Fallon
Greig	Harper	Jacobs	Kremer
Mascher	Metcalf	Meyer	Nelson, L.
Shoultz	Taylor	Warnstadt	Witt

Absent or not voting, 6:

Brammer	Connors	Grundberg	Larson
Rants	Wise		

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2066** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 10:55 a.m., until 1:30 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:32 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

#### INTRODUCTION OF BILLS

**House File 2292**, by committee on local government, a bill for an act relating to filing fees charged by county recorders and eliminating a surcharge fee.

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

**House File 2293**, by Grundberg, a bill for an act relating to notice of change in assessment due to an equalization order for purposes of property taxation.

Read first time and referred to committee on **local government**.

**House File 2294**, by Bernau, Brand, McCoy, Witt, Shoultz, Burnett, Koenigs, Kreiman, Mascher, and Moreland, a bill for an act

setting limitations for contributions to certain political campaigns, providing an effective date, and making a penalty applicable.

Read first time and referred to committee on **state government**.

**House File 2295**, by Hammitt Barry, Gries, Hanson, Tyrrell, Drake, Houser, and Brand, a bill for an act relating to establishing a tourism-related small business development program and making an appropriation.

Read first time and referred to committee on **economic development**.

**House File 2296**, by Eddie, a bill for an act relating to the voting powers of certain persons whose children participate in open enrollment.

Read first time and referred to committee on **state government**.

**House File 2297**, by Mertz, a bill for an act relating to payment of warrants drawn on levee and drainage district funds.

Read first time and referred to committee on **local government**.

**House File 2298**, by committee on human resources, a bill for an act relating to patient access through managed care plans or indemnity plans with limited provider networks to defined physicians.

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

#### SPONSOR ADDED

(House File 2222)

Kremer of Buchanan requested to be added as a sponsor of House File 2222.

#### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Wednesday, February 21, 1996. Had I been present, I would have voted "aye" on House Files 2209 and 2225.

GRIES of Crawford

On February 21, 1996, I inadvertently voted "nay" on Senate File 2066. I meant to vote "aye."

KREMER of Buchanan

I was necessarily absent from the House chamber on February 15, 19, 20 and 21, 1996. Had I been present, I would have voted "aye" on House Files 258, 2018, 2109, 2144, 2181, 2196, 2209; House Resolution 102, and House Concurrent Resolutions 109 and 111.

RANTS of Woodbury

## PRESENTATION OF VISITORS

Siegrist of Pottawattamie presented to the House, the Honorable Darrell Hanson, former member of the House representing Delaware County.

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

Fifty fourth-grade students from Northwest Elementary School, Ankeny. Accompanied by teachers Jan Hochstetler and Terry Carlson. By Lamberti of Polk.

## COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

### DEPARTMENT OF PUBLIC SAFETY

A Crime Rate Report on how Iowa compares to other states in the nation, pursuant to Chapter 692.15, Code of Iowa.

## CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

1996\121 Mr. and Mrs. James Vansice, Baxter – For celebrating their Sixtieth wedding anniversary.

1996\122 Anna and William Snetselaar, Colfax – For celebrating their Fiftieth wedding anniversary.

## SUBCOMMITTEE ASSIGNMENTS

### House File 2236

Commerce-Regulation: Van Fossen, Chair; Brunkhorst and Cataldo.

### House File 2239

Judiciary: Grubbs, Chair; Hurley and Moreland.

### House File 2246

Judiciary: Hurley, Chair; Holveck and Lamberti.

### House File 2253

Judiciary: Schulte, Chair; Bernau and Kremer.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 670**

Commerce-Regulation: Halvorson, Chair; Nelson of Pottawattamie and Renken.

**House Study Bill 671**

Environmental Protection: Gipp, Chair; Hahn and Witt.

**House Study Bill 672**

Labor and Industrial Relations: Sukup, Chair; Jochum and Lord.

**House Study Bill 673**

Human Resources: Van Maanen, Chair; Hammitt Barry and Witt.

**House Study Bill 674**

Local Government: Vande Hoef, Chair; Huseman and Myers.

**House Study Bill 675**

Environmental Protection: Gipp, Chair; Bradley and Shoultz.

**House Study Bill 676**

State Government: Gipp, Chair; Connors, Jacobs, Jochum and Martin.

**House Study Bill 677**

Judiciary: Kremer, Chair; Kreiman and Veenstra.

**House Study Bill 678**

Judiciary: Nutt, Chair; Holveck and Veenstra.

**House Study Bill 680**

Local Government: Vande Hoef, Chair; Carroll and Myers.

**House Study Bill 681**

Commerce-Regulation: Lamberti, Chair; Cormack and Weigel.

**House Study Bill 682**

State Government: Martin, Chair; Bradley, Connors, Gipp, Jacobs, Jochum and Larkin.

**House Study Bill 683**

State Government: Martin, Chair; Bradley, Connors, Gipp, Jacobs, Jochum and Larkin.

**House Study Bill 685**

Commerce-Regulation: Jacobs, Chair; Holveck and Lamberti.

**House Study Bill 686**

State Government: Gipp, Chair; Connors, Jacobs, Jochum and Martin.



## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 687 Appropriations**

Relating to payments made on the approval of the adjutant general of the Iowa national guard.

### **H.S.B. 688 State Government**

Relating to the Iowa public employees' retirement system, making appropriations, and providing effective and retroactive applicability dates.

### **H.S.B. 689 Labor and Industrial Relations**

Relating to eligibility for unemployment compensation benefits for temporary employees of a temporary employment firm.

### **H.S.B. 690 Education**

Directing the board of educational examiners to adopt rules relating to the issuance of practitioner licenses with elementary counselor endorsements.

### **H.S.B. 691 Labor and Industrial Relations**

Relating to nonoccupational health care plan payments when an employer disputes workers' compensation liability.

### **H.S.B. 692 Agriculture**

Providing for the branding of livestock.

### **H.S.B. 693 Economic Development**

Establishing a workforce development department by eliminating the department of employment services and including workforce development programs in the new department.

### **H.S.B. 694 Economic Development**

Relating to department of economic development programs, including the workforce development fund program and the Iowa small business new jobs training Act, establishing a rural microbusiness assistance program, and increasing the funds available for the value-added agricultural products and processes program.

### **H.S.B. 695 Transportation**

Relating to the agency responsible for impounding or immobilizing motor vehicles for operating-while-intoxicated violations.

## 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON COMMERCE-REGULATION

**House File 2081**, a bill for an act relating to legalizing official acts performed by notaries public more than ten years earlier.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1996.

**Committee Bill** (Formerly House Study Bill 628), relating to the regulation of insurance and amending provisions providing for setoff of premium, fraudulent submissions to insurers, availability of certain information to insurers, length of term of the board of directors of an insurer, notice of cancellation, and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1996.

**Committee Bill** (Formerly House Study Bill 629), relating to publications referenced in administrative rules.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1996.

**Committee Bill** (Formerly House Study Bill 640), relating to the regulation of insurance companies for purposes of solvency and establishing a measure for the risk-based capital of an insurer, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1996.

## COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House Study Bill 544), relating to patient access through managed care plans or indemnity plans with limited provider networks to defined physicians.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1996.

## COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House Study Bill 661), relating to sentences for persons convicted of sexually predatory offenses.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 20, 1996.

## COMMITTEE ON LOCAL GOVERNMENT

**Committee Bill** (Formerly House Study Bill 623), relating to filing fees charged by county recorders and eliminating a surcharge fee.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1996.

**Committee Bill** (Formerly House Study Bill 624), relating to filing of instruments by county recorders.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1996.

## COMMITTEE ON NATURAL RESOURCES

**Committee Bill** (Formerly House Study Bill 562), relating to the regulation of motorboats on certain artificial lakes, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1996.

## COMMITTEE ON TECHNOLOGY

**Committee Bill** (Formerly House Study Bill 642), relating to the Iowa communications network by increasing the membership of the commission, providing authority to enter into lease-purchase agreements, restricting the use of the network, and requiring financial disclosure of Iowa telecommunications and technology commission members.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1996.

## COMMITTEE ON TRANSPORTATION

**House File 2207**, a bill for an act relating to the state transportation commission's planning process and federal funding.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1996.

**Committee Bill** (Formerly House Study Bill 527), relating to the establishment of an anatomical gift awareness and transplantation fund to be administered by and an anatomical gift advisory committee to be established within the Iowa department of public health.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1996.

**Committee Bill** (Formerly House Study Bill 556), relating to hazardous materials transportation.

Fiscal Note is not required.

Recommended **Do Pass** February 20, 1996.

## AMENDMENTS FILED

H—5099	H.F.	47	Houser of Pottawattamie
H—5100	H.F.	2003	Kremer of Buchanan
H—5101	S.F.	2063	Grubbs of Scott
H—5102	H.F.	2298	Jacobs of Polk
H—5103	H.F.	2234	Weigel of Chickasaw
H—5104	H.F.	2234	Weigel of Chickasaw
H—5105	H.F.	2234	Weigel of Chickasaw
H—5106	H.F.	2114	Millage of Scott

On motion by Siegrist of Pottawattamie, the House adjourned at 1:43 p.m., until 8:45 a.m., Thursday, February 22, 1996.

# JOURNAL OF THE HOUSE

Forty-sixth Calendar Day – Thirty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 22, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Harold Stone, Berean Assembly of God Church, Pleasant Hill.

The Journal of Wednesday, February 21, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Moreland of Wapello, on request of Cataldo of Polk; Rants of Woodbury, for the remainder of the week, on request of Siegrist of Pottawattamie; Carroll of Poweshiek, on request of Lord of Dallas.

## INTRODUCTION OF BILLS

**House File 2299**, by committee on local government, a bill for an act relating to filing of instruments by county recorders.

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

**House File 2300**, by Nelson of Marshall, a bill for an act relating to health care provider identification tags and authorizing a penalty.

Read first time and referred to committee on **human resources**.

**House File 2301**, by Sukup and Fallon, a bill for an act relating to the hours of operation of gambling games at pari-mutuel racetracks and excursion gambling boats and subjecting violators to a penalty.

Read first time and referred to committee on **state government**.

**House File 2302**, by committee on technology, a bill for an act relating to the Iowa communications network by increasing the membership of the commission, providing authority to enter into lease-purchase agreements, restricting the use of the network, and requiring financial disclosure of Iowa telecommunications and technology commission members.

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

**House File 2303**, by committee on transportation, a bill for an act relating to hazardous materials transportation.

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

**House File 2304**, by Brauns, a bill for an act relating to the care and maintenance of pioneer cemeteries.

Read first time and referred to committee on **local government**.

**WITHDRAWN FROM COMMITTEE**  
(Senate File 2130)

Siegrist of Pottawattamie asked and received unanimous consent to withdraw Senate File 2130 from committee on **agriculture** and **pass on file**.

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 2210**, a bill for an act eliminating the requirement to commence litigation involving shipments of plants infested with gypsy moths, and providing an effective date, was taken up for consideration.

**SENATE FILE 2130 SUBSTITUTED FOR HOUSE FILE 2210**

Mertz of Kossuth asked and received unanimous consent to substitute Senate File 2130 for House File 2210.

**Senate File 2130**, a bill for an act eliminating the requirement to commence litigation involving shipments of plants infested with gypsy moths, and providing an effective date, was taken up for consideration.

Mertz of Kossuth 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. 2130)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg

Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 6:

Carroll	Disney	Larson	Moreland
Rants	Wise		

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

#### HOUSE FILE 2210 WITHDRAWN

Mertz of Kossuth asked and received unanimous consent to withdraw House File 2210 from further consideration by the House.

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2130** be immediately messaged to the Senate.

#### SENATE AMENDMENT CONSIDERED

Millage of Scott called up for consideration **House File 2114**, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date, amended by the Senate amendment H-5079 as follows:

H-5079

- 1 Amend House File 2114, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 11, by inserting after the letter
- 4 ""d"" the following: " provided that the funds
- 5 appropriated in this subsection which are used for the

6 purposes of the community economic betterment program  
 7 are not used for awards of more than \$750,000 or for  
 8 forgivable loan awards of more than \$500,000, are  
 9 awarded only for jobs paying at least 100 percent of  
 10 the average county wage, that the \$9.00 per hour cap  
 11 on the minimum wage threshold for urban counties be  
 12 discontinued, that the department establish a policy  
 13 to increase the number of no or low interest loans in  
 14 order to decrease the number of forgivable loans  
 15 awarded, to establish procedures to provide short  
 16 term, no or low interest loans from obligated but  
 17 unexpended funds in the community economic betterment  
 18 account, and to establish community revolving loan  
 19 funds utilizing a portion of amounts repaid on loans  
 20 awarded under the community economic betterment  
 21 program”.

22 2. Page 1, by striking lines 23 and 24 and  
 23 inserting the following: “designated in the  
 24 succeeding fiscal year.”

25 3. Page 1, by inserting before line 25 the  
 26 following:

27 “Sec. \_\_\_\_ DEPARTMENT OF HUMAN SERVICES — CHILD  
 28 DAY CARE. There is appropriated from the general fund  
 29 of the state to the department of human services for  
 30 the fiscal year beginning July 1, 1995, and ending  
 31 June 30, 1996, to supplement the appropriation made in  
 32 1995 Iowa Acts, chapter 205, section 6, the following  
 33 amount, or so much thereof as is necessary, to be used  
 34 for the purpose designated:

35 For state child care assistance, provided moneys  
 36 appropriated in this section are not subject to  
 37 transfer under section 8.39 or any other provision but  
 38 shall only be used for funding of state child care  
 39 assistance for persons who are eligible for or are on  
 40 a waiting list for but who are not receiving the  
 41 assistance as of the effective date of this section:

42 ..... \$2,100,000”.

43 4. Page 2, by inserting before line 1 the  
 44 following:

45 “Sec. \_\_\_\_ DEPARTMENT OF EDUCATION — GENERAL  
 46 ADMINISTRATION. There is appropriated from the  
 47 general fund of the state to the department of  
 48 education for the fiscal year beginning July 1, 1995,  
 49 and ending June 30, 1996, to supplement the amount  
 50 appropriated in 1995 Iowa Acts, chapter 218, section

Page 2

1 1, subsection 1, the following amount, or so much  
 2 thereof as is necessary, to be used for the purpose  
 3 designated:

4 For general administration to be used to provide  
 5 assistance to school districts involved in a financial



6 reporting pilot project:

7 ..... \$ 50,000

8 Notwithstanding section 8.33, moneys appropriated  
9 in this section which remain unexpended or unobligated  
10 at the close of the fiscal year shall not revert to  
11 the general fund of the state but shall remain  
12 available for expenditure in the succeeding fiscal  
13 year for the purpose designated.

14 Sec. \_\_\_\_ SCHOOL FOR THE DEAF AND BRAILLE AND  
15 SIGHT SAVING SCHOOL. There is appropriated from the  
16 general fund of the state to the state board of  
17 regents for the fiscal year beginning July 1, 1995,  
18 and ending June 30, 1996, to supplement the amounts  
19 appropriated in 1995 Iowa Acts, chapter 218, section  
20 6, subsections 5 and 6, the following amounts, or so  
21 much thereof as is necessary, to be used for the  
22 purposes designated:

23 1. For the state school for the deaf:

24 ..... \$ 47,000

25 2. For the Iowa braille and sight saving school:

26 ..... \$ 47,000

27 3. Of the moneys appropriated to the state school  
28 for the deaf and the Iowa braille and sight saving  
29 school in this section, each school may expend not  
30 more than \$45,000 for technology needs of the school.  
31 Notwithstanding section 8.33, moneys appropriated in  
32 this section which remain unexpended or unobligated at  
33 the close of the fiscal year shall not revert to the  
34 general fund of the state, but shall remain available  
35 for expenditure for technology needs at the designated  
36 school in the succeeding fiscal year.

37 Sec. \_\_\_\_ ETHICS AND CAMPAIGN DISCLOSURE BOARD.

38 There is appropriated from the general fund of the  
39 state to the ethics and campaign disclosure board for  
40 the fiscal year beginning July 1, 1995, and ending  
41 June 30, 1996, to supplement the appropriation made in  
42 1995 Iowa Acts, chapter 219, section 2, the following  
43 amount, or so much thereof as is necessary, to be used  
44 for the purpose designated:

45 For salaries, support, maintenance, and  
46 miscellaneous purposes:

47 ..... \$ 40,000".

48 5. Page 2, by inserting after line 9 the  
49 following:

50 "Sec. \_\_\_\_ DEPARTMENT OF INSPECTIONS AND APPEALS.

1 There is appropriated from the general fund of the  
2 state to the department of inspections and appeals for  
3 the fiscal year beginning July 1, 1995, and ending  
4 June 30, 1996, to supplement the appropriation made in  
5 1995 Iowa Acts, chapter 219, section 9, the following

6 amount, or so much thereof as is necessary, to be used  
7 for the purpose designated:

8 For racetrack regulation, to be used for employment  
9 of not more than one full-time equivalent position  
10 which shall be in addition to the full-time equivalent  
11 positions authorized in 1995 Iowa Acts, chapter 219,  
12 section 9:

13 ..... \$ 42,000".

14 6. Page 2, line 20, by striking the figure  
15 "150,000" and inserting the following: "116,850".

16 7. Page 2, line 25, by striking the word  
17 "appropriation" and inserting the following:  
18 "appropriations".

19 8. Page 2, line 26, by striking the word and  
20 figure "subsection 3,".

21 9. Page 2, line 27, by striking the word  
22 "purpose" and inserting the following: "purposes".

23 10. Page 2, by striking lines 29 and 30 and  
24 inserting the following:

25 "1. For state financial management to supplement.  
26 the amount appropriated in 1995 Iowa Acts, chapter  
27 219, section 19, subsection 2, to be used for payments  
28 under section 422.73, subsection 3, as enacted by this  
29 Act:

30 ..... \$18,300,000

31 Notwithstanding section 422.73, subsection 3, as  
32 enacted by this Act, if the department receives claims  
33 for refunds in excess of the amounts appropriated in  
34 this subsection for payment of the refunds and  
35 interest, the department shall prorate the refund  
36 payments and the prorated amount shall be the full  
37 amount of refund a taxpayer is entitled to receive.

38 Notwithstanding section 8.33, moneys appropriated  
39 in this subsection which remain unexpended or  
40 unobligated at the close of the fiscal year shall not  
41 revert to the general fund of the state but shall  
42 remain available for expenditure in the succeeding  
43 fiscal year for the purpose designated and the moneys  
44 are not subject to transfer under section 8.39.

45 2. For internal resources management to supplement  
46 the amount appropriated in 1995 Iowa Acts, chapter  
47 219, section 19, subsection 3:

48 ..... \$ 104,500".

49 11. Page 2, by inserting before line 31 the  
50 following:

Page 4

1 "Sec. \_\_\_\_ Section 422.73, Code 1995, is amended  
2 by adding the following new subsection:  
3 NEW SUBSECTION. 3. Notwithstanding subsection 2,  
4 a claim for refund of individual income tax paid for  
5 any tax year beginning on or after January 1, 1985,

6 and before January 1, 1989, is considered timely if  
7 filed with the department on or before July 1, 1996,  
8 if the taxpayer's claim is the result of the  
9 unconstitutional taxation of federal pension benefits  
10 based upon the decision in *Davis v. Michigan*  
11 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500  
12 (1989).

13 A taxpayer entitled to a refund of tax paid under  
14 this subsection shall receive an amount equal to one  
15 hundred percent of the refund with interest calculated  
16 to January 12, 1994, less five dollars to be retained  
17 by the department to defray costs of notification and  
18 the cost of processing the refund claim. The claim  
19 for refund may, at the option of the taxpayer, be  
20 filed with any income tax return or may be filed  
21 separate from any income tax return and, if filed with  
22 an income tax return, shall be allowed as a credit for  
23 income taxes owed, otherwise the claim shall not be  
24 allowed as a credit for income taxes owed. A claim  
25 shall be filed between the effective date of this  
26 subsection and October 31, 1996. An extension for  
27 filing shall not be allowed and claims disallowed on  
28 the basis of timeliness shall not be allowed upon  
29 appeal to any other state agency notwithstanding any  
30 other provision of law.

31 The claim for refund shall be made on claim forms  
32 to be made available by the department. In order for  
33 a taxpayer to have a valid refund claim, the taxpayer  
34 must supply legible copies of documents the director  
35 deems necessary to show entitlement to the refund,  
36 including but not limited to income tax forms and W-2P  
37 forms, which will establish the state income tax that  
38 was paid on the federal pension benefits for the tax  
39 years in question. The burden of proof is on the  
40 taxpayer to show that the claim for refund is valid.  
41 A spouse of a deceased taxpayer who was the spouse of  
42 the taxpayer when the unconstitutional tax was imposed  
43 may file a claim for refund without reopening the  
44 deceased taxpayer's estate.

45 The department shall make a reasonable attempt to  
46 notify individuals who are entitled to a refund under  
47 this subsection."

48 12. By renumbering, relettering, or redesignating  
49 and correcting internal references as necessary.

The House stood at ease at 9:02 a.m., until the fall of the gavel.

The House resumed session at 9:55 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Millage of Scott offered the following amendment H-5106, to the Senate amendment H-5079, filed by him and moved its adoption:

H-5106

1 Amend the Senate amendment, H-5079, to House File  
2 2114, as amended, passed, and reprinted by the House,  
3 as follows:

4 1. Page 1, by striking lines 3 through 21.

5 2. Page 1, by striking line 42 and inserting the  
6 following:

7 ".....\$ 1,050,000".

8 3. By striking page 1, line 45, through page 2,  
9 line 13.

10 4. Page 2, by striking lines 14 through 36.

11 5. By striking page 2, line 37 through page 3,  
12 line 13.

13 6. Page 3, by striking lines 16 through 48.

14 7. Page 4, by striking lines 1 through 47 and  
15 inserting the following:

16 ""Sec. \_\_. DEPARTMENT OF REVENUE AND FINANCE --  
17 REFUND CLAIMS. There is appropriated from the general  
18 fund of the state to the department of revenue and  
19 finance for the fiscal year beginning July 1, 1995,  
20 and ending June 30, 1996, an amount estimated by the  
21 department to be sufficient to pay all refund claims  
22 timely filed pursuant to section 422.73, -subsection 3,  
23 as enacted by this Act, and to pay up to \$75,000 for  
24 processing such claims.

25 Notwithstanding section 8.33, moneys appropriated  
26 in this section which remain unexpended or unobligated  
27 at the close of the fiscal year shall not revert to  
28 the general fund of the state but shall remain  
29 available for expenditure in the succeeding fiscal  
30 year for the purposes of paying refund claims and  
31 processing costs as provided and the moneys are not  
32 subject to transfer under section 8.39.

33 Sec. \_\_. Section 422.73, Code 1995, is amended by  
34 adding the following new subsection:

35 NEW SUBSECTION. 3. Notwithstanding subsection 2,  
36 a claim for refund of individual income tax paid for  
37 any tax year beginning on or after January 1, 1985,  
38 and before January 1, 1989, is considered timely if  
39 filed with the department on or before October 31,  
40 1996, if the taxpayer's claim is the result of the  
41 unconstitutional taxation of federal pension benefits  
42 based upon the decision in Davis v. Michigan  
43 Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500  
44 (1989).

45 A taxpayer entitled to a refund of tax paid under  
46 this subsection shall receive an amount equal to one  
47 hundred percent of the refund without interest. The  
48 claim for refund shall be filed separate from any  
49 income tax return and shall not be allowed as a credit  
50 for income taxes owed. A claim shall be filed between

Page 2

1 the effective date of this subsection and October 31,  
 2 1996. An extension for filing shall not be allowed  
 3 and claims disallowed on the basis of timeliness shall  
 4 not be allowed upon appeal to any other state agency  
 5 notwithstanding any other provision of law.  
 6 The claim for refund shall be made on claim forms  
 7 to be made available by the department. In order for  
 8 a taxpayer to have a valid refund claim, the taxpayer  
 9 must supply legible copies of documents the director  
 10 deems necessary to show entitlement to the refund,  
 11 including but not limited to income tax forms and W-2P  
 12 forms, which will establish the state income tax that  
 13 was paid on the federal pension benefits for the tax  
 14 years in question. The burden of proof is on the  
 15 taxpayer to show that the claim for refund is valid.  
 16 Estates are not entitled to file a claim for refund  
 17 under this subsection. However, if a taxpayer has  
 18 filed a claim under this subsection and subsequently  
 19 dies before receipt of the refund, the taxpayer's  
 20 estate is entitled to receipt of any valid refund  
 21 claim.  
 22 The department shall make a reasonable attempt to  
 23 notify individuals who are entitled to a refund under  
 24 this subsection."

Roll call was requested by Schrader of Marion and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-5106, to the Senate amendment H-5079, be adopted?" (H.F. 2114)

The ayes were, 59:

Blodgett	Boddicker	Boguess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen,	
		Presiding	

The nays were, 36:

Arnold	Baker	Bell	Bernau
Brammer	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Garman	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Witt

Absent or not voting, 5:

Carroll	Larson	Moreland	Rants
Wise			

Amendment H-5106 was adopted.

On motion by Millage of Scott, the House concurred in the Senate amendment H-5079, as amended.

Millage 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. 2114)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Holveck
Heaton	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Renken
Salton	Schrader	Schulte	Shoultz

Siegrist  
Thomson  
Veenstra  
Welter

Sukup  
Tyrrell  
Warnstadt  
Witt

Taylor  
Van Fossen  
Weidman  
Van Maanen,  
Presiding

Teig  
Vande Hoef  
Weigel

The nays were, none.

Absent or not voting, 5:

Carroll  
Wise

Larson

Moreland

Rants

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

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2114** 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 February 22, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2110, a bill for an act relating to the establishment of an anatomical gift public awareness and transplantation fund to be administered by and an anatomical gift public awareness advisory committee to be established within the Iowa department of public health.

Also: That the Senate has on February 22, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2154, a bill for an act increasing the penalties for certain offenses involving methamphetamine.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 10:15 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:04 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

### INTRODUCTION OF BILLS

**House File 2305**, by committee on ways and means, a bill

for an act updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date.

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

**House File 2306**, by committee on natural resources, a bill for an act relating to the regulation of motorboats on certain artificial lakes, and providing an effective date.

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

**House File 2307**, by committee on transportation, a bill for an act relating to the establishment of an anatomical gift public awareness and transplantation fund to be administered by an anatomical gift public awareness advisory committee to be established within the Iowa department of public health.

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

**House File 2308**, by committee on environmental protection, a bill for an act relating to asbestos removal and encapsulation.

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

**House File 2309**, by committee on commerce-regulation, a bill for an act relating to publications referenced in administrative rules and providing an effective date.

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

**House File 2310**, by committee on commerce-regulation, a bill for an act relating to the regulation of insurance and amending provisions providing for setoff of premium, fraudulent submissions to insurers, availability of certain information to insurers, length of term of the board of directors of an insurer, notice of cancellation, delivery of certain policies in this state, and making a penalty applicable.

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

**House File 2311**, by committee on agriculture, a bill for an act providing for the selection and tenure of the executive director of the agricultural development authority.

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

**House File 2312**, by committee on ways and means, a bill for an act relating to the administration of taxes, electronic filing of tax returns and payments, imposition of the penalty for willfully filing a false claim for refund, low income, elderly, and disabled property tax credit filing and certification dates, computation of the real estate transfer



tax, repeal of obsolete property tax provision, and providing effective and retroactive applicability dates.

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

**House File 2313**, by committee on commerce-regulation, a bill for an act relating to the regulation of insurance companies for purposes of solvency and establishing a measure for the risk-based capital of an insurer, providing for the Act's applicability, and providing penalties.

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

### CONSIDERATION OF BILLS Regular Calendar

**Senate File 2063**, a bill for an act establishing a school improvement technology program to fund instructional technology for school districts, the Iowa braille and sight saving school, the state school for the deaf and the Price laboratory school, providing for properly related matters, and making appropriations, and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Grubbs of Scott asked and received unanimous consent to withdraw amendment H-5051 filed by the committee on education on February 6, 1996, placing out of order the following amendments:

H-5055, to the committee amendment H-5051, filed by Ertl of Dubuque on February 6, 1996.

H-5057, to the committee amendment H-5051, filed by Brunkhorst of Bremer, et. al., on February 6, 1996.

Millage of Scott asked and received unanimous consent to withdraw amendment H-5074 filed by the committee on appropriations, placing out of order the following amendments:

H-5080, to the committee amendment H-5074, filed by Ertl of Dubuque on February 15, 1996.

H-5085, to the committee amendment H-5074, filed by Koenigs of Mitchell on February 19, 1996.

H-5108, to the committee amendment H-5074, filed from the floor by Ollie of Clinton, Baker, Cohoon, Kreiman, Mascher, Nelson of Pottawattamie and Warnstadt.

H-5101, to the committee amendment H-5074, filed by Grubbs of Scott on February 21, 1996.

H-5107, to the committee amendment H-5074, filed from the floor by Brunkhorst of Bremer, Tyrrell, Sukup and Brand.

### RULE 31.8 SUSPENDED

Grubbs of Scott asked for unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the immediate consideration of amendment H-5110.

Objection was raised.

Grubbs of Scott moved to suspend Rule 31.8 for the immediate consideration of amendment H-5110, filed by him from the floor as follows:

#### H-5110

- 1 Amend Senate File 2063 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 12 through 16 and
- 4 inserting the following:
- 5 "1. a. There is appropriated from the general
- 6 fund of the state to the department of education for
- 7 the fiscal year beginning July 1, 1996, and ending
- 8 June 30, 1997, the sum of fifteen million dollars for
- 9 the school improvement technology program.
- 10 . b. There is appropriated from the rebuild Iowa
- 11 infrastructure account of the state to the department
- 12 of education for the fiscal year beginning July 1,
- 13 1996, and ending June 30, 1997, the sum of fifteen
- 14 million dollars for the school improvement technology
- 15 program.
- 16 c. There is appropriated from the general fund of
- 17 the state to the department of education for each
- 18 fiscal year of the fiscal period beginning July 1,
- 19 1997, and ending June 30, 2001, the sum of thirty
- 20 million dollars for the school improvement technology
- 21 program."
- 22 2. Page 1, line 18, by striking the word "of" and
- 23 inserting the following: "in".
- 24 3. Page 1, by striking lines 19 and 20 and
- 25 inserting the following: "which moneys are
- 26 appropriated, the amount of moneys allocated to school
- 27 districts shall".
- 28 4. Page 1, line 29, by inserting after the figure
- 29 "1." the following: "The department of human services
- 30 shall certify the average student yearly enrollments
- 31 of the state training school, the Iowa juvenile home,
- 32 Woodward state hospital-school, and Glenwood state
- 33 hospital-school to the department of education by
- 34 October 1."
- 35 5. Page 1, by striking lines 30 through 32 and
- 36 inserting the following:

37     "\_. From the moneys appropriated in subsection  
38     1, for each fiscal year in which moneys are  
39     appropriated, the sum of four hundred fifty thousand  
40     dollars".

41     6. Page 2, line 28, by inserting after the figure  
42     "257" the following: "or are considered encumbered".

43     7. Page 2, by inserting after line 31 the  
44     following:

45     "\_. Moneys received under this section shall not  
46     be used for payment of any collective bargaining  
47     agreement or arbitrator's decision negotiated or  
48     awarded under chapter 20."

49     8. Page 2, by striking lines 34 and 35 and  
50     inserting the following: "state school for the deaf,

### Page 2

1     the Price laboratory school at the university of  
2     northern Iowa, the state training school, the Iowa  
3     juvenile home, Woodward state hospital-school, and  
4     Glenwood state hospital-school."

5     9. Page 3, by striking line 24 and inserting the  
6     following: "1, 1996, and ending June 30, 1997, prior  
7     to the receipt of".

8     10. Page 3, line 28, by striking the figure  
9     "1996" and inserting the following: "1997".

10    11. Page 4, by inserting after line 5 the  
11    following:

12    "\_. The state training school, the Iowa juvenile  
13    home, and the Glenwood and Woodward state hospital-  
14    schools shall each develop a technology plan that  
15    supports and improves student achievement,  
16    demonstrates the manner in which technology will be  
17    utilized to improve student achievement, and includes  
18    an evaluation component. Plans and an annual progress  
19    report shall be submitted to the departments of human  
20    services and education."

21    12. Page 4, line 14, by inserting after the word  
22    "training" the following: "related to instructional  
23    technology".

24    13. Page 4, line 15, by inserting after the word  
25    "funds." the following: "However, funds received by a  
26    school district pursuant to section 295.2 shall not be  
27    expended to add a full-time equivalent position or  
28    otherwise increase staffing."

29    14. Page 4, line 21, by inserting after the word  
30    "training" the following: "related to instructional  
31    technology".

32    15. Page 4, line 23, by striking the figure  
33    "2000" and inserting the following: "2001."

34    16. By striking page 4, line 24, through page 5,  
35    line 3.

36    17. Title page, by striking lines 4 through 6 and

- 37 inserting the following: "the Price laboratory  
 38 school, the state hospital-schools, the state training  
 39 school, and the Iowa juvenile home, providing for  
 40 properly related matters, and making appropriations."  
 41 18. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 56, nays 26.

The motion to suspend the rules prevailed.

The House stood at ease at 1:30 p.m., until the fall of the gavel.

The House resumed session at 1:37 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Koenigs of Mitchell offered the following amendment H-5113, to amendment H-5110, filed by him from the floor and moved its adoption:

H-5113

- 1 Amend the amendment, H-5110, to Senate File 2063,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 5 through 15.  
 5 2. Page 1, line 16, by striking the letter "c."  
 6 and inserting the following: "1."  
 7 3. Page 1, line 19, by striking the figure "1997"  
 8 and inserting the following: "1996".

Roll call was requested by Murphy of Dubuque and Koenigs of Mitchell.

On the question "Shall amendment H-5113, to amendment H-5110, be adopted?" (S.F. 2063)

The ayes were, 35:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Maschke	May
McCoy	Mertz	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Witt	

The nays were, 59:

Arnold	Boddicker	Boguess	Bradley
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Branstad	Brauns	Brunkhorst	Churchill
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Renken	Salton	Schulze
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 6:

Blodgett	Carroll	Larson	Moreland
Rants	Wise		

Amendment H-5113 lost.

Grubbs of Scott moved the adoption of amendment H-5110.

Roll call was requested by Murphy of Dubuque and Ollie of Clinton.

On the question "Shall amendment H-5110 be adopted?" (S.F. 2063)

The ayes were, 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kreiman	Kremer	Lamberti	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Renken
Salton	Schulze	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

The nays were, 34:

Baker	Bell	Bernau	Brammer
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Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Larkin	Mascher	May	McCoy
Mertz	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Witt		

Absent or not voting, 5:

Carroll	Larson	Moreland	Rants
Wise			

Amendment H-5110 was adopted.

Grubbs 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. 2063)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammit Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Witt	Van Maanen,		
	Presiding		

The nays were, 1:

Fallon

Absent or not voting, 5:

Carroll  
Wise

Larson

Moreland

Rants

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

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2063** be immediately messaged to the Senate.

### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\123 Rachael Revell, Newton – For winning 2nd place in the Women in Science and Engineering Award in the “Write Women Back Into History” contest.
- 1996\124 Jillian Anderson, Newton – For winning 1st place in the Women in Science and Engineering Award in the “Write Women Back Into History” contest.
- 1996\125 Katy Morgan, Bettendorf – For receiving the Edith Rose Murphy Sackett Award in the “Write Women Back Into History” contest.
- 1996\126 Amanda Jo Miller, Red Oak – For winning 1st place in the 6th and 7th grade category for her essay in the “Write Women Back Into History” contest.
- 1996\127 Helen and Frank Reynolds, Osceola – For celebrating their Sixtieth wedding anniversary.
- 1996\128 Sylvia and Kenneth Brown, Murray – For celebrating their Fiftieth wedding anniversary.
- 1996\129 Erma and Dale Scritchfield, Osceola – For celebrating their Fiftieth wedding anniversary.
- 1996\130 Leah and Maurice Keeler, Weldon – For celebrating their Sixty-fifth wedding anniversary.
- 1996\131 Lillian and Edward Trenkamp, Preston – For celebrating their Fiftieth wedding anniversary.
- 1996\132 Robert Scott Blough, Fairfield – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1996\133 Matthew D. Mineart, Fairfield – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 2042**

Ways and Means: Larson, Chair; Rants and Shoultz.

**House File 2096 Reassigned**

Commerce-Regulation: Lamberti, Chair; Brunkhorst and Cataldo.

**House File 2200**

Ways and Means: Dinkla, Chair; Disney and Jochum.

**House File 2217**

Judiciary: Dinkla, Chair; Doderer and Lamberti.

**House File 2220**

Judiciary: Dinkla, Chair; Moreland and Veenstra.

**House File 2226**

Ways and Means: Halvorson, Chair; Dinkla and Myers.

**House File 2231**

State Government: Renken, Chair; Drake and Taylor.

**House File 2232**

State Government: Bradley, Chair; Cataldo and Tyrrell.

**House File 2237**

Judiciary: Dinkla, Chair; Bernau and Nutt.

**House File 2255 Reassigned**

Local Government: Vande Hoef, Chair; Carroll and Cohoon.

**House File 2263**

Agriculture: Eddie, Chair; Huseman and Koenigs.

**House File 2265**

Agriculture: Eddie, Chair; Klemme and Koenigs.

**House File 2266**

Judiciary: Coon, Chair; Bell and Harrison.

**House File 2267**

Judiciary: Veenstra, Chair; Coon and Kreiman.

**House File 2268**

State Government: Renken, Chair; Cataldo and Tyrrell.



**House File 2269**

Judiciary: Harrison, Chair; Doderer and Grubbs.

**House File 2270**

Judiciary: Harrison, Chair; Grubbs and Shoultz.

**House File 2272**

Human Resources: Harrison, Chair; Harper and Veenstra.

**House File 2273**

Local Government: Disney, Chair; Hanson and Mundie.

**House File 2274**

Judiciary: Greiner, Chair; Bell and Coon.

**House File 2275**

Human Resources: Harrison, Chair; Burnett, Lord, Murphy and Salton.

**House File 2276**

Transportation: Heaton, Chair; Main and McCoy.

**House File 2281**

Commerce-Regulation: Halvorson, Chair; Jacobs and McCoy.

**House File 2282**

State Government: Houser, Chair; Larkin and Renken.

**House File 2283**

Judiciary: Harrison, Chair; Grubbs and Kreiman.

**House File 2284**

Transportation: Arnold, Chair; Cohoon and Salton.

**House File 2285**

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

**House File 2286**

Judiciary: Dinkla, Chair; Millage and Moreland.

**House File 2288**

Commerce-Regulation: Halvorson, Chair; Jacobs and McCoy.

**House File 2289**

Judiciary: Coon, Chair; Shoultz and Veenstra.

**House File 2293**

Local Government: Houser, Chair; Larkin and Weidman.

**House File 2295**

Economic Development: Hammitt Barry, Chair; O'Brien and Tyrrell.

**House File 2296**

State Government: Jacobs, Chair; Brammer and Drake.

**House File 2297**

Local Government: Carroll, Chair; Drees and Jacobs.

**House File 2300**

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

**House File 2304**

Local Government: Brauns, Chair; Hanson and Mertz.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 652**

Ways and Means: Greig, Chair; Drake and Weigel.

**House Study Bill 653**

Ways and Means: Halvorson, Chair; Bernau and Dinkla.

**House Study Bill 654**

Ways and Means: Halvorson, Chair; Bernau and Dinkla.

**House Study Bill 663 Reassigned**

Commerce-Regulation: Renken, Chair; Churchill, Holveck, Van Fossen and Weigel.

**House Study Bill 676 Reassigned**

State Government: Gipp, Chair; Cataldo, Jacobs, Jochum and Martin.

**House Study Bill 679**

Ways and Means: Halvorson, Chair; Bernau and Dinkla.

**House Study Bill 684**

Education: Gries, Chair; Veenstra and Warnstadt.

**House Study Bill 687**

Appropriations: Millage, Chair; Gipp and Murphy.

**House Study Bill 688**

State Government: Martin, Chair; Bradley, Connors, Gipp, Jacobs, Jochum and Larkin.

**House Study Bill 689**

Labor and Industrial Relations: Lord, Chair; Taylor and Veenstra.

**House Study Bill 690**

Education: Hanson, Chair; Boddicker and Mascher.

**House Study Bill 691**

Labor and Industrial Relations: Hanson, Chair; Jochum and Renken.

**House Study Bill 692**

Agriculture: Greig, Chair; Drees and Main.

**House Study Bill 693**

Economic Development: Nelson of Marshall, Chair; Bradley, Brand, Heaton and McCoy.

**House Study Bill 694**

Economic Development: Nelson of Marshall, Chair; Bradley, Brand, Heaton and McCoy.

**House Study Bill 697**

Commerce-Regulation: Sukup, Chair; Metcalf and Weigel.

**House Study Bill 698**

Commerce-Regulation: Halvorson, Chair; Holveck and Metcalf.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 696 Commerce-Regulation**

Relating to linked investments.

**H.S.B. 697 Commerce-Regulation**

Relating to consumer protection by requiring the registration of certain persons seeking to engage in regulated businesses in this state, and providing for civil and criminal penalties.

**H.S.B. 698 Commerce-Regulation**

Relating to the consumer credit code and permissible finance charges and other fees which may be charged to a consumer by a lender.

**H.S.B. 699 Human Resources**

Relating to the establishment of a problem gambling treatment program, creating an advisory committee, providing for other properly related matters, and applying a penalty.

**H.S.B. 700 Transportation**

Increasing the speed limit on certain highways, increasing penalties, and providing an effective date.

**H.S.B. 701 Transportation**

Relating to passing on multilaned highways and making existing penalties applicable.

**H.S.B. 702 Environmental Protection**

Providing for notification of certain members of the committees of the general assembly having jurisdiction over the environment, before the

environmental protection commission adopts a rule and establishing an effective date.

### **H.S.B. 703 Environmental Protection**

Relating to issuance of a certificate of title for a documented vessel.

### **H.S.B. 704 Local Government**

Relating to drainage district bid bonds, assessment payments, subdistricts, and drainage discharge liability.

### **H.S.B. 705 Local Government**

Relating to the statewide underground facilities notification program and establishing certain duties and responsibilities of the board of directors, operators, and excavators, establishing a civil penalty, and providing for related matters.

### **H.S.B. 706 Labor and Industrial Relations**

Relating to workers' compensation claims against the second injury fund, authorizing the commissioner of insurance to impose a surcharge, and providing an effective date.

### **H.S.B. 707 Labor and Industrial Relations**

Relating to eligibility requirements for certain employees for workers' compensation.

### **H.S.B. 708 Labor and Industrial Relations**

Relating to the rate of compensation of public employee pay plans not formulated pursuant to collective bargaining agreements.

### **H.S.B. 709 Judiciary**

Requiring future damages in personal injury actions to be adjusted according to present value.

### **H.S.B. 710 Judiciary**

Relating to the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases.

### **H.S.B. 711 Ways and Means**

Relating to the taxation of community-based credit unions at the same rate and in the same manner as other financial institutions doing business in Iowa and providing an applicability date provision.

**H.S.B. 712 Transportation**

Relating to transportation by granting the state department of transportation condemnation rights for utility facility replacement, requiring sixty day property payments, requiring certain criteria be adopted by administrative rule, modifying certain damage disclosure statement requirements, providing for entry onto private property for sounding and drilling, relating to the disposal of abandoned vehicles, and providing for release of retained funds for public improvements.

**H.S.B. 713 Judiciary**

Relating to the representation of indigents and other court appointments in criminal and juvenile proceedings and providing effective and retroactive applicability dates.

**H.S.B. 714 Judiciary**

Providing for access by the division of criminal and juvenile justice planning of the department of human rights to confidential records held by other state agencies.

**H.S.B. 715 Judiciary**

Relating to judicial administration, including the definition of a judicial officer, the administrative authority of certain judges within a district, and the retirement age of associate juvenile judges and associate probate judges.

**H.S.B. 716 Judiciary**

Establishing a mechanic's lien for a lessor of material used in the course of alteration, construction, or repair of a building, improvement, or land.

**H.S.B. 717 Judiciary**

Relating to the establishment of a procedure for the release of medical records and information regarding plaintiffs involved in certain civil actions.

**H.S.B. 718 Transportation**

Relating to a restriction for special minors' licenses for persons age fourteen and fifteen and making a penalty applicable.

**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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON AGRICULTURE

**Senate File 2135**, a bill for an act providing for the organization of cooperative corporations, providing for fees, and providing for penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 1996.

**Committee Bill** (Formerly House Study Bill 669), providing for the selection and tenure of the executive director of the agricultural development authority.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 1996.

## COMMITTEE ON COMMERCE-REGULATION

**Committee Bill** (Formerly House Study Bill 549), relating to the licensure and practice of land surveying.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 20, 1996.

## COMMITTEE ON EDUCATION

**House File 2157**, a bill for an act relating to establishing the English language as the official language of the state, providing limited English proficiency programs in the public schools, making an appropriation for additional funding for an increase in the actual number of limited English proficient students, and providing an effective and applicability date.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-5112** February 21, 1996.

**House File 2178**, a bill for an act authorizing school districts to establish and enforce traffic and parking rules and authorizing penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 1996.

## COMMITTEE ON STATE GOVERNMENT

**House File 2174**, a bill for an act relating to unclaimed property in the form of outdated warrants held by the state, the social security numbers of the owners of the property, fraudulent practices to obtain the property, and establishing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 1996.

**Senate File 2074**, a bill for an act relating to the dates on which city hospital or health care facility trustees take and depart from office.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5109** February 21, 1996.

**Committee Bill** (Formerly House Study Bill 553), relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 21, 1996.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 621), updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 1996.

**Committee Bill** (Formerly House Study Bill 679), relating to the administration of taxes, electronic filing of tax returns and payments, imposition of the penalty for willfully filing a false claim for refund, low income, elderly, and disabled property tax credit filing and certification dates, computation of the real estate transfer tax, repeal of obsolete property tax provision, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** February 21, 1996.

#### AMENDMENTS FILED

H—5109	S.F.	2074	Committee on State Government
H—5111	H.F.	2182	Blodgett of Cerro Gordo
H—5112	H.F.	2157	Committee on Education

On motion by Siegrist of Pottawattamie, the House adjourned at 2:35 p.m., until 1:00 p.m., Monday, February 26, 1996.

# JOURNAL OF THE HOUSE

Fiftieth Calendar Day – Thirty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 26, 1996

The House met pursuant to adjournment at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Michael Stadie, St. John Lutheran Church, Pomeroy.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Cub Scout Pack 242, Den 8, from Western Hills Elementary School, West Des Moines.

The Journal of Thursday, February 22, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Larson of Linn, for the week of February 26, 1996; Lord of Dallas, for February 26 and 27, 1996, Klemme of Plymouth, all on request of Siegrist of Pottawattamie; Metcalf of Polk, until her arrival, on request of Weidman of Cass; Wise of Lee, for the week of February 26, 1996 and Drees of Carroll, for February 26, 27, and 28, 1996, both on request of Schrader of Marion; Eddie of Buena Vista, until his arrival, on request of Huseman of Cherokee.

## PETITION FILED

The following petition was received and placed on file:

By Harper of Black Hawk from two hundred fifty-four constituents favoring House Study Bill 254, relating to juvenile justice.

## INTRODUCTION OF BILLS

**House File 2314**, by Rants, a bill for an act relating to requirements for reports submitted by certain service providers to the department of human services.

Read first time and referred to committee on **human resources**.

**House File 2315**, by Tyrrell, a bill for an act authorizing small quantities of wine to be shipped in and out of this state for consumption or use by persons twenty-one years of age or older.

Read first time and referred to committee on **commerce-regulation**.

**House File 2316**, by committee on judiciary, a bill for an act relating to sentences for persons convicted of sexually predatory offenses.



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

**House File 2317**, by committee on environmental protection, a bill for an act relating to the limitations on the use of toxic materials in packaging and providing additional exemptions.

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

**House File 2318**, by committee on commerce-regulation, a bill for an act relating to the licensure and practice of land surveying, to the unlawful practice of land surveying, architecture, and professional engineering, and establishing a civil penalty.

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

**House File 2319**, by Schrader, a bill for an act relating to the sale of forestry products from state forests and state public lands.

Read first time and referred to committee on **natural resources**.

**House File 2320**, by Shoultz, a bill for an act establishing a pilot project of technical education partnership programs, making an appropriation, and providing an effective date.

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

**House File 2321**, by Baker, a bill for an act relating to the rate paid through expenditure of state funds for child day care.

Read first time and referred to committee on **human resources**.

**House File 2322**, by Baker, a bill for an act relating to the location of a bank office within an urban enterprise community.

Read first time and referred to committee on **commerce-regulation**.

**House File 2323**, by Baker, a bill for an act relating to state agency purchases from targeted small businesses.

Read first time and referred to committee on **economic development**.

**House File 2324**, by Houser, Vande Hoef, Martin, Hahn, Hanson, Grundberg, Kremer, Klemme, Hurley, Ertl, Brauns, Daggett, Greig, Halvorson, Tyrrell, Eddie, Garman, Welter, Greiner, Brunkhorst, Metcalf, Churchill, Fallon, Kreiman, Mertz, Shoultz, Baker, Mundie, Cohoon, Nelson of Pottawattamie, Larkin, May, Myers, and Bernau, a bill for an act relating to state employee disclosures of information and making penalties applicable.

Read first time and referred to committee on **state government**.

**House File 2325**, by Harrison, a bill for an act relating to gambling by restricting gambling advertising, by limiting the amount of checks for gambling, by promoting gambling prevention programs, and by providing for other properly related matters.

Read first time and referred to committee on **state government**.

**House File 2326**, by Arnold and Teig, a bill for an act relating to certain confinement feeding operations located in close proximity to certain water impoundments and providing for fees.

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

**House File 2327**, by Bradley and Grubbs, a bill for an act relating to professional engineers and engineering standards involved in the approval of permits for confinement swine feeding operations.

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

**House File 2328**, by Boddicker, a bill for an act relating to the issuance of depredation permits for deer or other wildlife causing damage to trees.

Read first time and referred to committee on **natural resources**.

**House File 2329**, by Martin, Thomson, and Lamberti, a bill for an act pertaining to alcohol-related regulation; relating to consumption of alcohol by persons under the age of twenty-one; removing the restitution limit for operating-while-intoxicated defendants; requiring schools to report incidents involving alcohol, tobacco, and controlled substances; permitting law enforcement agencies to establish roadblocks for enforcement of operating-while-intoxicated offenses; and providing penalties.

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

**House File 2330**, by Disney, a bill for an act relating to selection criteria for state employment, contracts, and services.

Read first time and referred to committee on **state government**.

**House File 2331**, by Cataldo, a bill for an act expanding the factors that a court and the state department of transportation may consider in ordering the issuance of a temporary restricted license, and providing an effective date.

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

**House File 2332**, by Teig, a bill for an act relating to providing a payment for investment in a sesquicentennial fund, providing penalties, and making an appropriation.

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

**House File 2333**, by Drake, a bill for an act increasing accident damage reporting and motor vehicle security requirement levels.

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

**House File 2334**, by Mundie, a bill for an act creating multidisciplinary community services teams and providing a penalty.

Read first time and referred to committee on **human resources**.

**House File 2335**, by Siegrist, a bill for an act relating to park user permits and providing a penalty and an effective date.

Read first time and referred to committee on **natural resources**.

**House File 2336**, by Teig, a bill for an act relating to the development of a statewide emergency medical care system.

Read first time and referred to committee on **human resources**.

**House File 2337**, by Cohoon, a bill for an act relating to school district enrollment calculation and certification dates.

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

**House File 2338**, by committee on economic development, a bill for an act relating to the moneys available to the workforce development fund and the duration of the fund.

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

**House File 2339**, by Cohoon, a bill for an act relating to requiring school buses to stop at railroad tracks.

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

**House File 2340**, by Daggett, a bill for an act relating to school finance by providing additional current year funding for special education students and providing an effective date.

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

**House File 2341**, by Larson, a bill for an act establishing penalties for fortification of property for the purpose of selling controlled substances and the attempted purchase of controlled substances.

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

**House File 2342**, by Daggett, a bill for an act appropriating additional state aid to school districts for at-risk pupils and providing effective and applicability date provisions.

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

**House File 2343**, by Larson, a bill for an act relating to the classification of a long distance telephone company as a competitive long distance telephone company.

Read first time and referred to committee on **commerce-regulation**.

**House File 2344**, by Larson, a bill for an act relating to dramshop liability insurance premium rate increases and excluding the use of certain information.

Read first time and referred to committee on **commerce-regulation**.

### 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 February 22, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2066, a bill for an act relating to the operation of motor vehicles in border cities and providing an effective date.

Also: That the Senate has on February 22, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2140, a bill for an act increasing the speed limit on certain highways, requiring a report on safety in construction zones, and providing an effective date.

Also: That the Senate has on February 22, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2161, a bill for an act providing for agency and department cooperation in employing inmates under the hard labor program.

Also: That the Senate has on February 22, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2168, a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date.

Also: That the Senate has on February 22, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2206, a bill for an act providing for animal health and racing and making penalties applicable.

Also: That the Senate has on February 22, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2219, a bill for an act relating to the midwest interstate compact on low-level radioactive waste and establishing a penalty.

## SENATE MESSAGES CONSIDERED

**Senate File 2110**, by committee on transportation, a bill for an act relating to the establishment of an anatomical gift public awareness and transplantation fund to be administered by and an anatomical gift public awareness advisory committee to be established within the Iowa department of public health.

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

**Senate File 2140**, by committee on transportation, a bill for an act increasing the speed limit on certain highways, requiring a report on safety in construction zones, and providing an effective date.

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

**Senate File 2154**, by committee on judiciary, a bill for an act increasing the penalties for certain offenses involving methamphetamine.

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

**Senate File 2161**, by committee on judiciary, a bill for an act providing for agency and department cooperation in employing inmates under the hard labor program.

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

**Senate File 2168**, by committee on ways and means, a bill for an act updating the Iowa Code references to the Internal Revenue Code and providing a retroactive applicability date and an effective date.

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

**Senate File 2206**, by committee on agriculture, a bill for an act providing for animal health and racing and making penalties applicable.

Read first time and referred to committee on **state government**.

**Senate File 2219**, by committee on natural resources, environment, and energy, a bill for an act relating to the midwest interstate compact on low-level radioactive waste and establishing a penalty.

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

## CONSIDERATION OF BILLS

## Regular Calendar

**House File 2106**, a bill for an act relating to agency rules, by providing for the periodic review of the rules, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 1:19 p.m., until the fall of the gavel.

The House resumed session at 2:08 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2106** be deferred and that the bill be placed on the **unfinished business calendar**.

**House File 2202**, a bill for an act relating to permissible acts related to real estate sales, exchanges, purchases, rentals, leases, or advertising by licensees and nonlicensees, was taken up for consideration.

Disney 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. 2202)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Main
Martin	Mascher	May	McCoy
Mertz	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Witt	Van Maanen,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Drees	Klemme	Larson	Lord
Metcalf	Wise		

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

**Senate File 2072**, a bill for an act relating to implements of husbandry by providing for machinery towed by a motor vehicle or farm tractor, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Main of Jefferson 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. 2072)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Main
Martin	Mascher	May	McCoy
Mertz	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Witt	Van Maanen,		
	Presiding		

The nays were, none.

Absent or not voting, 6:

Drees	Klemme	Larson	Lord
Metcalfe	Wise		

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

## IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate **House File 2202 and Senate File 2072.**

### 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 February 26, 1996, 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 2114, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date

JOHN F. DWYER, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Thursday, February 22, 1996. Had I been present, I would have voted "aye" on House File 2114, and Senate Files 2063 and 2130, and amendment H—5110, to Senate File 2063, and amendment H—5106, to Senate amendment H—5079, to House File 2114, and "nay" to amendment H—5113, to amendment H—5110, to Senate File 2063.

CARROLL of Poweshiek

I was necessarily absent from the House chamber on February 22, 1996. Had I been present, I would have voted "aye" on Senate Files 2063 and 2130, and amendment H—5113, to amendment H—5110, to Senate File 2063 and "nay" on amendment H—5106, to Senate amendment H—5079, to House File 2114, and amendment H—5110, to Senate File 2063.

MORELAND of Wapello

I was necessarily absent from the House chamber on Thursday, February 22, 1996. Had I been present, I would have voted "aye" on House File 2114 and Senate Files 2063 and 2130.

RANTS of Woodbury

### PRESENTATION OF VISITORS

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

Twenty-one fifth grade students from Hoover Elementary School, Iowa City, accompanied by Marilyn Wirtz and Brenda Parker. By Mascher, Doderer and Myers all of Johnson.



## SUBCOMMITTEE ASSIGNMENTS

**House File 2286 Reassigned**

Judiciary: Dinkla, Chair; Bernau and Millage.

**House File 2290**

Natural Resources: Tyrrell, Chair; Branstad and Cohoon.

**House File 2314**

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

**House File 2321**

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

**House File 2334**

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

**House File 2336**

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 696**

Commerce-Regulation: Metcalf, Chair; Jacobs and Nelson of Pottawattamie.

**House Study Bill 699**

Human Resources: Harrison, Chair; Veenstra and Witt.

**House Study Bill 700**

Transportation: Blodgett, Chair; Carroll and Ollie.

**House Study Bill 701**

Transportation: Blodgett, Chair; Carroll and Ollie.

**House Study Bill 702**

Environmental Protection: Greiner, Chair; Vande Hoef and Witt.

**House Study Bill 703**

Environmental Protection: Bradley, Chair; Drees and Thomson.

**House Study Bill 704**

Local Government: Mertz, Chair; Arnold and Vande Hoef.

**House Study Bill 705**

Local Government: Klemme, Chair; Arnold, Huseman, Mundie and Vande Hoef.

**House Study Bill 712**

Transportation: Brauns, Chair; Heaton and Mundie.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 719 Human Resources**

Relating to the establishment of compulsive gamblers outpatient centers, providing for the administration of compulsive gamblers programs by the department of human services, and providing for other properly related matters.

### **H.S.B. 720 Human Resources**

Relating to cigarettes and tobacco products, establishing penalties and making penalties applicable.

### **H.S.B. 721 State Government**

Relating to certain public retirement systems, making appropriations, and providing effective and retroactive applicability dates.

### **H.S.B. 722 Appropriations**

Relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters.

### **H.S.B. 723 Appropriations**

Relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, allocating commercial vehicle fines to the road use tax fund, relating to construction projects for the commission of veterans affairs, providing for school technology improvements and providing an effective date.

## 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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

## COMMITTEE ON COMMERCE-REGULATION

**House File 2030**, a bill for an act relating to the redemption rights of mortgagors and lienholders in actions of judicial foreclosure without rights of redemption, when the federal government is one of the junior lienholders.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

**Senate File 376**, a bill for an act relating to the regulation of credit unions by authorizing additional powers and defining certain business relationships and establishing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5122**  
February 22, 1996.

**Committee Bill** (Formerly House Study Bill 639), relating to entities and subject matter under the regulatory authority of the division of insurance, including prearranged funeral contracts, cemeteries, and business opportunities, and establishing fees.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1996.

**Committee Bill** (Formerly House Study Bill 670), authorizing a foreign mutual insurance company or a foreign health service corporation to reorganize by forming an insurance holding company, and providing that a mutual insurance holding company shall at all times own a majority of the voting shares of the capital stock of a reorganized domestic or foreign insurance company.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

**Committee Bill** (Formerly House Study Bill 633), relating to voting, the distribution of earnings, and the bylaws of a cooperative association.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

#### COMMITTEE ON ECONOMIC DEVELOPMENT

**Committee Bill** (Formerly House Study Bill 587), relating to the moneys available to the workforce development fund and the duration of the fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1996.

#### COMMITTEE ON HUMAN RESOURCES

**House File 2150**, a bill for an act relating to grandparent visitation rights.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5115**  
February 22, 1996.

#### COMMITTEE ON JUDICIARY

**Senate File 2087**, a bill for an act providing that appeal of certain sentences be by writ of certiorari.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

**Committee Bill** (Formerly House Study Bill 601), prohibiting a person from soliciting another person to arrange a sex act with a child and making a penalty applicable.

Fiscal Note is required.

Recommended **Do Pass** February 22, 1996.

**Committee Bill** (Formerly House Study Bill 613), amending the uniform commercial code relating to letters of credit and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

**Committee Bill** (Formerly House Study Bill 614), relating to limited liability companies and corporations, including the period within which a limited liability company subject to dissolution may be continued, use of trade names by corporations and limited liability companies, and providing an exemption from the real estate transfer tax for certain transfers involving limited liability companies.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

**Committee Bill** (Formerly House Study Bill 645), removing the requirement that a corporation which has adopted a corporate seal affix the seal to all documents affecting real estate executed by the corporation.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

**Committee Bill** (Formerly House Study Bill 650), relating to the authority of fiduciaries under the probate code to invest in open-end or closed-end management investment companies or investment trusts.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Committee Bill** (Formerly House Study Bill 672), relating to occupational hearing loss, concerning the definitions, apportionment of hearing loss, and measurement of hearing loss.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1996.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 2067**, a bill for an act relating to the authority of a benefited fire district to provide emergency medical services.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

**House File 2187**, a bill for an act relating to the attachment of property to a rural water district.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

**Committee Bill** (Formerly House File 493), providing for drug testing of public safety employees and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1996.

**Committee Bill** (Formerly House Study Bill 566), increasing the property tax rate a city may levy for maintenance and operation of a municipal transit system.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

**Committee Bill** (Formerly House Study Bill 618), expanding the issuance of motor vehicle licenses by county treasurers and providing funding and an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

#### COMMITTEE ON NATURAL RESOURCES

**Committee Bill** (Formerly House Study Bill 643), relating to issuance of free deer and wild turkey hunting licenses to certain landowners and tenants.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

**Committee Bill** (Formerly House Study Bill 651), relating to the issuance of deer and wild turkey nonresident hunting licenses to certain official guests and dignitaries.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

#### COMMITTEE ON TRANSPORTATION

**House File 2276**, a bill for an act relating to vehicles classified as school buses.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

**Committee Bill** (Formerly House Study Bill 608), relating to certain motor vehicle operation violations involving signals and stops and increasing certain scheduled fines.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1996.

**Committee Bill** (Formerly House Study Bill 635), relating to motor vehicle dimensional and weight requirements and certificates of title for commercial vehicles.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1996.

**Committee Bill** (Formerly House Study Bill 637), relating to repair of out-of-state commercial vehicles and providing an immediate effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

### RESOLUTION FILED

**HCR 112**, by Vande Hoef, a concurrent resolution urging the United States Congress to authorize construction of the Lewis and Clark rural water system.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—5114	H.F.	2298	Churchill of Polk
H—5115	H.F.	2150	Committee on Human Resources
H—5116	H.F.	2298	Churchill of Polk
H—5117	H.F.	2298	Disney of Polk
H—5118	H.F.	2298	Disney of Polk
H—5119	H.F.	2256	Vande Hoef of Osceola
H—5120	H.F.	2190	Bradley of Clinton Vande Hoef of Osceola
H—5121	S.F.	2154	Disney of Polk
H—5122	S.F.	376	Committee on Commerce-Regulation

On motion by Siegrist of Pottawattamie, the House adjourned at 2:48 p. m., until 8:45 a. m., Tuesday, February 27, 1996.

# JOURNAL OF THE HOUSE

Fifty-first Calendar Day -- Thirty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 27, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Paul Evans, United Methodist Churches, Gravity and Bedford.

The Journal of Monday, February 26, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bernau of Story and Ollie of Clinton, both until their arrival, on request of Schrader of Marion; Carroll of Poweshiek, until his arrival, Branstad of Winnebago, Van Maanen of Marion, Cormack of Webster, Meyer of Sac and Daggett of Union, all on request of Siegrist of Pottawattamie.

## INTRODUCTION OF BILLS

**House File 2345**, by committee on local government, a bill for an act providing for drug testing of public safety employees, prosecuting attorneys, employees of the department of justice, judicial officers and employees of the judicial department, and making penalties applicable.

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

**House File 2346**, by Salton, Greig, Hahn, Greiner, Klemme, Cormack, Kremer, Veenstra, Renken, Daggett, Lord, Main, Mertz, Branstad, Meyer, Huseman, Schulte, Teig, Arnold, Houser, and Ertl, a bill for an act authorizing the county board of supervisors to prohibit an acquisition of land in the county by a governmental entity.

Read first time and referred to committee on **local government**.

**House File 2347**, by Garman, a bill for an act relating to county zoning of certain confinement swine feeding operations.

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

**House File 2348**, by Klemme, a bill for an act relating to the statewide underground facilities notification program and establishing certain duties and responsibilities of the board of directors, operators, and excavators, establishing a civil penalty, and providing for related matters.

Read first time and referred to committee on **commerce-regulation**.

**House File 2349**, by committee on commerce and regulation, a bill for an act relating to voting, the distribution of earnings, and the bylaws of a cooperative association.

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

**House File 2350**, by committee on transportation, a bill for an act relating to motor vehicle dimensional and weight requirements and certificates of title for commercial vehicles.

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

**House File 2351**, by committee on transportation, a bill for an act relating to repair of out-of-state commercial vehicles and providing an immediate effective date.

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

#### HOUSE FILE 2267 REREFERRED

The Speaker announced that House File 2267, previously referred to committee on **judiciary**, was rereferred to committee on **transportation**.

#### CONSIDERATION OF BILLS

##### Regular Calendar

**House File 2009**, a bill for an act to legalize certain city and county deeds and conveyances, with report of committee recommending passage, was taken up for consideration.

Hanson 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. 2009)

The ayes were, 86:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Brammer
Brand	Brauns	Brunkhorst	Burnett
Cataldo	Cohoon	Connors	Coon
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson



Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Osterhaus	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 14:

Bernau	Branstad	Carroll	Churchill
Cormack	Daggett	Drees	Larson
Lord	Meyer	Ollie	Rants
Van Maanen	Wise		

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

**House File 2230**, a bill for an act relating to the duties of the department of inspections and appeals concerning liens on improper provider payments from the department of human services, the administration of certain health care statutes, and the conducting of audits, was taken up for consideration.

Van Fossen 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?" (H.F. 2230)

The ayes were, 84:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Brammer
Brand	Brauns	Brunkhorst	Burnett
Cataldo	Cohoon	Connors	Coon
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries

Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Osterhaus	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Warnstadt
Weidman	Weigel	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 16:

Bernau	Branstad	Carroll	Churchill
Cormack	Daggett	Drees	Larson
Lord	Meyer	Ollie	Rants
Van Maanen	Veenstra	Welter	Wise

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

**House File 2211**, a bill for an act relating to the percentage of the legal reserve of a life insurance company which may be invested in certain corporate obligations, was taken up for consideration.

Halvorson of Clayton 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. 2211)

The ayes were, 87:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Brammer
Brand	Brunkhorst	Burnett	Cataldo
Churchill	Cohoon	Connors	Coon
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison

Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 13:

Bernau	Branstad	Brauns	Carroll
Cormack	Daggett	Drees	Larson
Lord	Meyer	Rants	Van Maanen
Wise			

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2009, 2211 and 2230.**

On motion by Siegrist of Pottawattamie, the House was recessed at 9:10 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:00 p.m., Gipp of Winneshiek in the chair.

### INTRODUCTION OF BILLS

**House File 2352**, by Witt, a bill for an act relating to programs available to persons with disabilities which are administered by the department of human services.

Read first time and referred to committee on **human resources.**

**House File 2353**, by Harper, a bill for an act establishing an

exception to the suspension of a motor vehicle operator's license related to providing evidence of financial responsibility.

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

**House File 2354**, by Eddie, a bill for an act relating to notices of valuation of real property for purposes of property taxation.

Read first time and referred to committee on **local government**.

**House File 2355**, by Witt, Harrison, Branstad, Harper, Boddicker, Houser, and Mascher, a bill for an act relating to the establishment of personal needs trusts for persons with disabilities.

Read first time and referred to committee on **human resources**.

**House File 2356**, by Mundie, a bill for an act making truancy by a child who has reached the age of twelve and is under the age of sixteen a delinquent act, and providing for contingent effectiveness of the Act.

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

**House File 2357**, by Shoultz, a bill for an act relating to school finance by providing for supplementary weighting for at-risk students in assisted school districts, and providing an effective date.

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

**House File 2358**, by Doderer, a bill for an act relating to the approval by the general assembly of contracts privatizing state services.

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

**House File 2359**, by committee on local government, a bill for an act increasing the property tax rate a city may levy for maintenance and operation of a municipal transit system.

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

**House File 2360**, by Eddie, a bill for an act relating to the authority of certain persons to request that a deceased person be cremated.

Read first time and referred to committee on **commerce-regulation**.

**House File 2361**, by committee on transportation, a bill for an act relating to certain motor vehicle operation violations involving signals and stops and increasing certain scheduled fines.

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

**House File 2362**, by committee on labor and industrial relations, a bill for an act relating to occupational hearing loss, concerning the

definitions, apportionment of hearing loss, and measurement of hearing loss.

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

**House File 2363**, by committee on commerce-regulation, a bill for an act authorizing a foreign mutual insurance company or a foreign health service corporation to reorganize by forming an insurance holding company, and providing that a mutual insurance holding company shall at all times own a majority of the voting shares of the capital stock of a reorganized domestic or foreign insurance company.

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

**House File 2364**, by Greiner, a bill for an act relating to establishing education investment accounts, providing state income tax deductions, and providing applicability and effective date provisions.

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

**House File 2365**, by committee on judiciary, a bill for an act relating to the authority of fiduciaries under the probate code to invest in open-end or closed-end management investment companies or investment trusts.

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

**House File 2366**, by committee on commerce-regulation, a bill for an act relating to entities and subject matter under the regulatory authority of the division of insurance, including prearranged funeral contracts, cemeteries, residential service contracts, and business opportunities, and establishing fees.

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

**House File 2367**, by committee on judiciary, a bill for an act removing the requirement that a corporation which has adopted a corporate seal affix the seal to all documents affecting real estate executed by the corporation.

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

**House File 2368**, by committee on judiciary, a bill for an act prohibiting a person from soliciting another person to arrange a sex act with a child and making a penalty applicable.

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

**House File 2369**, by committee on commerce-regulation, a bill for an act relating to the postdelivery care requirements for mothers and

newborns and providing for an exception of follow-up care outside of the hospital setting.

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

**House File 2370**, by committee on judiciary, a bill for an act relating to limited liability companies and corporations, including the period within which a limited liability company subject to dissolution may be continued, use of trade names by corporations and limited liability companies, and providing an exemption from the real estate transfer tax for certain transfers involving limited liability companies.

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

**House File 2371**, by Rants, a bill for an act relating to affirmative action and education mandates required under the Code by administrative rule or policy.

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

**House File 2372**, by Larkin, a bill for an act relating to the issuance of temporary handicapped parking devices to nonresidents.

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

**House File 2373**, by Grubbs, a bill for an act providing that the ownership of real property is a fundamental right, requiring additional procedural safeguards in condemnation proceedings, and providing damages for willful or knowing failure to act in good faith.

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

**House File 2374**, by Grubbs, a bill for an act relating to school finance, by providing a supplementary weighting formula for gifted and talented children programs, and providing an applicability date.

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

**House File 2375**, by Grubbs, a bill for an act relating to information regarding persons released from custody pending trial.

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

**House File 2376**, by Grubbs, a bill for an act requiring future damages in personal injury actions to be adjusted according to present value.

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

**House File 2377**, by Shoultz, a bill for an act permitting the establishment of a pilot project concerning occupational and nonoccupational health care coverage for employees.

Read first time and referred to committee on **labor and industrial relations**.

**House File 2378**, by Mundie, a bill for an act making it a delinquent act to be a chronic runaway.

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

**House File 2379**, by Mundie, a bill for an act relating to maintenance vehicles moving backwards on the highway.

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

**House File 2380**, by Mundie, a bill for an act limiting the liability of a municipality for an act or omission relating to cleanup of abandoned property or of a parcel of land purchased at a tax sale.

Read first time and referred to committee on **local government**.

**House File 2381**, by Mundie, a bill for an act relating to child day care by providing for a fee for abuse registry checks of child day care providers and requiring registration of certain family day care homes and making a penalty applicable.

Read first time and referred to committee on **human resources**.

**House File 2382**, by Larkin, a bill for an act permitting a court to order protective measures regarding the testimony of a victim of sexual abuse.

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

**House File 2383**, by committee on natural resources, a bill for an act relating to issuance of free deer and wild turkey hunting licenses to certain landowners and tenants.

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

**House File 2384**, by Warnstadt, a bill for an act exempting interest earned from individual and joint accounts in Iowa financial institutions from the state individual income tax and providing a retroactive applicability date.

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

**House File 2385**, by Warnstadt, a bill for an act requiring the department of human services to request that the federal social security administration revise certain supplemental security income eligibility requirements.

Read first time and referred to committee on **human resources**.

**House File 2386**, by Warnstadt, a bill for an act providing an exception to the property tax limitation on counties and providing for the Act's applicability.

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 February 27, 1996, amended and adopted the following resolution in which the concurrence of the House is asked:

House Concurrent Resolution 105, a concurrent resolution recognizing the women who have served Iowa as state legislators and celebrating 100 years of women elected to state legislatures

Also: That the Senate has on February 27, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 105, a concurrent resolution in support of maintaining the Mississippi River as a major transportation route for various products shipped into and out of the Upper Mississippi region.

JOHN F. DWYER, Secretary

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-nine members present, thirty-one absent.

### HOUSE INSISTS

Millage of Scott called up for consideration **House File 2114**, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date, and moved that the House insist on its amendment.

A non-record roll call was requested.

The ayes were 49, nays 32

The motion prevailed and the House insists.

### CONFERENCE COMMITTEE APPOINTED (House File 2114)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate



concerning File 2114: Millage of Scott, Chair; Churchill of Polk, Houser of Pottawattamie, Murphy of Dubuque and O'Brien of Boone.

### HOUSE FILES REREFERRED

The Speaker announced that **House File 2332**, previously referred to committee on **appropriations**, was rereferred to committee on **economic development**; also: **House File 2348**, previously referred to committee on **commerce-regulation**, was rereferred to committee on **local government**; also: **House File 2254**, previously placed on the **calendar** was referred to committee on **ways and means**.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 26, 1996. Had I been present, I would have voted "aye" on House File 2202 and Senate File 2072.

KLEMME of Plymouth

### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\134 Greg Hammes, Sigourney Community Schools – For winning 2nd place in the Class 1A championship in the 171 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\135 Kurt Lowenburg, Pekin Community Schools – For winning the Class 1A championship in the heavyweight class of the 1996 State Wrestling Tournament.
- 1996\136 Aaron Robertson, Highland Community Schools – For winning the Class 1A championship in the 103 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\137 Travis Morrow, Lake City – For winning the class 1A championship in the 130 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\138 Mr. and Mrs. Marvin D. Rush, Corydon – For celebrating their Fiftieth wedding anniversary.
- 1996\139 Dorothy and Clyde Dyer, Allerton – For celebrating their Fiftieth wedding anniversary.
- 1996\140 Mary and Milton Niedermyer, Pisgah – For celebrating their Fiftieth wedding anniversary.

- 1996\141 Dorothy and Howard Darrington, Neola – For celebrating their Fiftieth wedding anniversary.
- 1996\142 Rose and Clarence Jorgensen, Sioux City – For celebrating their Fiftieth wedding anniversary.
- 1996\143 Doris and Frank DeVivo, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\144 Gretchen and Leo Maertens, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\145 Dorothy and David Lee, Council Bluffs – For celebrating their Fifty-fifth wedding anniversary.
- 1996\146 Arthur Rasmussen, Council Bluffs – For celebrating his One hundredth birthday.
- 1996\147 Bertha Williams, Council Bluffs – For celebrating her Ninety-first birthday.
- 1996\148 Elgin Garwood, Rockwell City – For celebrating his Ninety-fourth birthday.
- 1996\149 Charles Alsop, Rockwell City – For celebrating his Eighty-eighth birthday.
- 1996\150 Jennie Eckberg, Gowrie – For celebrating her One hundred second birthday.
- 1996\151 Hazel Miller, Ft. Dodge – For celebrating her One hundredth birthday.
- 1996\152 Ben White, Villisca – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\153 Angela Marshall, Ankeny – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting.
- 1996\154 Dorothy and Earl Vogel, Clinton – For celebrating their Fiftieth wedding anniversary.
- 1996\155 Carrie Buckman, Clinton – For celebrating her One hundredth birthday.
- 1996\156 Camanche Girls Basketball Team, Camanche – For winning the District Basketball Title.
- 1996\157 Kaleb McCarty, Guthrie Center – For placing 4th in the Class 1A championship in the 103 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\158 Mike Cassady, Martensdale-St. Marys – For winning the Class 1A championship in the 160 lb. weight class of the 1996 State Wrestling Tournament.

1996\159 Levi Hutton, Truro – For placing 5th in the Class 1A championship in the 171 lb. weight class of the 1996 State Wrestling Tournament.

1996\160 Zack Armstrong, Central City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 414 Reassigned

Judiciary: Harrison, Chair; Bell and Veenstra.

##### House File 2267

Transportation: Carroll, Chair; Mundie and Nelson of Marshall.

##### House File 2271

Education: Grundberg, Chair; Boddicker and Warnstadt.

##### House File 2291

Education: Mascher, Chair; Garman and Nelson of Marshall.

##### House File 2315

Commerce-Regulation: Brunkhorst, Chair; Cataldo and Cormack.

##### House File 2319

Natural Resources: Huseman, Chair; Klemme and Mundie.

##### House File 2322

Commerce-Regulation: Nutt, Chair; Baker and Churchill.

##### House File 2323

Economic Development: Teig, Chair; Drake and McCoy.

##### House File 2324

State Government: Houser, Chair; Bernau and Tyrrell.

##### House File 2328

Natural Resources: Arnold, Chair; Bell and Weidman.

##### House File 2331

Transportation: Grundberg, Chair; Eddie and Warnstadt.

##### House File 2332

Appropriations: Gipp, Chair; Brand and Ertl.

##### House File 2333

Transportation: Main, Chair; Arnold and Mundie.

##### House File 2335

Natural Resources: Branstad, Chair; Brauns and Mertz.

**House File 2337**

Education: Cohoon, Chair; Boddicker and Gries.

**House File 2339**

Transportation: Cohoon, Chair; Eddie and Weidman.

**House File 2342**

Appropriations: Millage, Chair; Gipp and Ollie.

**House File 2346**

Local Government: Huseman, Chair; Arnold and Connors.

**Senate File 2140**

Transportation: Blodgett, Chair; Carroll and Ollie.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 718**

Transportation: Main, Chair; Larkin and Salton.

**House Study Bill 719**

Human Resources: Harrison, Chair; Veenstra and Witt.

**House Study Bill 721**

State Government: Martin, Chair; Bradley, Connors, Gipp, Jacobs, Jochum and Larkin.

**BILL 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 bill 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 27th day of February, 1996: House File 2066.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

Report adopted.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 724 Commerce-Regulation**

Relating to the regulation of industrial loan companies by establishing certain requirements applicable to a change of control, providing for the appointment of the superintendent as receiver, and requiring an industrial loan company to obtain federal deposit insurance for certain debt instruments, and making a penalty applicable.

**H.S.B. 725 Agriculture**

Relating to receiverships regarding the administration of the assets of grain dealers.

**H.S.B. 726 Local Government**

Relating to residency requirements for election as a trustee of a drainage or levee district.

**H.S.B. 727 Commerce-Regulation**

Relating to satellite terminals and establishing certain requirements for such terminals of a financial institution with a principal place of business in another state and a business location in Iowa.

**H.S.B. 728 Education**

Relating to evaluator licensing of educators.

**H.S.B. 729 Education**

Relating to textbooks.

**H.S.B. 730 Education**

Relating to the administration and accreditation of area education agency programs and providing for properly related matters.

**H.S.B. 731 Education**

Relating to the operation of the vocational rehabilitation division of the department of education and promoting consistency with the most recently amended version of federal law.

**H.S.B. 732 Education**

Relating to the open enrollment application and implementation process.

**H.S.B. 733 Appropriations**

Making an appropriation to the division of community action agencies of the department of human rights for continuation of the low-income home energy assistance disconnection moratorium program and related services.

**H.S.B. 734 Local Government**

Relating to mental health, mental retardation, developmental disabilities, and other services paid for in whole or in part by counties or the state, and including an applicability provision and an effective date.

**H.S.B. 735 Local Government**

Relating to the amount of liability for the cost of services provided to a person with mental illness or mental retardation and providing an applicability provision.

## 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON AGRICULTURE

**Committee Bill** (Formerly House Study Bill 692), providing for the branding of livestock.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1996.

**Committee Bill** (Formerly House Study Bill 668), relating to soil and water conservation, by providing for the powers and duties of commissions of soil and water conservation districts, and soil and water conservation practices.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1996.

## COMMITTEE ON COMMERCE-REGULATION

**Committee Bill** (Formerly House File 2057), relating to the postdelivery care requirements for mothers and newborns and providing for an exception of follow-up care outside of the hospital setting.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 22, 1996.

**Committee Bill** (Formerly House Study Bill 602), relating to entities and subject matter under the regulatory authority of the securities bureau of the division of insurance.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1996.

**Committee Bill** (Formerly House Study Bill 663), relating to the regulation of activities of state banks and state bank affiliates, interstate branching or banking, and personnel of the banking division, state banks, and state bank affiliates, and the regulation of financial transactions involving such entities and personnel.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1996.

**Committee Bill** (Formerly House Study Bill 696), relating to linked investments.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1996.

## COMMITTEE ON EDUCATION

**Senate File 2083**, a bill for an act relating to minimum instructional time requirements for a school week.

Fiscal Note is not required.

Recommended **Do Pass** February 26, 1996.

## COMMITTEE ON LOCAL GOVERNMENT

**House File 2233**, a bill for an act relating to the regulation of private sewage disposal systems and semi-public sewage disposal systems and authorizing each local board of health to adopt rules relating to such regulation.

Fiscal Note is not required.

Recommended **Do Pass** February 22, 1996.

## COMMITTEE ON NATURAL RESOURCES

**House File 2258**, a bill for an act relating to the powers of a benefited recreational lake district to promote water quality.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5124** February 26, 1996.

## COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 625), relating to legal publications and related products prepared and distributed under the authority of the general assembly.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1996.

## RESOLUTIONS FILED

**HCR 113**, by Blodgett, a concurrent resolution urging the United States Congress to amend relevant law to facilitate the development and approval of new drugs and biologics.

Laid over under **Rule 25**.

**SCR 105**, by Fraise, a concurrent resolution in support of maintaining the Mississippi River as a major transportation route for various products shipped into and out of the Upper Mississippi region.

Referred to committee on **transportation**.

## AMENDMENTS FILED

H—5124	H.F.	2258	Committee on Natural Resources
H—5125	H.F.	2157	Ollie of Clinton
H—5126	H.C.R	105	Senate Amendment

On motion by Siegrist of Pottawattamie, the House adjourned at 1:35 p.m., until 8:45 a.m., Wednesday, February 28, 1996.



# JOURNAL OF THE HOUSE

Fifty-second Calendar Day – Thirty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 28, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Suzanne Peterson, Episcopal Diocese, Des Moines.

The Journal of Tuesday, February 27, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Rants of Woodbury, on request of Siegrist of Pottawattamie.

## INTRODUCTION OF BILLS

**House File 2387**, by committee on state government, a bill for an act relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date.

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

**House File 2388**, by Mascher, Bell, Witt, and Burnett, a bill for an act establishing an early reading assistance grant program and appropriating funds.

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

**House File 2389**, by committee on agriculture, a bill for an act relating to soil and water conservation, by providing for the powers and duties of commissioners of soil and water conservation districts, and soil and water conservation practices.

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

**House File 2390**, by committee on agriculture, a bill for an act providing for the branding of livestock.

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

**House File 2391**, by Kreiman, a bill for an act authorizing public access to certain criminal conviction data.

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

**House File 2392**, by Kreiman, a bill for an act relating to magistrates' authority to accept guilty pleas in certain cases.

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

**House File 2393**, by Mascher, Myers, Burnett, Witt, and Doderer, a bill for an act relating to petition requirements for certain county special elections.

Read first time and referred to committee on **state government**.

**House File 2394**, by Weigel, a bill for an act relating to taxation of residential property in an urban renewal area.

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

**House File 2395**, by Brand, a bill for an act relating to the family investment program by prohibiting the department of human services from applying any additional limitation on the number of children in a family eligible for assistance under the program and providing an effective date.

Read first time and referred to committee on **human resources**.

**House File 2396**, by committee on local government, a bill for an act expanding the issuance of motor vehicle licenses by county treasurers and providing funding and an effective date.

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

**House File 2397**, by committee on commerce-regulation, a bill for an act relating to linked investments.

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

### 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 February 27, 1996, appointed the conference committee to House File 2114, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date, and the members of the Senate are: The Senator from Tama, Senator Husak, Chair; the Senator from Story, Senator Hammond; the Senator from Henry, Senator Vilsack; the Senator from Black Hawk, Senator Lind; the Senator from Plymouth, Senator Banks.

JOHN F. DWYER, Secretary

Speaker pro tempore Van Maanen of Marion in the chair at 8:56 a.m.

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 2310**, a bill for an act relating to the regulation of insurance and amending provisions providing for setoff of premium, fraudulent submissions to insurers, availability of certain information to insurers, length of term of the board of directors of an insurer, notice of cancellation, delivery of certain policies in this state, and making a penalty applicable, was taken up for consideration.

Halvorson of Clayton 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. 2310)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Brammer	Grubbs	Larson	Moreland
Rants	Van Fossen	Wise	

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

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2310** be immediately messaged to the Senate.

**House File 2234**, a bill for an act relating to exempting certain nonresident aliens from land ownership restrictions, was taken up for consideration.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendments H-5103 and H-5105, filed by him on February 21, 1996.

Weigel of Chickasaw offered amendment H-5104 filed by him as follows:

H-5104

- 1 Amend House File 2234 as follows:
- 2 1. Page 1, line 16, by inserting before the word
- 3 "community" the following: "unanimous vote of all
- 4 members of the governing body of the".

Weigel of Chickasaw offered the following amendment H-5123, to amendment H-5104, filed by him and moved its adoption:

H-5123

- 1 Amend the amendment, H-5104, to House File 2234 as
- 2 follows:
- 3 1. Page 1, by striking lines 2 through 4 and
- 4 inserting the following:
- 5 "\_. Page 1, line 15 and 16, by striking the
- 6 words "The extension must be approved by the community
- 7 prior to approval by the department." and inserting
- 8 the following: "If the community has the authority to
- 9 approve by an affirmative vote of at least two-thirds
- 10 of the members of the governing body of the community
- 11 an animal feeding operation prior to the operation
- 12 receiving a permit under section 455B.173, subsection
- 13 13, the community must approve by a vote of at least
- 14 two-thirds of the members of the governing body of the
- 15 community the extension prior to approval by the
- 16 department.""
- 17 2. By renumbering as necessary.

Amendment H-5123 was adopted.

Hammitt Barry of Harrison rose on a point of order that amendment H-5104, as amended, was not germane.

The Speaker ruled the point well taken and amendment H-5104, as amended, not germane.

Hammit Barry of Harrison 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. 2234)

The ayes were, 61:

Baker	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Cataldo	Churchill	Coon	Corbett, Spkr.
Cormack	Dinkla	Disney	Drake
Eddie	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harper	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nelson, L.
Nutt	O'Brien	Renken	Salton
Schulte	Siegrist	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Welter
Van Maanen, Presiding			

The nays were, 35:

Arnold	Bell	Bernau	Brammer
Brand	Burnett	Carroll	Cohoon
Connors	Daggett	Doderer	Drees
Ertl	Fallon	Garman	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Ollie	Osterhaus	Schrader	Shoultz
Sukup	Weigel	Witt	

Absent or not voting, 4:

Grubbs	Larson	Rants	Wise
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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

Siegrist of Pottawattamie asked and received unanimous consent that House File 2234 be immediately messaged to the Senate.

## HOUSE FILE 2331 REREFERRED

The Speaker announced that House File 2331, previously referred to committee on **transportation**, was rereferred to committee on **judiciary**.

On motion by Siegrist of Pottawattamie, the House was recessed at 10:16 a.m., until 1:15 p.m.

## AFTERNOON SESSION

The House reconvened at 1:15 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

## INTRODUCTION OF BILLS

**House File 2398**, by Murphy, a bill for an act relating to the continuation of health care benefits upon the termination of employment or membership, and providing for related matters.

Read first time and referred to committee on **commerce-regulation**.

**House File 2399**, by Brauns, a bill for an act relating to eligibility of persons for county general assistance.

Read first time and referred to committee on **local government**.

**House File 2400**, by committee on human resources, a bill for an act relating to anatomical gifts including the use of confidential information and the authority of a medical examiner to release and permit the removal of a body part in certain instances for the purposes of making an anatomical gift.

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

**House File 2401**, by committee on natural resources, a bill for an act relating to the issuance of deer and wild turkey nonresident hunting licenses to certain official guests and dignitaries.

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

**House File 2402**, by committee on judiciary, a bill for an act amending the uniform commercial code relating to letters of credit and providing an effective date.

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

**House File 2403**, by Ollie, a bill for an act relating to evaluations of certain state-funded elementary and secondary education programs and relating to appropriations made for education programs.

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

**House File 2404**, by Weigel, a bill for an act requiring uniform toll rates to be charged to rural and urban telephone customers.

Read first time and referred to committee on **commerce-regulation**.

**House File 2405**, by committee on commerce-regulation, a bill for an act relating to entities and subject matter under the regulatory authority of the securities bureau of the division of insurance.

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

**House File 2406**, by Eddie, a bill for an act relating to the treatment of interest paid on money borrowed for investment purposes and providing effective and applicability date provisions.

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

**House File 2407**, by committee on state government, a bill for an act relating to legal publications and related products prepared and distributed under the authority of the general assembly.

Read first time and placed on the **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 February 28, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2062, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

Also: That the Senate has on February 28, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2157, a bill for an act relating to the duties of the college student aid commission in administering the Iowa guaranteed loan program, creating a chiropractic loan revolving fund, and providing for matters related to the chiropractic graduate student forgivable loan program.

Also: That the Senate has on February 28, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2162, a bill for an act relating to the postdelivery benefits and care requirements for mothers and newborns

Also: That the Senate has on February 28, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 108, a concurrent resolution posthumously honoring Mr. John L. Mowry and recognizing his many contributions to city, state, and federal government.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 2088**, a bill for an act prohibiting abuse of a human corpse, and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Lamberti 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. 2088)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Churchill	Holveck	Larson	Rants
Wise			

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

**House File 2259**, a bill for an act relating to city sewer or water utility connections, was taken up for consideration.



Vande Hoef of Osceola 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. 2259)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Witt	Van Maanen, Presiding		

The nays were, 1:

Fallon

Absent or not voting, 5:

Churchill	Holveck	Larson	Rants
Wise			

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

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2259** and **Senate File 2088**.

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 27, 1996. Had I been present, I would have voted "aye" on House Files 2009, 2211 and 2230.

BRANSTAD of Winnebago

I was necessarily absent from the House chamber on Tuesday morning, February 27, 1996. Had I been present, I would have voted "aye" on House Files 2009, 2211 and 2230.

CARROLL of Poweshiek

I was necessarily absent from the House chamber on February 27, 1996. Had I been present, I would have voted "aye" on House Files 2009, 2211 and 2230.

CORMACK of Webster

I was necessarily absent from the House chamber on Wednesday morning, February 28, 1996. Had I been present, I would have voted "aye" on House File 2310.

MORELAND of Wapello

## PRESENTATION OF VISITORS

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

Eleven High School students from Marshalltown High School, Marshalltown. By Nelson of Marshall

## CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

1996\161 Megan Bradfield, Tipton – For receiving 3rd place in the 6th and 7th grade category for her essay in the "Write Women Back Into History" contest.

1996\162 John Morris, Washington – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1996\163 David Tremmel, Mt. Pleasant – For being named to the Iowa Basketball Coaches Hall of Fame.

1996\164 Tammy Halbur, Halbur – For being named the 1996 Carroll County Pork Queen.

## SUBCOMMITTEE ASSIGNMENTS

**House File 2153 Reassigned**

Labor and Industrial Relations: Lord, Chair; Connors and Kremer.

**House File 2277**

Education: Veenstra, Chair; Nelson of Pottawattamie and Van Maanen.

**House File 2320**

Education: Nelson of Marshall, Chair; Baker and Grundberg.

**House File 2329**

Judiciary: Lamberti, Chair; Kreiman and Kremer.

**House File 2332 Reassigned**

Economic Development: Teig, Chair; Drake and McCoy.

**House File 2340**

Education: Daggett, Chair; Cohoon and Lord.

**House File 2341**

Judiciary: Veenstra, Chair; Bernau and Greiner.

**House File 2348**

Local Government: Klemme, Chair; Koenigs and Vande Hoef.

**House File 2352**

Human Resources: Witt, Chair; Boddicker and Harrison.

**House File 2353**

Transportation: Branstad, Chair; Brauns and Cohoon.

**House File 2354**

Local Government: Arnold, Chair; Drees and Weidman.

**House File 2355**

Human Resources: Boddicker, Chair; Harrison and Witt.

**House File 2358**

Appropriations: Ertl, Chair; Meyer and Moreland.

**House File 2372**

Transportation: Salton, Chair; Carroll and Larkin.

**House File 2373**

Transportation: Welter, Chair; Heaton and May.

**House File 2379**

Transportation: Weidman, Chair; Eddie and Mundie.

**House File 2380**

Local Government: Mundie, Chair; Carroll and Welter.

**House File 2381**

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

**House File 2385**

Human Resources: Carroll, Chair; Hammitt Barry and Moreland.

**House File 2395**

Human Resources: Boddicker, Chair; Brand, Fallon, Harrison and Hurley.

**House File 2396**

Transportation: Brauns, Chair; Branstad and Koenigs.

**Senate File 2154**

Judiciary: Veenstra, Chair; Harrison and Moreland.

**Senate File 2161**

Judiciary: Harrison, Chair; Bernau and Coon.

**Senate Concurrent Resolution 105**

Transportation: Eddie, Chair; Cohoon and Main.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 706**

Labor and Industrial Relations: Sukup, Chair; Halvorson and Murphy.

**House Study Bill 707**

Labor and Industrial Relations: Renken, Chair; Nelson of Pottawattamie and Lord.

**House Study Bill 708**

Labor and Industrial Relations: Boddicker, Chair; O'Brien and Renken.

**House Study Bill 709**

Judiciary: Millage, Chair; Hurley and Moreland.

**House Study Bill 710**

Judiciary: Millage, Chair; Moreland and Veenstra.

**House Study Bill 713**

Judiciary: Millage, Chair; Moreland and Veenstra.

**House Study Bill 714**

Judiciary: Kremer, Chair; Bell and Coon.

**House Study Bill 715**

Judiciary: Kremer, Chair; Dinkla and Shoultz.

**House Study Bill 716**

Judiciary: Nutt, Chair; Holveck and Schulte.

**House Study Bill 717**

Judiciary: Kremer, Chair; Dinkla and Holveck.

**House Study Bill 720**

Human Resources: Hammitt Barry, Chair; Boddicker and Moreland.

**House Study Bill 724**

Commerce-Regulation: Nutt, Chair; Cormack and Holveck.

**House Study Bill 725**

Agriculture: Koenigs, Chair; Greig and Huseman.

**House Study Bill 726**

Local Government: Huseman, Chair; Houser and Mertz.

**House Study Bill 727**

Commerce-Regulation: Sukup, Chair; Nelson of Pottawattamie and Van Fossen.

**House Study Bill 733**

Appropriations: Millage, Chair; Gipp and Murphy.

**House Study Bill 734**

Local Government: Houser, Chair; Carroll and Myers.

**House Study Bill 735**

Local Government: Carroll, Chair; Houser and Myers.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 736 Ways and Means**

Relating to the taxation of payments received by organized health care delivery systems.

**H.S.B. 737 Judiciary**

Relating to sexual exploitation by law enforcement officers and providing a penalty.

**H.S.B. 738 Judiciary**

Relating to procedures applicable to civil commitment, and including an implementation provision.

**H.S.B. 739 Judiciary**

Relating to the definition of deadly force.

**H.S.B. 740 Local Government**

Relating to the price index for growth for purposes of the property tax limitation.

**H.S.B. 741 Ways and Means**

Relating to state sales and services tax exemption certificates issued to state and county fairs.

**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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Committee Bill** (Formerly House Study Bill 722), relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1996.

**Committee Bill** (Formerly House Study Bill 723), relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, allocating commercial vehicle fines to the road use tax fund, relating to construction projects for the commission of veterans affairs, providing for school technology improvements and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1996.

**COMMITTEE ON COMMERCE-REGULATION**

**House File 2127**, a bill for an act relating to the exemption of certain individual property management accounts from certification and auditing requirements.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1996.

**House File 2236**, a bill for an act relating to the requirement of notifying a consumer of a change in the terms of an open-end credit agreement.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1996.

## COMMITTEE ON ECONOMIC DEVELOPMENT

**House File 2295**, a bill for an act relating to establishing a tourism-related small business development program and making an appropriation.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1996.

## COMMITTEE ON HUMAN RESOURCES

**House File 2191**, a bill for an act relating to the expansion of the membership of the advisory council to the director of human services regarding medical assistance.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5127** February 26, 1996.

**Committee Bill** (Formerly House Study Bill 540), relating to the authority of a medical examiner to release and permit the removal of a body part in certain instances for the purposes of making an anatomical gift.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 26, 1996.

## COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**House File 452**, a bill for an act relating to the Iowa occupational safety and health law by permitting recovery of certain costs and fees in proceedings under the law, delaying the imposition of certain civil penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5128** February 27, 1996.

**Committee Bill** (Formerly House Study Bill 706), relating to workers' compensation claims against the second injury fund, authorizing the commissioner of insurance to impose a surcharge, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1996.

## COMMITTEE ON LOCAL GOVERNMENT

**House File 2024**, a bill for an act relating to the appointment and dismissal of the chief of police in certain cities with a mayor-council form of government and without civil service.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1996.

**House File 2255**, a bill for an act relating to the extension of time during which an alternative surcharge may be imposed for E911.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1996.

**House File 2273**, a bill for an act relating to the voter approval of annexation and severance of territory to or from a city.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1996.

**House File 2297**, a bill for an act relating to payment of warrants drawn on levee and drainage district funds.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1996.

**Committee Bill** (Formerly House File 2134), relating to housing development, including tax increment financing, and making an appropriation for housing programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 1996.

**Committee Bill** (Formerly House Study Bill 674), relating to county budgets, limiting expenditures by counties, providing for appropriation of county funds, creating a capital improvements fund, and repealing the property tax limitation on counties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 27, 1996.

#### COMMITTEE ON NATURAL RESOURCES

**Committee Bill** (Formerly House Study Bill 631), concerning mining by applying the criterion for the reclamation of mine sites, by redefining operator and mining operations, by amending the hearing procedures, by providing for administrative actions and the assessments of penalties by the division of soil conservation for noncompliance, and establishing additional penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1996.

#### COMMITTEE ON TRANSPORTATION

**House File 2002**, a bill for an act relating to the commercial air service marketing program.

Fiscal Note is required.

Committee Recommendation **Failed to Pass** February 27, 1996.

**House File 2038**, a bill for an act relating to public access to motor vehicle records and providing an effective date.

Fiscal Note is required.

Committee Recommendation **Failed to Pass** February 27, 1996.



**House File 2101**, a bill for an act relating to windshield wiper operation and lighted headlamps, and making a penalty applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 27, 1996.

### RESOLUTIONS FILED

**HCR 114**, by Hammitt Barry, a concurrent resolution establishing a "Childhood Recognition Day".

Laid over under **Rule 25**.

**SCR 108**, by committee on judiciary, a concurrent resolution posthumously honoring Mr. John L. Mowry and recognizing his many contributions to city, state, and federal government.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—5127	H.F.	2191	Committee on Human Resources
H—5128	H.F.	452	Committee on Labor and Industrial Relations

On motion by Siegrist of Pottawattamie, the House adjourned at 1:40 p.m., until 8:45 a.m., Thursday, February 29, 1996.

# JOURNAL OF THE HOUSE

Fifty-third Calendar Day – Thirty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 29, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Robert Riggert, Zion Lutheran Church, Manning.

The Journal of Wednesday, February 28, 1996 was approved.

## INTRODUCTION OF BILLS

**House File 2408**, by committee on natural resources, a bill for an act concerning mining by applying the criterion for the reclamation of mine sites, by redefining operator and mining operations, by amending the hearing procedures, by providing for administrative actions and the assessments of penalties by the division of soil conservation for noncompliance, and establishing additional penalties.

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

**House File 2409**, by committee on commerce-regulation, a bill for an act relating to the regulation of activities of state banks and state bank affiliates, interstate branching or banking, and personnel of the banking division, state banks, and state bank affiliates, and the regulation of financial transactions involving such entities and personnel.

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

**House File 2410**, by Van Fossen, a bill for an act relating to establishing enterprise zones, providing development benefits, and establishing a penalty.

Read first time and referred to committee on **economic development**.

**House File 2411**, by committee on local government, a bill for an act relating to county budgets, limiting expenditures by counties, providing for appropriation of county funds, creating a capital improvements fund, and repealing the property tax limitation on counties, and providing an effective date.

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

## SENATE MESSAGES CONSIDERED

**Senate File 2062**, by committee on judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

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

**Senate File 2157**, by committee on education, a bill for an act relating to the duties of the college student aid commission in administering the Iowa guaranteed loan program, creating a chiropractic loan revolving fund, and providing for matters related to the chiropractic graduate student forgivable loan program.

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

**Senate File 2162**, by Neuhauser, a bill for an act relating to the postdelivery benefits and care requirements for mothers and newborns.

Read first time and referred to committee on **commerce-regulation**.

## HOUSE FILE 2276 REFERRED

The Speaker announced that House File 2276, presently on the **calendar**, was referred to committee on **transportation**.

## CONSIDERATION OF BILLS

## Regular Calendar

**House File 2299**, a bill for an act relating to filing of instruments by county recorders, was taken up for consideration.

Klemme of Plymouth 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. 2299)

The ayes were, 94:

Arnold  
Blodgett  
Brand  
Burnett  
Cohon

Baker  
Boddicker  
Branstad  
Carroll  
Connors

Bell  
Boggess  
Brauns  
Cataldo  
Coon

Bernau  
Bradley  
Brunkhorst  
Churchill  
Cormack

Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Lord
Main	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Witt	Van Maanen, Presiding		

The nays were, 1:

Rants

Absent or not voting, 5:

Brammer	Corbett, Spkr.	Larson	McCoy
Wise			

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

**House File 2256**, a bill for an act providing requirements for implementation of new or revised federal block grant provisions which affect local governments and providing an effective date and applicability provision, was taken up for consideration.

Vande Hoef of Osceola offered the following amendment H-5119 filed by him and moved its adoption:

H-5119

- 1 Amend House File 2256 as follows:
- 2 1. Page 1, line 28, by inserting after the word
- 3 "services," the following: "education,".

Amendment H-5119 was adopted.

Vande Hoef of Osceola 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. 2256)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammit Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Lord
Main	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Corbett, Spkr.	Larson	McCoy
Wise			

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

**House File 2178**, a bill for an act authorizing school districts to establish and enforce traffic and parking rules and authorizing penalties, with report of committee recommending passage, was taken up for consideration.

Daggett of Union 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. 2178)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Lord
Main	Martin	Mascher	May
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Corbett, Spkr.	Larson	McCoy
Wise			

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

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2178, 2256 and 2299.**

On motion by Siegrist of Pottawattamie, the House was recessed at 9:12 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:07p.m., Speaker Corbett in the chair.

#### SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Corbett 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-sixth General Assembly were presented to the following Pages by Speaker Corbett and Minority Leader Schrader of Marion:

Brad Beaubien  
 Nate Beecher  
 Kerry Boyd  
 Katie Busch  
 Jennifer Fields  
 Jennifer Hare  
 Ryan Hendrickson

Martin Hove  
 Christy Hurley  
 Keith Muhlbauer  
 Molly Possehl  
 Rebecca Ray  
 April Sanders

### INTRODUCTION OF BILLS

**House Joint Resolution 2004**, by Warnstadt, a joint resolution proposing an amendment to the Constitution of the State of Iowa to eliminate the office of Lieutenant Governor.

Read first time and referred to committee on **state government**.

**House File 2412**, by committee on labor and industrial relations, a bill for an act relating to workers' compensation claims against the second injury fund and permanent partial disability compensation, authorizing the commissioner of insurance to impose a surcharge, and providing an effective date.

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

**House File 2413**, by committee on commerce-regulation, a bill for an act relating to foreign and domestic business corporations by amending certain reporting and filing requirements and procedures and establishing fees.

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

**House File 2414**, by committee on education, a bill for an act relating to school finance, by providing for on-time funding for new students based upon increased student enrollment, and providing an effective date.

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

**House File 2415**, by Brand, a bill for an act relating to the designation of rural health clinics as essential community providers and providing for the reimbursement of such providers on the basis of costs incurred.

Read first time and referred to committee on **commerce-regulation**.

**House File 2416**, by committee on appropriations, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters.

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

**House File 2417**, by committee on local government, a bill for an act relating to the price index for growth for purposes of the property tax limitation.

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

#### ADOPTION OF HOUSE RESOLUTION 103

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House Resolution 103, a resolution honoring Mrs. Phyllis Barry upon her retirement as Iowa Administrative Code Editor, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### HOUSE FILE 2343 REREFERRED

The Speaker announced that House file 2343, previously referred to committee on **commerce-regulation**, was rereferred to committee on **ways and means**.

The House stood at ease at 1:23 p.m., until the fall of the gavel.

The House resumed session at 1:52 p.m., Speaker Corbett in the chair.

#### PRESENTATION OF VISITORS

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

Twenty-five seventh grade students from Winterset Junior High, Winterset, accompanied by Steve Corkrean. By Dinkla of Guthrie.

#### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF TRANSPORTATION

A report on the results of the second annual recalculation of the construction and maintenance needs of roads under the jurisdiction of each county, pursuant to Chapter 307A.2(14A), Code of Iowa.



**CERTIFICATES OF RECOGNITION**

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

- 1996\165 Joseph Nyquist, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\166 Aaron Seier, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\167 Anne E. Fairbanks, Grimes – For attaining the Girl Scout Gold Award, the highest award in Girl Scouting .
- 1996\168 Bobby Gonshorowski, Washington – For winning the Class 2A championship in the 140 lb. weight class of the 1996 State Wrestling Tournament.

**SUBCOMMITTEE ASSIGNMENTS****House File 2254**

Ways and Means: Drake, Chair; Main and Shoultz.

**House File 2278**

Ways and Means: Greig, Chair; Main and Weigel.

**House File 2356**

Education: Brunkhorst, Chair; Garman and Kreiman.

**House File 2357**

Education: Hanson, Chair; Baker and Gries.

**House File 2359**

Ways and Means: Disney, Chair; Myers and Van Fossen.

**House File 2371**

Education: Boddicker, Chair; Nelson of Marshall and Nelson of Pottawattamie.

**House File 2374**

Education: Daggett, Chair; Grundberg and Warnstadt.

**House File 2388**

Education: Grundberg, Chair; Gries and Mascher.

**House File 2399**

Local Government: Carroll, Chair; Brauns and Myers.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**House Study Bill 592**

Judiciary: Kremer, Chair; Dinkla and Moreland.

**House Study Bill 711**

Ways and Means: Gries, Chair; Bernau and Larson.

**House Study Bill 736**

Ways and Means: Dinkla, Chair; Bernau and Halvorson.

**House Study Bill 737**

Judiciary: Coon, Chair; Bell and Veenstra.

**House Study Bill 738**

Judiciary: Nutt, Chair; Holveck and Kremer.

**House Study Bill 739**

Judiciary: Boddicker, Chair; Bell and Schulte.

**House Study Bill 740**

Local Government: Vande Hoef, Chair; Hanson and Larkin.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 742 Human Resources**

Relating to children's provisions involving child support, the family investment program, and related human services programs by establishing additional eligibility and assistance provisions and requiring the department of human services to apply for federal waivers and providing an applicability provision and effective dates.

**H.S.B. 743 Appropriations**

Relating to the Iowa healthy family program fund and making an appropriation.

**H.S.B. 744 Transportation**

Providing that a court order the revocation or suspension of a driver's license at the time of conviction for certain drug-related offenses, and providing an effective date.

## 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON AGRICULTURE

**Committee Bill** (Formerly House Study Bill 725), relating to receiverships regarding the administration of the assets of grain dealers.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1996.

## COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly House Study Bill 586), relating to energy conservation including making appropriations of petroleum overcharge funds.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

## COMMITTEE ON COMMERCE-REGULATION

**Committee Bill** (Formerly House Study Bill 630), relating to energy efficiency programs, electric and gas public utility energy efficiency mandates, and funding for the Iowa energy center and the center for global and regional environmental research.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1996.

**Committee Bill** (Formerly House Study Bill 634), relating to disclosure requirements under the federal Community Reinvestment Act with respect to the eligibility of a financial institution to receive state public funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1996.

**Committee Bill** (Formerly House Study Bill 665), relating to foreign and domestic business corporations by amending certain reporting and filing requirements and procedures and establishing fees.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1996.

**Committee Bill** (Formerly House Study Bill 724), relating to the regulation of industrial loan companies by establishing certain requirements applicable to a change of control, providing for the appointment of the superintendent as receiver, and requiring an industrial loan company to obtain federal deposit insurance for certain debt instruments, and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1996.

## COMMITTEE ON ECONOMIC DEVELOPMENT

**Committee Bill** (Formerly House Study Bill 588), to repeal the Wallace technology transfer foundation.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1996.

**Committee Bill** (Formerly House Study Bill 693), establishing a workforce development department by eliminating the department of employment services and including workforce development programs in the new department.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 28, 1996.

**Committee Bill** (Formerly House Study Bill 694), relating to department of economic development programs, including the workforce development fund program and the Iowa small business new jobs training Act, establishing a rural microbusiness assistance program, and increasing the funds available for the value-added agricultural products and processes program.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 28, 1996.

#### COMMITTEE ON EDUCATION

**House File 2271**, a bill for an act directing the department of education to conduct a study relating to driver education and instruction.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5131** February 28, 1996.

**Committee Bill** (Formerly House Study Bill 558), relating to school finance, by providing for funding advances based upon increased student enrollment, and providing an effective date.

Fiscal Note is required.

**Recommended Amend and Do Pass** February 28, 1996.

#### COMMITTEE ON ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House Study Bill 702), providing for notification of certain members of the committees of the general assembly having jurisdiction over the environment, before the environmental protection commission adopts a rule and establishing an effective date.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 28, 1996.

**Committee Bill** (Formerly House Study Bill 703), relating to issuance of a certificate of title for a documented vessel.

Fiscal Note is not required.

**Recommended Do Pass** February 28, 1996.

#### COMMITTEE ON HUMAN RESOURCES

**House File 2201**, a bill for an act relating to defining the practice of dentistry.

Fiscal Note is not required.

**Recommended Do Pass** February 28, 1996.

## COMMITTEE ON JUDICIARY

**Committee Bill** (Formerly House Study Bill 579), relating to public access to criminal history data maintained by the department of public safety.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1996.

## COMMITTEE ON LOCAL GOVERNMENT

**House File 2077**, a bill for an act relating to political activity by members of the natural resource commission.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1996.

**House File 2249**, a bill for an act relating to payments by counties and certain defendants of the fees and expenses received by a county medical examiner in investigating a person's death.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1996.

**Committee Bill** (Formerly House File 2171), relating to a continuing appropriation for city capital projects and major equipment.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1996.

**Committee Bill** (Formerly House Study Bill 622), relating to certain certification requirements of a city or county urban renewal area.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1996.

**Committee Bill** (Formerly House Study Bill 627), relating to termination of rental agreements and notice provisions for actions to recover property.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1996.

**Committee Bill** (Formerly House Study Bill 740), relating to the price index for growth for purposes of the property tax limitation.

Fiscal Note is not required.

Recommended **Do Pass** February 28, 1996.

**Committee Bill** (Formerly House Study Bill 641), relating to the financial procedures of counties, cities, and drainage districts, by amending the powers and duties of county treasurers, by eliminating the filing of late claims for property credits, by striking personal property tax credits of military veterans, by striking outdated property tax limitations, by providing for properly related matters, and by providing an applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1996.

#### COMMITTEE ON NATURAL RESOURCES

**House File 2250**, a bill for an act relating to the hunting of deer with a pistol or revolver and providing a penalty.

Fiscal Note is not required.

Committee Recommendation **Failed to Pass** February 28, 1996.

**House File 2335**, a bill for an act relating to park user permits and providing a penalty and an effective date.

Fiscal Note is not required.

Committee Recommendation **Failed to Pass** February 28, 1996.

#### COMMITTEE ON STATE GOVERNMENT

**House File 2324**, a bill for an act relating to state employee disclosures of information and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5133** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 686), setting campaign contribution limits by persons and political committees, addressing independent expenditures on behalf of candidates, employee and member contributions, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1996.

#### COMMITTEE IN TRANSPORTATION

**Committee Bill** (Formerly House Study Bill 712), relating to transportation by granting the state department of transportation condemnation rights for utility facility replacement, requiring sixty day property payments, requiring certain criteria be adopted by administrative rule, modifying certain damage disclosure statement requirements, providing for entry onto private property for sounding and drilling, relating to the disposal of abandoned vehicles, and providing for release of retained funds for public improvements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1996.

**Committee Bill** (Formerly House Study Bill 718), relating to a restriction for special minors' licenses for persons age fourteen and fifteen and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1996.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 2176), relating to the taxation of real property used in the operation of a racetrack or racetrack enclosure.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 736), relating to the taxation of payments received by organized health care delivery systems.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 741), relating to state sales and services tax exemption certificates issued to state and county fairs.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

## RESOLUTIONS FILED

**HCR 115**, by Weigel, a concurrent resolution to request that the President of the United States and the Congress of the United States remove current obstacles which prevent the transfer of agricultural land between family members participating in Iowa's Beginning Farmer Loan Program supported by small issue private activity bonds exempt from federal income taxation..

Referred to committee on **agriculture**.

**HCR 116**, by Grundberg, a concurrent resolution designating March 1996 as Iowa Women's History Month.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—5129	H.F.	2298	Disney of Polk
H—5130	H.F.	2298	Disney of Polk
H—5131	H.F.	2271	Committee on Education
H—5132	H.F.	2298	Metcalf of Polk
H—5133	H.F.	2324	Committee on State Government
H—5134	H.F.	2396	Bradley of Clinton
H—5135	H.F.	2298	Carroll of Poweshiek

On motion by Siegrist of Pottawattamie, the House adjourned at 1:55 p.m., until 9:30 a.m., Friday, March 1, 1996.

# JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day – Thirty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 1, 1996

The House met pursuant to adjournment at 9:30 a.m., Veenstra of Sioux in the chair.

Prayer was offered by the Honorable Joseph Kremer, state representative from Buchanan County.

The Journal of Thursday, February 29, 1996 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Martin of Scott from seventy-three citizens favoring legislation mandating that insurance companies cover hospital maternity stays for new mothers and babies of 48 hours for normal delivery and 96 hours for C-sections.

## INTRODUCTION OF BILLS

**House File 2418**, by Warnstadt, a bill for an act establishing the Iowa military service grant program, making an appropriation, and providing for other properly related matters.

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

**House File 2419**, by committee on transportation, a bill for an act relating to transportation by granting the state department of transportation condemnation rights for utility facility replacement, requiring sixty day property payments, requiring certain criteria be adopted by administrative rule, modifying certain damage disclosure statement requirements, providing for entry onto private property for sounding and drilling, exempting operators of trucks hauling cement from certain regulations, and relating to the disposal of abandoned vehicles, and providing for release of retained funds for public improvements.

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

**House File 2420**, by committee on environmental protection, a bill for an act relating to issuance of a certificate of title for a documented vessel.

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



**House File 2421**, by committee on appropriations, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, and relating to the Iowa communications network, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations, and providing an effective date.

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

**House File 2422**, by committee on ways and means, a bill for an act relating to state sales and services tax exemption certificates issued to state and county fairs.

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

**House File 2423**, by committee on ways and means, a bill for an act relating to the taxation of real property used in the operation of a racetrack or racetrack enclosure.

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

#### 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 February 29, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2245, a bill for an act relating to public retirement systems, making appropriations, and providing effective and retroactive applicability dates.

JOHN F. DWYER, Secretary

#### SENATE MESSAGE CONSIDERED

**Senate File 2245**, by committee on state government, a bill for an act relating to public retirement systems, making appropriations, and providing effective and retroactive applicability dates.

Read first time and referred to committee on **state government**.

SPONSOR ADDED  
(House Concurrent Resolution 116)

Holveck of Polk requested to be added as a sponsor of House Concurrent Resolution 116.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 1, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 2066, an act relating to the operation of motor vehicles in border cities and providing an effective date.

Senate File 2066, an act relating to assisted suicide and providing criminal penalties.

Senate File 2130, an act eliminating the requirement to commence litigation involving shipments of plants infested with gypsy moths, and providing an effective date.

## CERTIFICATE OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that a certificate of recognition has been issued as follows.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

1996\169 Eric Juergens, Maquoketa - For winning four State Wrestling Championships.

## SUBCOMMITTEE ASSIGNMENT

### Senate File 2206

State Government: Tyrrell, Chair; Cataldo and Drake.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

### House Study Bill 742

Human Resources: Boddicker, Chair; Brand, Fallon, Harrison and Hurley.

### House Study Bill 744

Transportation: Welter, Chair; Heaton and May.

## 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House Study Bill 675), relating to the management of waste tires by providing for the establishment of a waste tire management fund, allocation of moneys to facilitate elimination of waste tires and the establishment of future markets for waste tires, providing for the redirection of the existing fee on certificates of title of motor vehicles, and providing a repeal.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

## COMMITTEE ON JUDICIARY

**House File 414**, a bill for an act eliminating the restitution limit for the offense of operating a motor vehicle while intoxicated.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**House File 2266**, a bill for an act allowing employee canteens in correctional facilities.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 576), relating to the duties of the clerk of court concerning court records.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 649), relating to excuse from jury service and the reimbursement of jurors and witnesses for transportation and mileage expenses.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 710), relating to the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 713), relating to the representation of indigents and other court appointments in criminal and juvenile proceedings and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

## COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**House File 2153**, a bill for an act relating to the reinstatement to active service of members of the statewide fire and police retirement system and the public safety peace officers' retirement, accident, and disability system upon denial of disability benefits.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 689), relating to eligibility for unemployment compensation benefits for temporary employees of a temporary employment firm.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1996.

## COMMITTEE ON LOCAL GOVERNMENT

**House File 2304**, a bill for an act relating to the care and maintenance of pioneer cemeteries.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**House File 2380**, a bill for an act limiting the liability of a municipality for an act or omission relating to cleanup of abandoned property or of a parcel of land purchased at a tax sale.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**House File 2399**, a bill for an act relating to eligibility of persons for county general assistance.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 704), relating to drainage district bid bonds, assessment payments, subdistricts, and drainage discharge liability.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 734), relating to mental health, mental retardation, developmental disabilities, and other services paid for in whole or in part by counties or the state, and including an applicability provision and an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 735), relating to the amount of liability for the cost of services provided to a person with mental illness or mental retardation and providing an applicability provision.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1996.

COMMITTEE ON TRANSPORTATION

**House File 2333**, a bill for an act increasing accident damage reporting and motor vehicle security requirement levels.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**House File 2339**, a bill for an act relating to requiring school buses to stop at railroad tracks.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 701), relating to passing on multilaned highways and making existing penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 744), providing that a court order the revocation or suspension of a driver's license at the time of conviction for certain drug-related offenses, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

AMENDMENTS FILED

H—5136	H.F.	2387	Jochum of Dubuque
H—5137	H.F.	2302	Brunkhorst of Bremer Brand of Benton

On motion by Siegrist of Pottawattamie, the House adjourned at 9:37 a.m., until 1:00 p.m., Monday, March 4, 1996.

# JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day – Thirty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 4, 1996

The House met pursuant to adjournment at 1:00 p.m., Speaker Corbett in the chair.

Prayer was offered by Pastor David Renfro, St. Paul Lutheran Church, Aurelia.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jennifer Schwickerath, House Page.

The Journal of Friday, March 1, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Osterhaus of Jackson, for the week of March 4, 1996 and Bernau of Story, both on request of Schrader of Marion; Drake of Pottawattamie, on request of Siegrist of Pottawattamie.

## HOUSE FILES REFERRED

The Speaker announced that **House Files 2295 and 2414**, presently on the **calendar**, were referred to committee on **appropriations**.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2400**, a bill for an act relating to anatomical gifts including the use of confidential information and the authority of a medical examiner to release and permit the removal of a body part in certain instances for the purposes of making an anatomical gift, was taken up for consideration.

Blodgett 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?" (H.F. 2400)

The ayes were, 70:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Brammer
Branstad	Brauns	Burnett	Cataldo

Churchill	Cohoon	Connors	Coon
Cormack	Daggett	Dinkla	Disney
Doderer	Eddie	Ertl	Gipp
Greig	Gries	Grubbs	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Holveck	Huseman	Jacobs
Jochum	Kreiman	Kremer	Lamberti
Larkin	Larson	Martin	Mascher
May	McCoy	Metcalf	Meyer
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	Ollie
Rants	Salton	Schrader	Schulte
Siegrist	Sukup	Teig	Van Fossen
Veenstra	Warnstadt	Weidman	Welter
Wise	Mr. Speaker Corbett		

The nays were, 27:

Brand	Brunkhorst	Carroll	Drees
Fallon	Garman	Greiner	Grundberg
Heaton	Houser	Hurley	Klemme
Koenigs	Lord	Main	Mertz
Millage	O'Brien	Renken	Shoultz
Taylor	Thomson	Tyrrell	Van Maanen
Vande Hoef	Weigel	Witt	

Absent or not voting, 3:

Bernau	Drake	Osterhaus
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2400** be immediately messaged to the Senate.

**House File 2303**, a bill for an act relating to hazardous materials transportation, was taken up for consideration.

Nelson 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?" (H.F. 2303)

The ayes were, 96:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brammer

Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drees	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Grieson
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, 1:

Fallon

Absent or not voting, 3:

Bernau

Drake

Osterhaus

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 2140**, a bill for an act relating to the motor vehicle fuel tax law and providing effective and retroactive applicability dates, was taken up for consideration.

Van Fossen of Scott offered the following amendment H-5088 filed by him and moved its adoption:

H-5088

- 1 Amend House File 2140 as follows:
- 2 1. Page 4, by inserting after line 33 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 452A.63, unnumbered paragraph
- 5 1, Code Supplement 1995, is amended to read as
- 6 follows:
- 7 All information obtained by the department of



8 revenue and finance or the state department of  
 9 transportation from the examining of reports or  
 10 records required to be filed or kept under this  
 11 chapter shall be treated as confidential and shall not  
 12 be divulged except to other state officers, a member  
 13 or members of the general assembly, or any duly  
 14 appointed committee of either or both houses of the  
 15 general assembly, or to a representative of the state  
 16 having some responsibility in connection with the  
 17 collection of the taxes imposed or in proceedings  
 18 brought under the provisions of this chapter. The  
 19 appropriate state agency may make available to the  
 20 public on or before forty-five days following the last  
 21 day of the month in which the tax is required to be  
 22 paid, the names of suppliers, restrictive suppliers,  
 23 and importers and as to each of them the total gallons  
 24 of motor fuel, undyed special fuel, and ethanol-  
 25 blended gasoline withdrawn from terminals or imported  
 26 into the state during that month. The department of  
 27 revenue and finance or the state department of  
 28 transportation, upon request of officials entrusted  
 29 with enforcement of the motor vehicle fuel tax laws of  
 30 the federal government or any other state, may forward  
 31 to such officials any pertinent information which the  
 32 appropriate state agency may have relative to motor  
 33 fuel and special fuel provided the officials of the  
 34 other state furnish like information.”  
 35 2. By renumbering as necessary.

Amendment H-5088 was adopted.

Van Fossen 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?” (H.F. 2140)

The ayes were, 96:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord

Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

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

**Rule 76 invoked:** Under the provisions of Rule 76, conflict of interest, Myers of Johnson refrained from voting.

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2140** be immediately messaged to the Senate.

#### Regular Calendar

**House File 2351**, a bill for an act relating to repair of out-of-state commercial vehicles and providing an immediate effective date, was taken up for consideration.

Welter of Jones 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. 2351)

The ayes were, 97:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cphoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner

Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none:

Absent or not voting, 3:

Bernau                      Drake                      Osterhaus

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

**House File 2366**, a bill for an act relating to entities and subject matter under the regulatory authority of the division of insurance, including prearranged funeral contracts, cemeteries, residential service contracts, and business opportunities, and establishing fees, was taken up for consideration.

Van Fossen 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?" (H.F. 2366)

The ayes were, 97:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggest	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn

Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none:

Absent or not voting, 3:

Bernau                      Drake                      . Osterhaus

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2303, 2351 and 2366.**

### INTRODUCTION OF BILLS

**House File 2424**, by committee on local government, a bill for an act relating to a continuing appropriation for public improvements.

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

**House File 2425**, by committee on local government, a bill for an act relating to drainage district bid bonds, assessment payments, sub-districts, and drainage discharge liability.

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

**House File 2426**, by committee on local government, a bill for an act relating to certain certification requirements of a city or county urban renewal area.

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

**House File 2427**, by committee on local government, a bill for an act relating to mental health, mental retardation, developmental disabilities, and other services paid for in whole or in part by counties or the state, and including an applicability provision and an effective date.

Read first time and placed on the calendar.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday February 15 through Thursday February 29, 1996. Had I been present, I would have voted "aye" on House Files 258, 2109, 2144, 2018, 2183, 2196, 2209, 2225, 2114, 2202, 2009, 2230, 2211, 2310, 2234, 2259, 2299, 2256, and 2178, Senate Files 2072, 2088, 2066, 2130, and 2063, amendments H—5078A and H—5078B, to Senate amendment H—4229, to House File 258; amendment H—5106, to Senate amendment H—5079, to House File 2114; and amendment H—5110, to Senate File 2063; and "nay" on amendment H—5113, to amendment H—5110, to Senate File 2063.

LARSON of Linn

#### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 4, 1996, he approved and transmitted to the Secretary of State the following bill:

Senate File 2072, an act relating to implements of husbandry by providing for machinery towed by a motor vehicle or farm tractor, and providing an effective date.

#### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

##### CAPITOL PLANNING COMMISSION

The Annual Report, pursuant to Chapter 18A.3, Code of Iowa.

##### DEPARTMENT OF HUMAN SERVICES

A Report on the Child Abuse Assessment Pilot Project, pursuant to Chapter 147.5(8), 1995 Acts of the Seventy-sixth General Assembly.

##### LEGISLATIVE FISCAL BUREAU

A Report on the Living Roadway Trust Fund, pursuant to Chapter 220.32, 1995 Acts of the Seventy-sixth General Assembly.

## CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\170 Lisa Thompson, Carter Lake – For receiving the Jefferson Award for outstanding public service benefiting a local community.
- 1996\171 Anna May Santana, Council Bluffs – For celebrating her Eightieth birthday.
- 1996\172 Eunice and Milo Lee, Inwood – For celebrating their Sixtieth wedding anniversary.

### SUBCOMMITTEE ASSIGNMENT

#### Senate File 2245

State Government: Martin, Chair; Bradley, Connors, Gipp, Jacobs, Jochum and Larkin.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 745 Appropriations**

Relating to and making appropriations to the justice system and providing effective dates.

#### **H.S.B. 746 Appropriations**

Relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and making related statutory changes and providing effective date provisions.

### 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

### COMMITTEE ON COMMERCE-REGULATION

**House File 2315**, a bill for an act authorizing small quantities of wine to be shipped in and out of this state for consumption or use by persons twenty-one years of age or older.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**Committee Bill** (Formerly House File 2096), providing for the establishment of a lien by licensed professionals against damages collected by an injured patient.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 697), relating to consumer protection by requiring the registration of certain persons seeking to engage in regulated businesses in this state, and providing for civil and criminal penalties.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 698), relating to the consumer credit code and permissible finance charges and other fees which may be charged to a consumer by a lender.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 727), relating to satellite terminals and establishing certain requirements for such terminals of a financial institution with a principal place of business in another state and a business location in Iowa.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1996.

#### COMMITTEE ON ECONOMIC DEVELOPMENT

**Committee Bill** (Formerly House File 2332), relating to providing a payment for investment in a sesquicentennial fund, providing penalties, and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1996.

#### COMMITTEE ON EDUCATION

**House File 455**, a bill for an act relating to the filing of complaints concerning child abuse or crimes with the board of educational examiners.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5150** February 29, 1996.

**House File 2084**, a bill for an act relating to school finance by providing for additional enrollment for school district transportation costs based upon a school district enrollment sparsity factor.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—5151** February 29, 1996.

**House File 2340**, a bill for an act relating to school finance by providing additional current year funding for special education students and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** February 29, 1996.

#### COMMITTEE ON HUMAN RESOURCES

**House File 2050**, a bill for an act relating to selection criteria preferences in the placement of children for adoption by or through the department of human services.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**House File 2199**, a bill for an act creating a voluntary welfare replacement initiative administered by the department of human services, providing for an associated individual income tax credit, and providing effective date and applicability provisions.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—5142** February 29, 1996.

**House File 2272**, a bill for an act relating to human immunodeficiency virus provisions involving the legal guardian of a minor.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5143** February 29, 1996.

**House File 2285**, a bill for an act requiring disclosure regarding child day care providers, employees, or residents who have committed a crime or have a record of founded child abuse and providing civil liability and a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5144** February 29, 1996.

**House File 2314**, a bill for an act relating to requirements for reports submitted by certain service providers to the department of human services.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**House File 2352**, a bill for an act relating to programs available to persons with disabilities which are administered by the department of human services.



Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**House File 2355**, a bill for an act relating to the establishment of personal needs trusts for persons with disabilities.

Fiscal Note is not required.

Recommended **Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 617), relating to the continued existence of the prevention of disabilities policy council and technical assistance committee and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 699), relating to the establishment of a problem gambling treatment program, creating an advisory committee, providing for other properly related matters, and applying a penalty.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 29, 1996.

**Committee Bill** (Formerly House Study Bill 742), relating to children's provisions involving child support, the family investment program, and related human services programs by establishing additional eligibility and assistance provisions and requiring the department of human services to apply for federal waivers and providing an applicability provision and effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 26, 1996.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 2038), relating to public access to motor vehicle records and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 29, 1996.

**Committee Bill** (Formerly House File 2284), relating to special minors' licenses and transportation to and from school and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 29, 1996.

#### AMENDMENTS FILED

H—5138	H.F.	2157	Meyer of Sac
H—5139	H.F.	2416	O'Brien of Boone
H—5140	H.F.	2416	O'Brien of Boone
H—5141	H.F.	2401	Arnold of Lucas

H—5142	H.F.	2199	Committee on Human Resources
H—5143	H.F.	2272	Committee on Human Resources
H—5144	H.F.	2285	Committee on Human Resources
H—5145	H.F.	2024	Kremer of Buchanan
H—5146	H.F.	2383	Kremer of Buchanan
H—5147	H.F.	2421	Brauns of Muscatine
H—5148	H.F.	2235	Kremer of Buchanan
H—5149	H.F.	2387	Kremer of Buchanan
H—5150	H.F.	455	Committee on Education
H—5151	H.F.	2084	Committee on Education
H—5152	H.F.	2416	Brammer of Linn
H—5153	H.F.	2401	Kreiman of Davis
H—5154	H.F.	2421	Kreiman of Davis
H—5155	H.F.	2397	Weigel of Chickasaw
H—5156	H.F.	2416	Cataldo of Polk Kreiman of Davis Holveck of Polk Murphy of Dubuque

On motion by Siegrist of Pottawattamie, the House adjourned at 2:07 p.m., until 8:45 a.m., Tuesday, March 5, 1996.

# JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day – Thirty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 5, 1996

The House met pursuant to adjournment at 8:45 a.m., Rants of Woodbury in the chair.

Prayer was offered by Pastor Kathleen Kinney, St. John's Lutheran Church, Craig.

The Journal of Monday, March 4, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Maanen of Marion, for March 5, 6, 7, 1996, on request of Siegrist of Pottawattamie; Teig of Hamilton, until his arrival, on request of Arnold of Lucas.

## INTRODUCTION OF BILLS

**House File 2428**, by committee on local government, a bill for an act relating to the amount of liability for the cost of services provided to a person with mental illness or mental retardation and providing an applicability provision.

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

**House File 2429**, by committee on judiciary, a bill for an act relating to the representation of indigents and other court appointments in criminal and juvenile proceedings and providing effective and retroactive applicability dates.

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

**House File 2430**, by committee on judiciary, a bill for an act relating to excuse from jury service and the reimbursement of jurors and witnesses for transportation and mileage expenses.

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

**House File 2431**, by committee on judiciary, a bill for an act relating to the duties of the clerk of court concerning court records.

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

**House File 2432**, by committee on ways and means, a bill for an act relating to the taxation of payments received by organized health care delivery systems.

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

**House File 2433**, by committee on environmental protection, a bill for an act relating to the management of waste tires by providing for the establishment of a waste tire management fund, allocation of moneys to facilitate elimination of waste tires and the establishment of future markets for waste tires, providing for the redirection of the existing fee on certificates of title of motor vehicles, and providing a repeal.

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

**House File 2434**, by committee on commerce-regulation, a bill for an act relating to satellite terminals and establishing certain requirements for such terminals of a financial institution with a principal place of business in another state.

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

**House File 2435**, by committee on human resources, a bill for an act relating to the establishment of a problem gambling treatment program, creating an advisory committee, providing for other properly related matters, and applying a penalty.

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

**House File 2436**, by committee on transportation, a bill for an act providing that a court order the revocation or suspension of a driver's license at the time of conviction for certain drug-related offenses, and providing an effective date.

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

**House File 2437**, by committee on transportation, a bill for an act relating to a restriction for special minors' licenses for persons ages fourteen and fifteen and making a penalty applicable.

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

**House File 2438**, by committee on transportation, a bill for an act relating to special minors' licenses and transportation to and from school and providing an effective date.

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

**House File 2439**, by committee on agriculture, a bill for an act relating to receiverships regarding the administration of the assets of grain dealers.

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

**House File 2440**, by committee on transportation, a bill for an act relating to passing on multilaned highways and making existing penalties applicable.

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

**House File 2441**, by committee on commerce-regulation, a bill for an act relating to the consumer credit code and permissible finance charges and other fees which may be charged to a consumer by a lender.

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

**House File 2442**, by committee on human resources, a bill for an act relating to the continued existence of the prevention of disabilities policy council and technical assistance committee and providing an effective date.

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

**House File 2443**, by committee on human resources, a bill for an act relating to children's provisions involving child support, the family investment program, and related human services programs by establishing additional eligibility and assistance provisions and requiring the department of human services to apply for federal waivers and providing an applicability provision and effective dates.

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

**House File 2444**, by committee on appropriations, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

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

**House File 2445**, by committee on environmental protection, a bill for an act providing for notification of certain members of the committees of the general assembly having jurisdiction over the environment, before the environmental protection commission or natural resource commission adopts a rule, and establishing an effective date.

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

**House File 2446**, by committee on labor and industrial relations, a bill for an act relating to eligibility for unemployment compensation benefits for temporary employees of a temporary employment firm.

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

**House File 2447**, by committee on commerce-regulation, a bill for an act relating to energy efficiency programs, electric and gas public utility energy efficiency mandates, and the Iowa energy center and the center for global and regional environmental research.

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

**House File 2448**, by committee on judiciary, a bill for an act relating to public access to criminal history data maintained by the department of public safety.

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

**House File 2449**, by committee on state government, a bill for an act setting campaign contribution limits by persons and political committees, addressing independent expenditures on behalf of candidates, employee and member contributions, making penalties applicable, and providing an effective date.

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

**House File 2450**, by committee on economic development, a bill for an act to repeal the Wallace technology transfer foundation.

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

**House File 2451**, by committee on commerce-regulation, a bill for an act relating to disclosure requirements under the federal Community Reinvestment Act with respect to the eligibility of a financial institution to receive state public funds.

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

**House File 2452**, by committee on commerce-regulation, a bill for an act providing for the establishment of a lien by licensed professionals against damages collected by an injured patient.

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

**House File 2453**, by committee on commerce-regulation, a bill for an act relating to the regulation of industrial loan companies by establishing certain requirements applicable to a change of control, providing for the appointment of the superintendent or the federal deposit insurance corporation as receiver, and requiring an industrial loan company to obtain federal deposit insurance for certain debt instruments, and making a penalty applicable.

Read first time and placed on the **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 4, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2121, a bill for an act providing for auditing practices by the Iowa state fair board.

Also: That the Senate has on March 4, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2122, a bill for an act relating to unclaimed property held by the state, fraudulent practices to obtain the property, and establishing a penalty.

Also: That the Senate has on March 4, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2127, a bill for an act relating to the confidentiality of social security numbers of the owners of unclaimed property.

Also: That the Senate has on March 4, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2155, a bill for an act to adjust the jurisdictional amount for municipal infractions tried before a judge in district court.

Also: that the Senate has on March 4, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2159, a bill for an act relating to evaluator licensing of educators.

Also: That the Senate has on March 4, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2165, a bill for an act relating to the hunting season for ungulates on a hunting preserve and providing an effective date.

Also: That the Senate has on March 4, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2200, a bill for an act relating to school employee sick leave.

Also: That the Senate has on March 4, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2204, a bill for an act relating to the operation of the vocational rehabilitation division of the department of education and promoting consistency with the most recently amended version of federal law.

Also: That the Senate has on March 4, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2207, a bill for an act relating to excuse from jury service and the reimbursement of jurors and witnesses for transportation and mileage expenses.

Also: That the Senate has on March 4, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2212, a bill for an act relating to the regulation of timber sales and surety bonds paid by timber buyers and providing an effective date.

Also: That the Senate has on March 4, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2213, a bill for an act relating to the continued existence of the prevention of disabilities policy council and technical assistance committee and providing an effective date.

Also: That the Senate has on March 4, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2215, a bill for an act relating to a study on the qualifications of deaf interpreters.

Also: That the Senate has on March 4, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2375, a bill for an act relating to a limitation on qualifications for rebuttable presumptions for nuisance defenses for certain persons classified as chronic violators involved in confinement feeding operations.

Also: That the Senate has on March 4, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 104, a Senate concurrent resolution requesting Iowa State University to establish an Iowa Agriculture 2000 Conference in order to provide information to independent agricultural producers regarding production and marketing structures.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Regular Calendar

**House File 2247**, a bill for an act relating to permissible fees and commission to be paid to certified public accountants and accounting practitioners, was taken up for consideration.

Gipp 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?" (H.F. 2247)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cphoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley



Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Rants, Presiding

The nays were, none.

Absent or not voting, 4:

Martin	Osterhaus	Teig	Van Maanen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 2363**, a bill for an act authorizing a foreign mutual insurance company or a foreign health service corporation to reorganize by forming an insurance holding company, and providing that a mutual insurance holding company shall at all times own a majority of the voting shares of the capital stock of a reorganized domestic or foreign insurance company, was taken up for consideration.

Halvorson of Clayton 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. 2363)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman

Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Rants, Presiding		

The nays were, none.

Absent or not voting, 6:

Hammitt Barry	Martin	Millage	Osterhaus
Teig	Van Maanen		

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

**House File 2229**, a bill for an act relating to unemployment insurance benefits by providing for employer contributions and liability for benefits regarding successor employers, was taken up for consideration.

Jacobs 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. 2229)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti

Larkin	Larson	Lord	Main
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Rants, Presiding

The nays were, none.

Absent or not voting, 4:

Martin	Osterhaus	Teig	Van Maanen
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2229, 2247 and 2363.**

#### Appropriations Calendar

**House File 2416**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, was taken up for consideration.

The House stood at ease at 9:15 a.m., until the fall of the gavel.

The House resumed session at 10:17 a.m., Rants of Woodbury in the chair.

Cataldo of Polk offered the following amendment H-5156 filed by Cataldo et. al. and moved its adoption:

H-5156

- 1 Amend House File 2416 as follows:
- 2 1. Page 12, line 9, by striking the figure
- 3 "1,677,191" and inserting the following: "1,855,391".
- 4 2. Page 12, line 10, by striking the figure
- 5 "101.00" and inserting the following: "103.00".
- 6 3. Page 12, by inserting after line 10 the
- 7 following:
- 8 "It is the intent of the general assembly that
- 9 \$178,200 and 2.00 FTEs be used for additional
- 10 inspections of state-licensed residential care
- 11 facilities only."

Roll call was requested by Cataldo of Polk and Murphy of Dubuque.

On the question "Shall amendment H-5156 be adopted?" (H.F. 2416)

The ayes were, 38:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Doderer	Drake
Drees	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	McPhy	Myers
Nelson, L.	O'Brien	Ollie	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Wise	Witt		

The nays were, 59:

Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Rants,	
		Presiding	

Absent or not voting, 3:

Martin	Osterhaus	Van Maanen
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Amendment H-5156 lost.

Brammer of Linn offered amendment H-5152 filed by him as follows:

H-5152

- 1 Amend House File 2416 as follows:
- 2 1. Page 24, by inserting after line 15 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 453A.6, subsection 1, Code
- 5 1995, is amended to read as follows:
- 6 1. There is imposed, and shall be collected and

7 paid to the department, ~~the following taxes on all~~  
8 cigarettes used or otherwise disposed of in this state  
9 for any purpose whatsoever: a tax at the rate of one  
10 and eight-tenths cents on each cigarette.  
11 ~~Class A.—On cigarettes weighing not more than~~  
12 ~~three pounds per thousand, eighteen mills on each such~~  
13 ~~cigarette.~~  
14 ~~Class B.—On cigarettes weighing more than three~~  
15 ~~pounds per thousand, eighteen mills on each such~~  
16 ~~cigarette.~~  
17 Sec. \_\_\_\_ Section 453A.25, Code 1995, is amended  
18 by adding the following new subsection:  
19 NEW SUBSECTION. 4. The director is authorized to  
20 designate the city or county which issues retail  
21 licenses and permits to administer and enforce,  
22 including collecting penalties and fines, the  
23 provisions of this chapter relating to the retail sale  
24 of cigarettes and tobacco products.  
25 Sec. \_\_\_\_ Section 4543A.35, Code 1995, is amended  
26 to read as follows:  
27 453A.35 TAX AND FEES PAID TO GENERAL FUND.  
28 The proceeds derived from the sale of stamps and  
29 the payment of taxes, fees and penalties provided for  
30 under this chapter, and the permit fees received from  
31 all permits issued by the department, shall be  
32 credited to the general fund of the state. All permit  
33 fees and penalties provided for in this chapter and  
34 collected by cities in the issuance of permits granted  
35 by the cities shall be paid to the treasurer of the  
36 city where the permit is effective, or to another city  
37 officer as designated by the council, and credited to  
38 the general fund of the city. Permit fees and  
39 penalties so collected by counties shall be paid to  
40 the county treasurer.”

Millage of Scott rose on a point of order that amendment H-5152 was not germane.

The Speaker ruled the point well taken and amendment H-5152 not germane.

Brammer of Linn asked for unanimous consent to suspend the rules to consider amendment H-5152.

Objection was raised.

Brammer of Linn moved to suspend the rules to consider amendment H-5152.

Roll call was requested by Brammer of Linn and Murphy of Dubuque.

On the question “Shall the rules be suspended to consider amendment H-5152?” (H.F. 2416)

The ayes were, 35:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Wise	Witt	

The nays were, 60:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Carroll
Cataldo	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Renken
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Rants, Presiding

Absent or not voting, 5:

Brunkhorst	Martin	Osterhaus	Salton
Van Maanen			

The motion to suspend the rules lost.

O'Brien of Boone asked and received unanimous consent to withdraw amendments H-5139 and H-5140 filed by him on March 4, 1996.

### RULE 31.8 SUSPENDED

Murphy of Dubuque asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, relating to House File 2416.

Murphy of Dubuque offered the following amendment H-5157 filed by him from the floor and moved its adoption:

H-5157

- 1 Amend House File 2416 as follows:
- 2 1. Page 1, by inserting after line 21 the
- 3 following:
- 4 "The office shall eliminate all vacant unfunded
- 5 positions on the table of organization of the state
- 6 department, agency, or office."
- 7 2. Page 1, by inserting after line 32 the
- 8 following:
- 9 "The board shall eliminate all vacant unfunded
- 10 positions on the table of organization of the state
- 11 department, agency, or office."
- 12 3. Page 5, by inserting after line 5 the
- 13 following:
- 14 "Each division shall eliminate all vacant unfunded
- 15 positions on the table of organization of the state
- 16 department, agency, or office."
- 17 4. Page 7, by inserting after line 28 the
- 18 following:
- 19 "The department shall eliminate all vacant unfunded
- 20 positions on the table of organization of the state
- 21 department, agency, or office."
- 22 5. Page 11, by inserting after line 9 the
- 23 following:
- 24 "The governor and lieutenant governor shall
- 25 eliminate all vacant unfunded positions on the table
- 26 of organization of the state department, agency, or
- 27 office."
- 28 6. Page 15, by inserting after line 19 the
- 29 following:
- 30 "The department shall eliminate all vacant unfunded
- 31 positions on the table of organization of the state
- 32 department, agency, or office."
- 33 7. Page 18, by inserting after line 8 the
- 34 following:
- 35 "The department shall eliminate all vacant unfunded
- 36 positions on the table of organization of the state
- 37 department, agency, or office."
- 38 8. Page 21, by inserting after line 8 the
- 39 following:
- 40 "The department shall eliminate all vacant unfunded
- 41 positions on the table of organization of the state
- 42 department, agency, or office."
- 43 9. Page 22, by inserting after line 22 the
- 44 following:
- 45 "The office shall eliminate all vacant unfunded
- 46 positions on the table of organization of the state
- 47 department, agency, or office."
- 48 10. Page 23, by striking lines 20 through 25.
- 49 11. By renumbering as necessary.

Amendment H-5157 lost.

Murphy of Dubuque offered the following amendment H-5158 filed by him from the floor and moved its adoption:

H-5158

- 1 Amend House File 2416 as follows:
- 2 1. Page 1, line 31, by striking the figure
- 3 "420,554" and inserting the following: "515,255".
- 4 2. Page 1, line 32, by striking the figure "8.00"
- 5 and inserting the following: "10.00".
- 6 3. Page 8, line 5, by striking the figure
- 7 "932,915" and inserting the following: "1,010,286".
- 8 4. Page 8, line 6, by striking the figure "26.05"
- 9 and inserting the following: "28.05".
- 10 5. Page 19, line 34, by striking the figure
- 11 "576.43" and inserting the following: "588.43".
- 12 6. Page 20, line 3, by striking the figure
- 13 "10,789,038" and inserting the following:
- 14 "11,135,166".
- 15 7. Page 21, by striking line 35 and inserting the
- 16 following: "ADMINISTRATION".
- 17 8. Page 22, line 4, by striking the figure
- 18 "368,508" and inserting the following: "78,050".
- 19 9. Page 22, line 5, by striking the figure "5.00"
- 20 and inserting the following: "1.00".
- 21 10. Page 22, by striking lines 6 through 11 and
- 22 inserting the following:
- 23 "Beginning with the fiscal year beginning July 1,
- 24 1996, the elections division including staff of the
- 25 secretary of state's offices shall be transferred to
- 26 the Iowa ethics and campaign disclosure board; the
- 27 processing functions including staff shall be
- 28 transferred to the department of revenue and finance;
- 29 and the official publications staff to the printing
- 30 division of the department of general services. The
- 31 duties of the divisions or functions transferred shall
- 32 also be transferred to the new department or agency."

Amendment H-5158 lost.

Murphy of Dubuque offered the following amendment H-5160 filed by him from the floor and moved its adoption:

H-5160

- 1 Amend House File 2416 as follows:
- 2 1. Page 7, line 27, by striking the figure
- 3 "188,701" and inserting the following: "168,201".

Amendment H-5160 lost.

Murphy of Dubuque offered the following amendment H-5161 filed by him from the floor and moved its adoption:



H-5161

- 1 Amend House File 2416 as follows:
- 2 1. Page 13, line 1, by striking the number
- 3 "547,579" and inserting the following: "747,579".
- 4 2. Page 13, by inserting after line 2 the
- 5 following:
- 6 "It is the intent of the general assembly that, of
- 7 the funds appropriated in this subsection, \$200,000
- 8 shall be used to establish local citizen care review
- 9 boards in each county within the first judicial
- 10 district."

Roll call was requested by Murphy of Dubuque and Shoultz of Black Hawk.

On the question "Shall amendment H-5161 be adopted?" (H.F. 2416)

The ayes were, 37:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Schrader	Shoultz	Taylor
Vande Hoef	Warnstadt	Weigel	Wise
Witt			

The nays were, 58:

Arnold	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carrroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Veenstra
Weidman	Rants,		
	Presiding		

Absent or not voting, 5:

Blodgett	Martin	Osterhaus	Van Maanen
Welter			

Amendment H-5161 lost.

Shoultz of Black Hawk offered the following amendment H-5159 filed by him from the floor and moved its adoption:

H-5159

- 1 Amend House File 2416 as follows:
- 2 1. Page 13, line 31, by striking the figure
- 3 "1,844,512" and inserting the following: "1,977,240".
- 4 2. Page 13, line 34, by striking the word "funds"
- 5 and inserting the following: "\$132,628".

Amendment H-5159 lost.

Hanson 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, 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunckhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Rants,			
Presiding			

The nays were, 36:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

Absent or not voting, 3:

Martin	Osterhaus	Van Maanen
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2416** 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 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2230, a bill for an act relating to definitions, reporting, and remittance guidelines concerning the disposition of unclaimed property.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2259, a bill for an act relating to issuance of a certificate of title for a documented vessel.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2270, a bill for an act amending the uniform commercial code relating to letters of credit and providing an effective date.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2282, a bill for an act relating to the requirement of notifying a consumer of a change in the terms of an open-end credit agreement.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2283, a bill for an act relating to voting, the distribution of earnings, and the bylaws of a cooperative association.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2303, a bill for an act relating to the medical assistance program including provisions relating to personal liability of personal representatives of medical assistance recipients, nursing facility fines, and transfers of assets.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2305, a bill for an act relating to purchase money mortgages and providing a retroactive applicability provision.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2307, a bill for an act relating to programs available to persons with disabilities which are administered by the department of human services.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2321, a bill for an act relating to the nonconfidentiality of information regarding the qualifications of interpreters for the deaf services division of the department of human rights.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2329, a bill for an act directing the state board of education to adopt rules relating to school nurses.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2363, a bill for an act relating to entities and subject matter under the regulatory authority of the securities bureau of the division of insurance.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2367, a bill for an act providing for the payment of outdated invoices by the agency to which the goods or services were provided, and by the department of revenue and finance, and providing an effective date.

Also: That the Senate has on March 5, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 107, a concurrent resolution urging the United States Congress to authorize construction of the Lewis and Clark rural water system.

Also: That the Senate has on March 5, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 109, a concurrent resolution urging the United States Congress to amend relevant law to facilitate the development and approval of new drugs and biologics.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie the House was recessed at 12:07 p.m., until 1:15 p.m.

### AFTERNOON SESSION

The House reconvened at 1:15 p.m., Rants of Woodbury in the chair.

### INTRODUCTION OF BILLS

**House File 2454**, by committee on judiciary, a bill for an act pertaining to alcohol-related and tobacco-related regulation; relating to consumption of alcohol by persons under the age of twenty-one; removing

the restitution limit for operating-while-intoxicated defendants; requiring schools to report incidents involving alcohol, tobacco, and controlled substances; and providing penalties.

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

**House File 2455**, by committee on judiciary, a bill for an act relating to the definition of deadly force.

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

**House File 2456**, by committee on judiciary, a bill for an act relating to the rights of victims of criminal acts.

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

**House File 2457**, by committee on local government, a bill for an act relating to termination of rental agreements and notice provisions for actions to recover property.

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

**House File 2458**, by committee on judiciary, a bill for an act relating to the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases.

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

**House File 2459**, by committee on judiciary, a bill for an act relating to the publication of the names of persons with delinquent fines owed to the court.

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

**House File 2460**, by committee on judiciary, a bill for an act providing for the modification or termination of certain trusts by the court.

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

**House File 2461**, by committee on economic development, a bill for an act relating to department of economic development programs and economic development benefits, including the workforce development fund program and the Iowa small business new jobs training Act, establishing a rural microbusiness assistance program, and increasing the funds available for the value-added agricultural products and processes program.

Read first time and placed on the **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 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2101, a bill for an act relating to the disbursement of the remaining funds in a nonguaranteed irrevocable burial trust fund following satisfaction of payment in accordance with an agreement for funeral merchandise and funeral services.

.Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2182, a bill for an act concerning employment rights of fire fighters under civil service who are elected as officers in certain professional fire fighter organizations, and providing an effective date.

.Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2211, a bill for an act relating to fingerprinting requirements for certain public offenses.

.Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2252, a bill for an act relating to the number and apportionment of district associate judges.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2260, a bill for an act relating to soil and water conservation, by providing for the powers and duties of commissioners of soil and water conservation districts, and soil and water conservation practices.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2287, a bill for an act relating to the limitations on the use of toxic materials in packaging and providing additional exemptions.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2300, a bill for an act relating to the willful destruction of E911 addressing signs and providing a penalty.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2331, a bill for an act prohibiting false representations in writing to employers or potential employers relating to academic degrees or performance and providing a penalty.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2233**, a bill for an act relating to the regulation of private sewage disposal systems and semi-public sewage disposal systems and authorizing each local board of health to adopt rules relating to such regulation, with report of committee recommending passage, was taken up for consideration.

### QUORUM CALL

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

Gipp of Winneshiek asked and received unanimous consent that **House File 2233** be deferred and that the bill be placed on the unfinished business calendar.

**House File 2187**, a bill for an act relating to the attachment of property to a rural water district, with report of committee recommending passage, was taken up for consideration.

Arnold of Lucas 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. 2187)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cphoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Renken	Salton	Schrader

Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Rants, Presiding		

The nays were, none.

Absent or not voting, 6:

Drake	Martin	Mascher	Murphy
Osterhaus	Van Maanen		

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

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2187** be immediately messaged to the Senate.

**House File 2397**, a bill for an act relating to linked investments, was taken up for consideration.

Weigel of Chickasaw offered amendment H-5155 filed by him as follows:

H-5155

- 1 Amend House File 2397 as follows:
- 2 1. Page 7, line 15, by striking the figure "1998"
- 3 and inserting the following: "1997".

Metcalf of Polk asked and received unanimous consent to defer action on amendment H-5168.

Doderer of Johnson offered the following amendment H-5178, to amendment H-5155, filed by Doderer of Johnson, Weigel and Metcalf from the floor and moved its adoption:

H-5178

- 1 Amend the amendment, H-5155, to House File 2397 as
- 2 follows:
- 3 1. Page 1, by striking lines 1 through 3 and
- 4 inserting the following:
- 5 "Amend House File 2397 as follows:
- 6 \_\_\_ Page 7, line 15, by striking the words and
- 7 figures "July 1, 1996, and June 30, 1998" and
- 8 inserting the following: "the effective date of this



9 Act and June 30, 1997, unless the person for whom the  
10 linked investment is to be made has been certified by  
11 the department of inspections and appeals under  
12 section 10A.302 and has submitted to the treasurer of  
13 state a targeted small business borrower application  
14 by the effective date of this Act".

15 \_\_. Page 7, line 16, by striking the word and  
16 figures "July 1, 1996," and inserting the following:  
17 " , or following the submission of a borrower  
18 application by a certified targeted small business by  
19 the effective date of this Act".

20 \_\_. Page 7, lines 18 and 19, by striking the  
21 word and figures "July 1, 1996" and inserting the  
22 following: "the effective date of this Act or  
23 certificates of deposit placed on or after the  
24 effective date of this Act for persons who were  
25 certified under section 12.52 and who have submitted  
26 to the treasurer of state a main-street borrower  
27 application by the effective date of this Act".

28 \_\_. Page 7, by inserting after line 22 the  
29 following:

30 "Sec. \_\_. EFFECTIVE DATE. This Act, being deemed  
31 of immediate importance, takes effect upon enactment."

32 \_\_. Title page, line 1, by inserting after the  
33 word "investments" the following: "and establishing  
34 an effective date".

35 \_\_. By renumbering as necessary."

Amendment H-5178 was adopted, placing out of order amendment H-5168 filed from the floor by Metcalf of Polk.

On motion by Weigel of Chickasaw, amendment H-5155, as amended, was adopted.

### RULE 31.8 SUSPENDED

Kremer of Buchanan asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, relating to House File 2397.

Kremer of Buchanan offered the following amendment H-5162 filed by him from the floor and moved its adoption:

H-5162

1 Amend House File 2397 as follows:

2 1. Page 1, lines 8 and 9, by striking the words  
3 "crops or nontraditional crops in this state" and  
4 inserting the following: "crops, ~~or~~ nontraditional  
5 crops, or nontraditional livestock in this state,  
6 including but not limited to the breeding or training  
7 of horses and dogs which are involved in racing at a  
8 facility licensed pursuant to chapter 99D."

9 2. Page 1, by inserting after line 24 the

10 following:

11 "Sec. \_\_\_\_ Section 12.33, subsection 1, Code 1995,  
 12 is amended by adding the following new paragraph:  
 13 NEW PARAGRAPH c. That there is an increasing  
 14 expansion of nontraditional livestock production which  
 15 promises new opportunities for agricultural animal  
 16 producers, creates new value-added products, and  
 17 ensures greater diversity in agricultural production.  
 18 Sec. \_\_\_\_ Section 12.33, subsections 2 and 3, Code  
 19 1995, are amended to read as follows:

20 2. The linked investments for tomorrow program  
 21 provided for in this division is intended to provide  
 22 statewide availability of lower cost funds for lending  
 23 purposes that will stimulate existing or encourage new  
 24 businesses in the area of producing, processing, or  
 25 marketing horticultural ~~or crops~~, nontraditional  
 26 crops, or nontraditional livestock, including but not  
 27 limited to the breeding or training of horses and dogs  
 28 which are involved in racing at a facility licensed  
 29 pursuant to chapter 99D.

30 3. It is the public policy of the state through  
 31 the linked investments for tomorrow program to create  
 32 an availability of lower cost funds to inject needed  
 33 capital into the business of producing, processing, or  
 34 marketing horticultural crops, ~~or nontraditional~~  
 35 crops, or nontraditional livestock, including but not  
 36 limited to the breeding or training of horses and dogs  
 37 which are involved in racing at a facility licensed  
 38 pursuant to chapter 99D."

39 3. Page 1, by striking lines 27 through 31 and  
 40 inserting the following:

41 "2. The treasurer shall adopt rules pursuant to  
 42 chapter 17A to implement this division including, but  
 43 not limited to, rules identifying horticultural crops,  
 44 ~~and nontraditional crops, and nontraditional~~  
 45 livestock, including but not limited to the breeding  
 46 or training of horses and dogs which are involved in  
 47 racing at a facility licensed pursuant to chapter 99D,  
 48 for which the linked investments may be loaned."

49 4. Page 2, by striking lines 13 through 24 and  
 50 inserting the following:

## Page 2

1 ~~1.~~ 2. An eligible lending institution that  
 2 desires to receive a linked investment shall accept  
 3 and review applications for loans from eligible  
 4 borrowers. The lending institution shall apply all  
 5 usual lending standards to determine the credit  
 6 worthiness of each eligible borrower. Loan  
 7 applications shall be for the purchase or lease of  
 8 land, machinery, equipment, seed, fertilizer, direct  
 9 marketing facilities, or new or expanding production,  
 10 processing, or marketing facilities for horticultural

- 11 crops, ~~or~~ nontraditional crops, or nontraditional  
 12 livestock, including but not limited to the breeding  
 13 or training of horses and dogs which are involved in  
 14 racing at a facility licensed pursuant to chapter 99D.  
 15 The maximum size of a loan is two hundred thousand  
 16 dollars per borrower for a production loan and five  
 17 hundred thousand dollars for processing or marketing  
 18 facilities.”  
 19 5. By renumbering as necessary.

Amendment H-5162 lost.

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?” (H.F. 2397)

The ayes were, 64:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Cataldo	Churchill
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammit Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Metcalf
Meyer	Millage	Nelson, B.	Nelson, L.
Nutt	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Weigel	Welter	Rants,
			Presiding

The nays were, 31:

Baker	Bernau	Brammer	Brand
Burnett	Cohoon	Connors	Doderer
Drees	Fallon	Garman	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	May	McCoy	Mertz
Moreland	Mundie	Myers	O'Brien
Ollie	Schrader	Shoultz	Taylor
Warnstadt	Wise	Witt	

Absent or not voting, 5:

Martin	Mascher	Murphy	Osterhaus
Van Maanen			

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

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2397** 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 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2208, a bill for an act relating to persons required to register with the sex offender registry and providing a penalty.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2256, a bill for an act relating to possession or control of alcohol by persons aged eighteen, nineteen, and twenty, and providing a penalty.

JOHN F. DWYER, Secretary

### PRESENTATION OF VISITORS

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

Forty-five eighth grade students from Dallas Center Grimes Junior High, Grimes, accompanied by Bill Wineland. By Churchill and Metcalf of Polk.

Seventy-five fifth grade students from Greenwood Elementary, Des Moines, accompanied by Larry W. Harker, Betty Arndt and Bruce Anderson. By Grundberg of Polk.

Four high school students from Walnut Community School, Walnut, accompanied by Gloria Myers. By Drake of Pottawattamie.

### SUBCOMMITTEE ASSIGNMENT

#### Senate File 259

State Government: Bradley, Chair; Cataldo and Tyrrell.

### 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Committee Bill** (Formerly House Study Bill 745), relating to and making appropriations to the justice system and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1996.

## COMMITTEE ON COMMERCE-REGULATION

**House File 2087**, a bill for an act relating to alternate energy production and providing an applicability provision, a conditional repeal, and an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5174** February 29, 1996.

## COMMITTEE ON JUDICIARY

**House File 2136**, a bill for an act relating to the inclusion of a communication or contact agreement in an order for the termination of parental rights or in an adoption decree if the child had previously received child foster care.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1996.

**Committee Bill** (Formerly House File 415), relating to the rights of victims of criminal acts, by providing that victims receive notice of all proceedings relating to the crime and the transfer of custody of offenders charged with the crime, and giving victims the right to be informed of the progress of the investigation or prosecution and to make oral or written statements at sentencing, and removing special immunity provisions for certain persons.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1996.

**Committee Bill** (Formerly House File 418), to require the deduction of certain costs from allowances paid to an inmate of an institution under the control of the department of corrections.

Fiscal Note is required.

Recommended **Do Pass** March 1, 1996.

**Committee Bill** (Formerly House File 2037), relating to the publication of the names of persons with delinquent fines owed to the court.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1996.

**Committee Bill** (Formerly House File 2173), providing for the modification or termination of certain trusts by the court.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 28, 1996.

**Committee Bill** (Formerly House File 2286), relating to compensation for certain miscarriages of justice.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1996.

**Committee Bill** (Formerly House File 2329), pertaining to alcohol-related regulation; relating to consumption of alcohol by persons under the age of twenty-one; removing the restitution limit for operating-while-intoxicated defendants; requiring schools to report incidents involving alcohol, tobacco, and controlled substances; permitting law enforcement agencies to establish roadblocks for enforcement of operating-while-intoxicated offenses; and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1996.

**Committee Bill** (Formerly House Study Bill 632), relating to marriage and divorce and providing for a tax credit for premarital counseling.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1996.

**Committee Bill** (Formerly House Study Bill 658), relating to the offense of driving while a license is denied, revoked, cancelled, or suspended, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 1, 1996.

**Committee Bill** (Formerly House Study Bill 739), relating to the definition of deadly force.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1996.

## RESOLUTIONS FILED

**SCR 104**, a concurrent resolution requesting Iowa State University to establish an Iowa Agriculture 2000 Conference in order to provide information to independent agricultural producers regarding production and marketing structures.

Referred to committee on **agriculture**.

**SCR 107**, a concurrent resolution urging the United States Congress to authorize construction of the Lewis and Clark rural water system.

Referred to committee on **natural resources**.

**SCR 109**, a concurrent resolution urging the United States Congress to amend relevant law to facilitate the development and approval of new drugs and biologics.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—5164	H.F.	2421	Warnstadt of Woodbury Ollie of Clinton Cohon of Des Moines
H—5165	H.F.	2421	Warnstadt of Woodbury Ollie of Clinton Cohon of Des Moines
H—5166	H.F.	2166	Rants of Woodbury
H—5167	H.F.	2298	Grundberg of Polk
H—5169	H.F.	2401	Ertl of Dubuque Kremer of Buchanan
H—5170	H.F.	2190	Bradley of Clinton Vande Hoef of Osceola
H—5171	H.F.	2421	Murphy of Dubuque Koenigs of Mitchell
H—5172	H.F.	2421	Koenigs of Mitchell
H—5173	H.F.	2421	Murphy of Dubuque Cohon of Des Moines
H—5174	H.F.	2087	Committee on Commerce-Regulation
H—5175	H.F.	2306	Schulte of Linn Myers of Johnson
H—5176	H.F.	2421	Brunkhorst of Bremer
H—5177	H.F.	2421	Mundie of Webster
H—5179	H.F.	2421	Warnstadt of Woodbury Murphy of Dubuque
H—5180	H.F.	2421	Koenigs of Mitchell Moreland of Wapello
H—5182	H.F.	2421	Kreiman of Davis
H—5183	H.F.	2157	Kreiman of Davis
H—5184	H.F.	2298	Brunkhorst of Bremer
H—5185	H.F.	2298	Brunkhorst of Bremer
H—5186	H.F.	2298	Brunkhorst of Bremer
H—5187	H.F.	2298	Brunkhorst of Bremer
H—5188	H.F.	2298	Brunkhorst of Bremer
H—5189	H.F.	2298	Brunkhorst of Bremer
H—5190	H.F.	2298	Brunkhorst of Bremer
H—5191	H.F.	2298	Brunkhorst of Bremer
H—5192	H.F.	2298	Brunkhorst of Bremer
H—5193	H.F.	2298	Brunkhorst of Bremer
H—5194	H.F.	2298	Brunkhorst of Bremer
H—5195	H.F.	2298	Brunkhorst of Bremer

H—5196	H.F.	2298	Brunkhorst of Bremer
H—5197	H.F.	2298	Brunkhorst of Bremer
H—5198	H.F.	2421	Kreiman of Davis
H—5199	H.F.	2316	Grubbs of Scott Kreiman of Davis
H—5200	H.F.	2421	Wise of Lee Mascher of Johnson Myers of Johnson
H—5201	H.F.	2425	Witt of Black Hawk
H—5202	H.F.	2298	Metcalf of Polk
H—5203	H.F.	2387	Jacobs of Polk
H—5204	H.F.	2421	McCoy of Polk
H—5205	H.F.	2421	McCoy of Polk
H—5206	H.F.	2298	Metcalf of Polk
H—5207	H.F.	2298	Metcalf of Polk
H—5208	H.F.	2298	Metcalf of Polk
H—5209	H.F.	2298	Metcalf of Polk
H—5210	H.F.	2421	Grubbs of Scott
H—5211	H.F.	2421	Brauns of Muscatine

On motion by Siegrist of Pottawattamie, the House adjourned at 2:43 p.m., until 8:45 a.m., Wednesday, March 6, 1996.



# JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day – Fortieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 6, 1996

The House met pursuant to adjournment at 8:45 a.m., Rants of Woodbury in the chair.

Prayer was offered by Reverend Richard Graves, St. Paul's Episcopal Church, Grinnell.

The Journal of Tuesday, March 5, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett, for March 6 and 7, 1996, on request of Siegrist of Pottawattamie.

## INTRODUCTION OF BILLS

**House File 2462**, by committee on transportation, a bill for an act relating to public access to motor vehicle records and providing a conditional repeal and an effective date.

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

**House File 2463**, by committee on economic development, a bill for an act relating to workforce development by establishing a workforce development department, by eliminating the department of employment services, and including workforce development programs in the new department, and by establishing a workforce development board and regional advisory boards.

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

**House File 2464**, by committee on commerce-regulation, a bill for an act relating to consumer protection by requiring the registration of certain persons seeking to engage in regulated businesses in this state, and providing for civil and criminal penalties.

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

## SENATE MESSAGES CONSIDERED

**Senate File 2101**, by committee on human resources, a bill for an act relating to the disbursement of the remaining funds in a nonguaranteed irrevocable burial trust fund following satisfaction of payment in accordance with an agreement for funeral merchandise and funeral services.

Read first time and referred to committee on **commerce-regulation**.

**Senate File 2121**, by Palmer and Douglas, a bill for an act providing for auditing practices by the Iowa state fair board.

Read first time and referred to committee on **state government**.

**Senate File 2122**, by Gronstal, a bill for an act relating to unclaimed property held by the state, fraudulent practices to obtain the property, and establishing a penalty.

Read first time and referred to committee on **state government**.

**Senate File 2127**, by Gronstal, a bill for an act relating to the confidentiality of social security numbers of the owners of unclaimed property.

Read first time and referred to committee on **state government**.

**Senate File 2155**, by committee on judiciary, a bill for an act to adjust the jurisdictional amount for municipal infractions tried before a judge in district court.

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

**Senate File 2159**, by committee on education, a bill for an act relating to evaluator licensing of educators.

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

**Senate File 2165**, by committee on natural resources, environment, and energy, a bill for an act relating to the hunting season for ungulates on a hunting preserve and providing an effective date.

Read first time and referred to committee on **natural resources**.

**Senate File 2182**, by Gronstal and Rittmer, a bill for an act concerning employment rights of fire fighters under civil service who are elected as officers in certain professional fire fighter organizations, and providing an effective date.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 2200**, by committee on education, a bill for an act relating to school employee sick leave.

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

**Senate File 2204**, by committee on education, a bill for an act relating to the operation of the vocational rehabilitation division of the department of education and promoting consistency with the most recently amended version of federal law.

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

**Senate File 2207**, by committee on judiciary, a bill for an act relating to excuse from jury service and the reimbursement of jurors and witnesses for transportation and mileage expenses.

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

**Senate File 2208**, by committee on judiciary, a bill for an act relating to persons required to register with the sex offender registry and providing a penalty.

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

**Senate File 2211**, by committee on judiciary, a bill for an act relating to fingerprinting requirements for certain public offenses.

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

**Senate File 2212**, by committee on natural resources, environment, and energy, a bill for an act relating to the regulation of timber sales and surety bonds paid by timber buyers and providing an effective date.

Read first time and referred to committee on **natural resources**.

**Senate File 2213**, by committee on human resources, a bill for an act relating to the continued existence of the prevention of disabilities policy council and technical assistance committee and providing an effective date.

Read first time and referred to committee on **human resources**.

**Senate File 2215**, by committee on human resources, a bill for an act relating to a study on the qualifications of deaf interpreters.

Read first time and referred to committee on **human resources**.

**Senate File 2230**, by Deluhery, a bill for an act relating to definitions, reporting, and remittance guidelines concerning the disposition of unclaimed property.

Read first time and referred to committee on **commerce-regulation**.

**Senate File 2252**, by committee on judiciary, a bill for an act relating to the number and apportionment of district associate judges, and providing an effective date.

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

**Senate File 2256**, by committee on judiciary, a bill for an act relating to possession or control of alcohol by persons aged eighteen, nineteen, and twenty, and providing a penalty.

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

**Senate File 2259**, by committee on natural resources, environment, and energy, a bill for an act relating to issuance of a certificate of title for a documented vessel.

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

**Senate File 2260**, by committee on agriculture, a bill for an act relating to soil and water conservation, by providing for the powers and duties of commissioners of soil and water conservation districts, and soil and water conservation practices.

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

**Senate File 2270**, by committee on judiciary, a bill for an act amending the uniform commercial code relating to letters of credit and providing an effective date.

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

**Senate File 2282**, by committee on commerce, a bill for an act relating to the requirement of notifying a consumer of a change in the terms of an open-end credit agreement.

Read first time and referred to committee on **commerce-regulation**.

**Senate File 2283**, by committee on commerce, a bill for an act relating to voting, the distribution of earnings, and the bylaws of a cooperative association.

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

**Senate File 2287**, by committee on natural resources, environment and energy, a bill for an act relating to the limitations on the use of toxic materials in packaging and providing additional exemptions.

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

**Senate File 2300**, by committee on judiciary, a bill for an act relating to the willful destruction of E911 addressing signs and providing a penalty.

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

**Senate File 2303**, by committee on human resources, a bill for an act relating to the medical assistance program including provisions relating to personal liability of personal representatives of medical assistance recipients, nursing facility fines, and transfers of assets.

Read first time and referred to committee on **human resources**.

**Senate File 2305**, by committee on judiciary, a bill for an act relating to purchase money mortgages and providing a retroactive applicability provision.

Read first time and referred to committee on **commerce-regulation**.

**Senate File 2307**, by Szymoniak, a bill for an act relating to programs available to persons with disabilities which are administered by the department of human services.

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

**Senate File 2321**, by committee on human resources, a bill for an act relating to the nonconfidentiality of information regarding the qualifications of interpreters for the deaf services division of the department of human rights.

Read first time and referred to committee on **human resources**.

**Senate File 2329**, by committee on education, a bill for an act directing the state board of education to adopt rules relating to school nurses.

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

**Senate File 2331**, by committee on education, a bill for an act prohibiting certain uses and false representations relating to academic degrees, grades, or honors, and providing a penalty.

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

**Senate File 2363**, by committee on commerce, a bill for an act relating to entities and subject matter under the regulatory authority of the securities bureau of the division of insurance.

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

**Senate File 2367**, by committee on state government, a bill for an act providing for the payment of outdated invoices by the agency to which the goods or services were provided, and by the department of revenue and finance, and providing an effective date.

Read first time and referred to committee on **state government**.

**Senate File 2375**, by committee on judiciary, a bill for an act relating to a limitation on qualifications for rebuttable presumptions for nuisance defenses for certain persons classified as chronic violators involved in confinement feeding operations.

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

## 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 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2114, a bill for an act relating to the amount of prison time served by persons convicted of an aggravated misdemeanor or greater offense, by providing for changes in the mandatory minimum terms of sentences to be served, providing for a reduction in the amount of good and honor time that may be earned by forcible felons, providing for a sentencing task force and a departmental study, and making other related changes.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2128, a bill for an act relating to the road use tax fund by allocating fines and fees for commercial vehicle violations to the road use tax fund, appropriating moneys to the road use tax fund from sales tax revenues, providing for use tax payments for leased vehicles, and appropriating moneys for funding recreational trails from the general fund of the state, and providing an applicability provision.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2269, a bill for an act enhancing the penalties for a third or subsequent offense of domestic abuse assault.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2291, a bill for an act eliminating the restitution limit for the offense of operating while intoxicated.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2299, a bill for an act relating to reserve peace officers obtaining or renewing professional permits to carry weapons.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2302, a bill for an act to provide for the six-year revocation of licenses for persons who unintentionally cause the death of another while driving recklessly or eluding a police officer.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2352, a bill for an act providing that the sheriff may charge for room and board provided to county prisoners and providing for the creation and filing of a room and board reimbursement lien.

Also: That the Senate has on March 5, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2354, a bill for an act relating to invasion of privacy of a minor and establishing a penalty.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2306**, a bill for an act relating to the regulation of motorboats on certain artificial lakes, and providing an effective date, was taken up for consideration.

Schulte of Linn offered the following amendment H-5175 filed by him and Myers and moved its adoption:

H-5175

- 1 Amend House File 2306 as follows:
- 2 1. Page 1, by striking lines 6 through 11 and
- 3 inserting the following: "under the custody of the
- 4 department. However, on ~~Big-Creek-lake and lake~~
- 5 Macbride, a motorboat with a power unit exceeding ~~ten~~
- 6 twenty-five horsepower may be operated only when
- 7 permitted by rule and the rule shall not authorize
- 8 such use during the period beginning on the Friday
- 9 before Memorial Day and ending on Labor Day
- 10 inclusively. This paragraph does not limit".

Amendment H-5175 lost.

Klemme of Plymouth 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. 2306)

The ayes were, 57:

Arnold	Bell	Bogges	Bradley
Branstad	Brauns	Carroll	Coon
Cormack	Daggett	Disney	Drake
Drees	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Houser	Hurley	Huseman
Jacobs	Klemme	Koenigs	Kremer
Lamberti	Larson	Lord	Main
May	McCoy	Mertz	Meyer
Mundie	Nelson, B.	Nutt	O'Brien

Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Vande Hoef	Veenstra	Warnstadt	Weidman
Rants, Presiding			

The nays were, 37:

Bernau	Blodgett	Boddicker	Brand
Brunkhorst	Burnett	Cataldo	Churchill
Cohoon	Connors	Dinkla	Doderer
Fallon	Grubbs	Grundberg	Harper
Heaton	Holveck	Jochum	Kreiman
Larkin	Martin	Mascher	Metcalf
Millage	Moreland	Myers	Nelson, L.
Ollie	Schrader	Shoultz	Taylor
Van Fossen	Weigel	Welter	Wise
Witt			

Absent or not voting, 6:

Baker	Brammer	Corbett, Spkr.	Murphy
Osterhaus	Van Maanen		

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

**House File 2387**, a bill for an act relating to the office of secretary of state and the conduct of elections and voter registration in the state and relating to corrective and technical changes to Iowa's election laws, and providing an effective date, was taken up for consideration.

Kremer of Buchanan offered the following amendment H-5149 filed by him and moved its adoption:

H-5149

- 1 Amend House File 2387 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "notify" the following: "by forwardable mail".
- 4 2. Page 1, line 22, by inserting after the word
- 5 "notify" the following: "by forwardable mail".
- 6 3. Page 1, line 27, by inserting after the word
- 7 "seventh" the following: "working".
- 8 4. Page 21, line 17, by striking the words
- 9 "target after" and inserting the following: "after
- 10 target before".
- 11 5. Page 21, line 19, by striking the words
- 12 "target following" and inserting the following:
- 13 "following target before".

Amendment H-5149 was adopted.



Jochum of Dubuque offered the following amendment H-5136 filed by her and moved its adoption:

H-5136

- 1 Amend House File 2387 as follows:
- 2 1. By striking page 7, line 33, through page 8,
- 3 line 5.
- 4 2. By renumbering as necessary.

Amendment H-5136 lost.

Jacobs of Polk offered the following amendment H-5203 filed by her and moved its adoption:

H-5203

- 1 Amend House File 2387 as follows:
- 2 1. Page 40, line 29, by inserting after the
- 3 figure "277.4," the following: "278.1,".

Amendment H-5203 was adopted.

Jacobs 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. 2387)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup

Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Rants, Presiding		

The nays were, none.

Absent or not voting, 6:

Brammer	Corbett, Spkr.	Grundberg	Murphy
Osterhaus	Van Maanen		

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2306 and 2387.**

**House File 2390**, a bill for an act providing for the branding of livestock, was taken up for consideration.

Greig of Emmet 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. 2390)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.

Nutt	O'Brien	Ollie	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Rants, Presiding

The nays were, none.

Absent or not voting, 4:

Brammer	Corbett, Spkr.	Osterhaus	Van Maanen
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2390** be immediately messaged to the Senate.

**House File 523**, a bill for an act relating to the establishment of minimum standards for the training of telecommunicators, was taken up for consideration.

Coon of Warren asked and received unanimous consent to withdraw amendment H-5050 filed by him on February 5, 1996.

Coon of Warren offered amendment H-5072 filed by him as follows:

H-5072

- 1 Amend House File 523 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "forum," the following: "the Iowa association of
- 4 chiefs of police, the Iowa state police association,
- 5 the Iowa association of professional fire fighters,
- 6 the Iowa emergency medical services association."

The following amendment H-5214, to amendment H-5072, filed from the floor by Coon of Warren, was adopted by unanimous consent:

H-5214

- 1 Amend Amendment H-5072, to House File 523, as
- 2 follows:
- 3 1. Page 1, line 4, by inserting after the word
- 4 "police" the words "and peace officers".

On motion by Coon of Warren, amendment H-5072, as amended, was adopted.

Coon of Warren 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. 523)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Rants,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Boddicker	Brammer	Corbett, Spkr.	Osterhaus
Van Maanen			

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

#### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that House File 523 be immediately messaged to the Senate.

#### HOUSE FILE 2411 REFERRED

The Speaker announced that House File 2411, presently on the calendar, was referred to committee on ways and means.

Appropriations Calendar

House File 2421, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, and relating to the Iowa communications network, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations, and providing an effective date, was taken up for consideration.

The House stood at ease as 10:55 a.m., until the fall of the gavel.

The House resumed session at 11:05 a.m., Rants of Woodbury in the chair.

LEAVE OF ABSENCE

Leave of absence is granted as follows:

Branstad of Winnebago, on request of Weidman of Cass; Vande Hoef of Osceola, on request of Rants of Woodbury, both until their return.

McCoy of Polk offered the following amendment H-5204 filed by him and moved its adoption:

H-5204

- 1 Amend House File 2421 as follows:
- 2 1. Page 4, by striking lines 15 and 16 and
- 3 inserting the following:
- 4 "b. For field garage facilities in Anamosa and
- 5 southeast Des Moines:
- 6 ..... \$ 1,500,000"

Roll call was requested by McCoy of Polk and Coon of Warren.

On the question "Shall amendment H-5204 be adopted?" (H.F. 2421)

The ayes were, 30:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Connors	Doderer
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Schrader	Shoultz	Taylor
Weigel	Witt		

The nays were, 62:

Arnold	Blodgett	Boggess	Bradley
Brauns	Brunkhorst	Carroll	Churchill
Cohoon	Coon	Cormack	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Veenstra	Warnstadt	Welter
Wise	Rants, Presiding		

Absent or not voting, 8:

Boddicker	Brammer	Branstad	Corbett, Spkr.
Osterhaus	Van Maanen	Vande Hoef	Weidman

Amendment H-5204 lost.

Warnstadt of Woodbury offered the following amendment H-5164 filed by Warnstadt et. al. and moved its adoption:

H-5164

- 1 Amend House File 2421 as follows:
- 2 1. Page 4, by striking lines 15 and 16.
- 3 2. Page 9, line 16, by striking the word
- 4 "purpose" and inserting the following: "purposes".
- 5 3. Page 9, line 17, by inserting before the word
- 6 "For" the following: "1."
- 7 4. Page 9, line 22, by striking the word
- 8 "section" and inserting the following: "subsection".
- 9 5. Page 9, by inserting after line 23 the
- 10 following:
- 11 "2. For a field garage facility in Anamosa:
- 12 ..... \$ 750,000
- 13 Notwithstanding section 8.33, unencumbered or
- 14 unobligated funds remaining on June 30, 1999, from the
- 15 funds appropriated in this subsection, shall revert to
- 16 the rebuild Iowa infrastructure fund of the state on
- 17 August 31, 1999."
- 18 6. By renumbering and relettering as necessary.

Roll call was requested by Warnstadt of Woodbury and Cohoon of Des Moines.

## On the question "Shall amendment H-5164 be adopted?" (H.F. 2421)

The ayes were, 32:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Drees	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 62:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	McCoy
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Veenstra	Weidman
Welter	Rants,		
	Presiding		

Absent or not voting, 6:

Brammer	Branstad	Corbett, Spkr.	Osterhaus
Van Maanen	Vande Hoef		

Amendment H-5164 lost.

Koenigs of Mitchell offered the following amendment H-5180 filed by him and Moreland and moved its adoption:

H-5180

- 1 Amend House File 2421 as follows:
- 2 1. Page 5, line 6, by striking the words "rebuild
- 3 Iowa" and inserting the following: "Iowa vertical".
- 4 2. Page 6, line 12, by striking the words
- 5 "rebuild Iowa" and inserting the following: "Iowa

- 6 vertical".  
7 3. Page 6, line 15, by striking the words  
8 "rebuild Iowa" and inserting the following: "Iowa  
9 vertical".  
10 4. Page 6, line 35, by striking the words  
11 "rebuild Iowa" and inserting the following: "Iowa  
12 vertical".  
13 5. Page 7, line 9, by striking the words "rebuild  
14 Iowa" and inserting the following: "Iowa vertical".  
15 6. Page 7, line 34, by striking the words  
16 "rebuild Iowa" and inserting the following: "Iowa  
17 vertical".  
18 7. Page 8, line 20, by striking the words  
19 "rebuild Iowa" and inserting the following: "Iowa  
20 vertical".  
21 8. Page 8, line 30, by striking the words  
22 "rebuild Iowa" and inserting the following: "Iowa  
23 vertical".  
24 9. Page 8, line 33, by striking the words  
25 "rebuild Iowa" and inserting the following: "Iowa  
26 vertical".  
27 10. Page 9, line 12, by striking the words  
28 "rebuild Iowa" and inserting the following: "Iowa  
29 vertical".  
30 11. Page 9, line 22, by striking the words  
31 "rebuild Iowa" and inserting the following: "Iowa  
32 vertical".  
33 12. Page 9, line 25, by striking the words  
34 "rebuild Iowa" and inserting the following: "Iowa  
35 vertical".  
36 13. Page 10, line 1, by striking the words  
37 "rebuild Iowa" and inserting the following: "Iowa  
38 vertical".  
39 14. Page 10, line 4, by striking the words  
40 "rebuild Iowa" and inserting the following: "Iowa  
41 vertical".  
42 15. Page 11, line 6, by striking the words  
43 "rebuild Iowa" and inserting the following: "Iowa  
44 vertical".  
45 16. Page 11, line 20, by striking the words  
46 "rebuild Iowa" and inserting the following: "Iowa  
47 vertical".  
48 17. Page 11, line 23, by striking the words  
49 "rebuild Iowa" and inserting the following: "Iowa  
50 vertical".

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- 1 18. Page 11, by inserting after line 31, the  
2 following:  
3 "Sec. \_\_\_\_ Section 8.55, subsection 4, Code  
4 Supplement 1995, is amended to read as follows:  
5 4. Notwithstanding section 12C.7, subsection 2,



6 interest or earnings on moneys deposited in the Iowa  
7 economic emergency fund shall be credited to the  
8 ~~rebuild Iowa~~ vertical infrastructure fund.

9 Sec. \_\_\_\_ Section 8.56, subsection 1, Code  
10 Supplement 1995, is amended to read as follows:

11 1. A cash reserve fund is created in the state  
12 treasury. The cash reserve fund shall be separate  
13 from the general fund of the state and shall not be  
14 considered part of the general fund of the state  
15 except in determining the cash position of the state  
16 as provided in subsection 3. The moneys in the cash  
17 reserve fund are not subject to section 8.33 and shall  
18 not be transferred, used, obligated, appropriated, or  
19 otherwise encumbered except as provided in this  
20 section. Notwithstanding section 12C.7, subsection 2,  
21 interest or earnings on moneys deposited in the cash  
22 reserve fund shall be credited to the ~~rebuild Iowa~~  
23 vertical infrastructure fund created in section 8.57.  
24 Moneys in the cash reserve fund may be used for cash  
25 flow purposes provided that any moneys so allocated  
26 are returned to the cash reserve fund by the end of  
27 each fiscal year. However, the fund shall be  
28 considered a special account for the purposes of  
29 section 8.53.

30 Sec. \_\_\_\_ Section 8.57, subsection 5, paragraphs a  
31 and c, Code Supplement 1995, are amended to read as  
32 follows:

33 a. A ~~rebuild~~ An Iowa vertical infrastructure fund  
34 is created under the authority of the department of  
35 management. The fund shall consist of appropriations  
36 made to the fund and transfers of interest, earnings,  
37 and moneys from other funds as provided by law. The  
38 fund shall be separate from the general fund of the  
39 state and the balance in the fund shall not be  
40 considered part of the balance of the general fund of  
41 the state. However, the fund shall be considered a  
42 special account for the purposes of section 8.53,  
43 relating to generally accepted accounting principles.

44 c. Moneys in the fund in a fiscal year shall be  
45 used as directed by the general assembly for public  
46 vertical infrastructure-related expenditures.

47 Sec. \_\_\_\_ Section 8.58, Code Supplement 1995, is  
48 amended to read as follows:

49 8.58 EXEMPTION FROM AUTOMATIC APPLICATION.

50 To the extent that moneys appropriated under

Page 3

1 section 8.57 do not result in moneys being credited to  
2 the general fund under section 8.55, subsection 2,  
3 moneys appropriated under section 8.57 and moneys  
4 contained in the cash reserve fund, ~~rebuild Iowa~~  
5 vertical infrastructure fund, and Iowa economic

- 6 emergency fund shall not be considered in the  
 7 application of any formula, index, or other statutory  
 8 triggering mechanism which would affect  
 9 appropriations, payments, or taxation rates, contrary  
 10 provisions of the Code notwithstanding.
- 11 To the extent that moneys appropriated under  
 12 section 8.57 do not result in moneys being credited to  
 13 the general fund under section 8.55, subsection 2,  
 14 moneys appropriated under section 8.57 and moneys  
 15 contained in the cash reserve fund, ~~rebuild Iowa~~  
 16 vertical infrastructure fund, and Iowa economic  
 17 emergency fund shall not be considered by an  
 18 arbitrator or in negotiations under chapter 20.”
- 19 19. Page 16, line 20, by striking the words  
 20 “rebuild Iowa” and inserting the following: “Iowa  
 21 vertical”.
- 22 20. Title page, line 5, by striking the words  
 23 “rebuild Iowa” and inserting the following: “Iowa  
 24 vertical”.
- 25 21. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 33, nays 53.

Amendment H-5180 lost.

Brauns of Muscatine offered the following amendment H-5147 filed by him and moved its adoption:

H-5147

- 1 Amend House File 2421 as follows:
- 2 1. Page 6, line 33, by inserting after the figure  
 3 “1998.” the following: “If the total cost of the  
 4 projects exceeds the appropriation in this section,  
 5 the board of regents shall use nonappropriated funds  
 6 to make up the shortfall in the appropriations to pay  
 7 for the total cost of the projects.”
- 8 2. Page 7, by inserting after line 31, the  
 9 following:
- 10 “7. For building a memorial on the state capitol  
 11 grounds to honor Iowans who contributed to the World  
 12 War II effort:  
 13 ..... \$ 200,000”.
- 14 3. Page 10, line 29, by inserting before the  
 15 word “It” the following: “3.”
- 16 4. Page 10, line 31, by striking the word  
 17 “subsection” and inserting the following: “section”.
- 18 5. Page 10, line 33, by striking the word  
 19 “subsection” and inserting the following: “section”.
- 20 6. Page 11, by striking lines 2 through 4 and  
 21 inserting the following: “completion of the  
 22 connections as provided for in this section, as deemed

23 appropriate by the commission, upon the effective date  
24 of this subsection.”

25 7. Page 15, by inserting after line 23 the  
26 following:

27 “Any state aid moneys remaining due to the failure  
28 of a society to comply with the provisions of this  
29 section shall be distributed equally among the  
30 societies which have qualified for state aid under  
31 this section.”

32 8. Page 16, line 22, by inserting after the word  
33 “Section” the following: “13, subsection 3, and  
34 section”.

35 9. Page 16, line 23, by striking the word “takes”  
36 and inserting the following: “take”.

Amendment H-5147 was adopted.

Grubbs of Scott offered amendment H-5210 filed by him as follows:

H-5210

1 Amend House File 2421 as follows:

2 1. By striking page 5, line 6, through page 6,  
3 line 33, and inserting the following:

4 “Sec. \_\_\_\_

5 1. There is appropriated from the rebuild Iowa  
6 infrastructure fund of the state to the state board of  
7 regents for the fiscal period beginning July 1, 1996,  
8 and ending June 30, 1999, the following amounts, or so  
9 much thereof as is necessary, to be used for the  
10 projects designated in subsection 2:

11 a. 1996-97 FY .....	\$ 51,000,000
12 b. 1997-98 FY .....	\$ 8,340,000
13 c. 1998-99 FY .....	\$ 6,800,000

14 The state board of regents shall determine the  
15 amounts to be allocated to each project for each  
16 fiscal year of the fiscal period beginning July 1,  
17 1996, and ending June 30, 1999, based upon project  
18 needs. However, the total appropriated funds for a  
19 project for all fiscal years of that fiscal period  
20 shall not exceed the amount listed in subsection 2 for  
21 that project.

22 2. The state board of regents is authorized to  
23 undertake, plan, construct, equip, and otherwise carry  
24 out the following projects at the institutions of  
25 higher learning under the jurisdiction of the board in  
26 the following appropriated amounts:

27 a. For construction and renovation of the	
28 biological sciences complex at the state university of	
29 Iowa:	
30 .....	\$ 14,900,000

31 b. For construction and renovation of the	
32 engineering building at the state university of Iowa:	
33 .....	\$ 14,140,000

34 c. For construction of the national advanced  
 35 driving simulator building at the state university of  
 36 Iowa:  
 37 ..... \$ 4,300,000  
 38 Funds provided for the construction of the facility  
 39 to house the national advanced driving simulator in  
 40 fiscal years beginning July 1, 1996, and July 1, 1997,  
 41 shall only be expended upon receiving notification  
 42 from the national highway traffic safety  
 43 administration that the United States congress has  
 44 authorized the construction of the national advanced  
 45 driving simulator, that federal funds have been  
 46 appropriated to begin construction, and that delivery  
 47 of the motion base, graphics system, and integrating  
 48 software will take place in substantial compliance  
 49 with the United States department of transportation's  
 50 acquisition schedule as set forth in the cooperative

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1 agreement between the state university of Iowa and the  
 2 national highway traffic safety administration.  
 3 d. For construction and renovation of the  
 4 intensive livestock research facilities at Iowa state  
 5 university of science and technology:  
 6 ..... \$ 15,300,000  
 7 e. For Phase I construction of the engineering  
 8 teaching and research complex at Iowa state university  
 9 of science and technology:  
 10 ..... \$ 11,000,000  
 11 f. For construction of the school of music  
 12 classroom building/performing arts center at the  
 13 university of northern Iowa:  
 14 ..... \$ 6,500,000  
 15 3. Effective July 1, 1996, the state board of  
 16 regents is authorized to enter into contracts for the  
 17 full cost of carrying out the projects listed in  
 18 subsection 2, for which appropriations are made in  
 19 subsection 1, for the fiscal years beginning July 1,  
 20 1996, July 1, 1997, and July 1, 1998. If the total  
 21 cost of the projects exceeds the appropriation in this  
 22 section, the board of regents shall use  
 23 nonappropriated funds to make up the shortfall in the  
 24 appropriations to pay for the total cost of the  
 25 projects.  
 26 4. a. Notwithstanding section 8.33, funds  
 27 appropriated in subsection 1, paragraph "a", for the  
 28 fiscal year beginning July 1, 1996, which remain  
 29 unexpended as of June 30, 1997, shall be available for  
 30 expenditure through June 30, 2000.  
 31 b. Notwithstanding section 8.33, funds  
 32 appropriated in subsection 1, paragraph "b", for the  
 33 fiscal year beginning July 1, 1997, which remain  
 34 unexpended as of June 30, 1998, shall be available for

- 35 expenditure through June 30, 2000.  
36 c. Notwithstanding section 8.33, funds  
37 appropriated in subsection 1, paragraph "c", for the  
38 fiscal year beginning July 1, 1998, which remain  
39 unexpended as of June 30, 1999, shall be available for  
40 expenditure through June 30, 2000.  
41 d. Unencumbered or unobligated funds remaining on  
42 June 30, 2000, from any funds appropriated in  
43 subsection 1 shall revert on August 30, 2000."  
44 2. By renumbering as necessary.

Brand of Benton offered the following amendment H-5213, to amend-  
ment H-5210, filed by him from the floor and moved its adoption:

#### H-5213

- 1 Amend the amendment, H-5210, to House File 2421 as  
2 follows:  
3 1. Page 2, by striking lines 20 through 25 and  
4 inserting the following: "1996, July 1, 1997, and  
5 July 1, 1998. The state shall not be obligated for  
6 costs associated with contracts identified in this  
7 section in excess of funds appropriated by the general  
8 assembly."

Amendment H-5213 was adopted.

On motion by Grubbs of Scott, amendment H-5210, as amended,  
was adopted, placing out of order lines 2 through 7 of amendment  
H-5147, previously adopted.

Wise of Lee offered amendment H-5200 filed by Wise et. al. as  
follows:

#### H-5200

- 1 Amend House File 2421 as follows:  
2 1. Page 7, line 18, by striking the figure  
3 "2,800,000" and inserting the following: "2,066,500".  
4 2. Page 7, line 20, by striking the figure  
5 "5,400,000" and inserting the following: "4,666,500".  
6 3. Page 7, by striking lines 25 through 29.  
7 4. Page 9, line 16, by striking the word  
8 "purpose" and inserting the following: "purposes".  
9 5. Page 9, line 17, by inserting before the word  
10 "For" the following: "1."  
11 6. Page 9, line 22, by striking the word  
12 "section" and inserting the following: "subsection".  
13 7. Page 9, by inserting after line 23 the  
14 following:  
15 "2. For construction of an overpass on highway 218  
16 located between Ainsworth and Riverside for the  
17 purpose of facilitating access to schools located in

- 18 the Highland community school district:  
 19 ..... \$ 1,617,000  
 20 Notwithstanding section 8.33, unencumbered or  
 21 unobligated funds remaining on June 30, 1998, from the  
 22 funds appropriated in this subsection, shall revert to  
 23 the rebuild Iowa infrastructure fund of the state on  
 24 August 31, 1998.”  
 25 8. By renumbering as necessary.

Wise of Lee offered the following amendment H-5223, to amend-  
 ment H-5200, filed by him from the floor and moved its adoption:

H-5223

- 1 Amend the amendment, H-5200, to House File 2421, as  
 2 follows:  
 3 1. Page 1, line 3, by striking the figure  
 4 “2,066,500” and inserting the following: “2,666,500”.  
 5 2. Page 1, line 5, by striking the figure  
 6 “4,666,500” and inserting the following: “5,266,500”.

Amendment H-5223 was adopted.

Ollie of Clinton asked and received unanimous consent to with-  
 draw amendment H-5222, to amendment H-5200, filed by him from  
 the floor.

Wise of Lee moved the adoption of amendment H-5200, as amended.

Roll call was requested by Wise of Lee and Siegrist of Pottawattamie.

On the question “Shall amendment H-5200, as amended, be  
 adopted?” (H.F. 2421)

The ayes were, 38:

Baker	Bell	Bernau	Brand
Brauns	Burnett	Cohoon	Connors
Doderer	Fallon	Greiner	Grubbs
Hahn	Harper	Heaton	Holveck
Jochum	Koenigs	Kreiman	Larkin
Main	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Schrader	Shoultz	Taylor	Weigel
Wise	Witt		

The nays were, 57:

Arnold	Blodgett	Boddicker	Boggest
Bradley	Branstad	Brunkhorst	Carroll
Cataldo	Churchill	Coon	Cormack
Daggett	Dinkla	Disney	Drake

Drees	Eddie	Ertl	Garman
Gipp	Greig	Gries	Grundberg
Halvorson	Hammitt Barry	Hanson	Harrison
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Veenstra	Warnstadt	Weidman	Welter
Rants, Presiding			

Absent or not voting, 5:

Brammer	Corbett, Spkr.	Osterhaus	Van Maanen
Vande Hoef			

Amendment H-5200, as amended, lost.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2421** be deferred and that the bill retain its place on the **calendar**.

On motion by Siegrist of Pottawattamie, the House was recessed at 12:17 p.m., until 1:15 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:15 p.m., Rants of Woodbury in the chair.

#### QUORUM CALL

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

#### INTRODUCTION OF BILLS

**House File 2465**, by committee on economic development, a bill for an act relating to providing a payment for investment in a sesqui-centennial business development fund, providing penalties, and making an appropriation.

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

**House File 2466**, by committee on local government, a bill for an act relating to housing development, including tax increment financing, making an appropriation for housing programs, and establishing effective dates.

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

**House File 2467**, by Tyrrell, a bill for an act relating to the retention by retailers of a portion of sales, services, and use taxes collected.

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

**House File 2468**, by Brammer, a bill for an act relating to a local option cigarette and tobacco tax.

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

**House File 2469**, by committee on judiciary, a bill for an act relating to the offense of driving while a license is denied, revoked, cancelled, or suspended, and providing a penalty.

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

**House File 2470**, by committee on local government, a bill for an act relating to the financial procedures of counties, cities, and drainage districts, by amending the powers and duties of county treasurers, by eliminating the filing of late claims for property credits, by striking personal property tax credits of military veterans, by striking outdated property tax limitations, by amending tax sale procedures, by providing for properly related matters, and by providing an applicability date and effective dates.

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

**House File 2471**, by committee on judiciary, a bill for an act relating to compensation for certain miscarriages of justice.

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

**House File 2472**, by committee on appropriations, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

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 6, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2126, a bill for an act providing for sex offender registry checks involving child day care, foster care, and adoptions.

Also: That the Senate has on March 6, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2147, a bill for an act increasing the membership of the Iowa telecommunications and technology commission.



Also: That the Senate has on March 6, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2178, a bill for an act relating to the inclusion of a performance evaluation component in contracts providing managed care services under the medical assistance program.

Also: That the Senate has on March 6, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2218, a bill for an act relating to the community health management system by extending the date for implementation of phase I of the system.

Also: That the Senate has on March 6, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2235, a bill for an act relating to the use of alternative licensing for nursing facilities and providing for a contingent effective date.

Also: That the Senate has on March 6, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2334, a bill for an act relating to funding for a talented and gifted education center at the university of Iowa and naming of that center as an international center.

Also: That the Senate has on March 6, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2336, a bill for an act providing for the selection and tenure of the executive director of the agricultural development authority.

Also: That the Senate has on March 6, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2337, a bill for an act relating to receiverships regarding the administration of the assets of grain dealers.

Also: That the Senate has on March 6, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2338, a bill for an act relating to Iowa-foaled horses by providing eligibility requirements for brood mares.

Also: That the Senate has on March 6, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2353, a bill for an act relating to satellite terminals and establishing certain requirements for such terminals of a financial institution with a principal place of business in another state.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2408**, a bill for an act concerning mining by applying the criterion for the reclamation of mine sites, by redefining operator

and mining operations, by amending the hearing procedures, by providing for administrative actions and the assessments of penalties by the division of soil conservation for noncompliance, and establishing additional penalties, was taken up for consideration.

Klemme of Plymouth 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. 2408)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Rants, Presiding			

The nays were, none.

Absent or not voting, 3:

Corbett, Spkr.

Osterhaus

Van Maanen

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

## IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2408** be immediately messaged to the Senate.

## Appropriations Calendar

The House resumed consideration of **House File 2421**, a bill for an act relating to and making appropriations to the state department of transportation including allocation and use of moneys from the general fund, road use tax fund, and primary road fund, making appropriations for capital projects from the rebuild Iowa infrastructure fund, and relating to the Iowa communications network, construction projects for the commission of veterans affairs, county fairs, recreational trails, and nonreversion of certain appropriations, and providing an effective date, previously deferred.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-5179 filed by him and Murphy on March 5, 1996.

Kreiman of Davis asked and received unanimous consent to withdraw amendments H-5198 and H-5182 filed by him on March 5, 1996.

Kreiman of Davis offered the following amendment H-5154 filed by him and moved its adoption:

H-5154

- 1 Amend House File 2421 as follows:
- 2 1. By striking page 10, line 9, through page 11,
- 3 line 4, and inserting the following:
- 4 "For the connection of a minimum of 110 Part III
- 5 authorized users as determined by the commission and
- 6 communicated to the general assembly:
- 7 ..... \$ 20,800,000
- 8 1. It is the intent of the general assembly that
- 9 the connection of the authorized user sites pursuant
- 10 to this section be awarded based upon the Part III
- 11 contracts executed in 1995.
- 12 2. It is the intent of the general assembly that
- 13 the appropriation provided for in this section and the
- 14 connections to be made with that appropriation
- 15 represent the second phase of contracts, the total
- 16 cost of which is anticipated to be approximately
- 17 \$94,690,000. It is intended that the first four years
- 18 of the plan include the connection of a minimum of 474
- 19 Part III authorized users. It is anticipated that the
- 20 total cost of connections to be completed in the first
- 21 four years of the plan which are to be funded by the
- 22 general assembly through the rebuild Iowa
- 23 infrastructure account of the state created in section

24 8.57, subsection 5, is to be approximately \$80,880,000  
25 with additional lease costs to be incurred in years  
26 five through eight of approximately \$13,810,000. The  
27 costs identified in this subsection include all  
28 maintenance costs associated with state-owned  
29 hardware, a three percent increase for inflation in  
30 fiscal year 1997-1998, and a six percent increase for  
31 inflation in fiscal year 1998-1999.

32 3. Notwithstanding the fact that funds  
33 appropriated pursuant to this section will not be made  
34 available prior to July 1, 1996, the Iowa  
35 telecommunications and technology commission is  
36 authorized to negotiate and enter into contracts for  
37 ordering necessary equipment related to the completion  
38 of the connections authorized in subsection 1 as  
39 deemed appropriate by the commission upon the  
40 effective date of this section."

Amendment H-5154 lost.

Murphy of Dubuque offered the following amendment H-5171 filed  
by him and Koenigs and moved its adoption:

H-5171

- 1 Amend House File 2421 as follows:
- 2 1. By striking page 10, line 3, through page 11,
- 3 line 4.
- 4 2. Page 11, by inserting after line 31 the
- 5 following:
- 6 "Sec. 100. Section 8.57, subsection 5, Code
- 7 Supplement 1995, is amended by adding the following
- 8 new paragraph:
- 9 NEW PARAGRAPH. e. Moneys appropriated from the
- 10 fund created in this subsection shall be appropriated
- 11 only for vertical infrastructure projects. For
- 12 purposes of this subsection, "vertical infrastructure"
- 13 means the construction or renovation of buildings, all
- 14 appurtenant structures and utilities, and site
- 15 development and related maintenance projects which are
- 16 not otherwise eligible for funding under chapter 312
- 17 or from any other dedicated source of revenue."
- 18 3. Title page, lines 5 and 6, by striking the
- 19 words "and relating to the Iowa communications
- 20 network,".
- 21 4. By renumbering as necessary.

Roll call was requested by Koenigs of Mitchell and Gipp of Win-  
neshiek.

On the question "Shall amendment H-5171 be adopted?" (H.F. 2421)

The ayes were, 37:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Welter	Wise
Witt			

The nays were, 60:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Rants, Presiding

Absent or not voting, 3:

Corbett, Spkr.      Osterhaus      Van Maanen

Amendment H-5171 lost.

Brauns of Muscatine asked and received unanimous consent to defer action on amendment H-5211.

McCoy of Polk offered the following amendment H-5205 filed by him and moved its adoption:

H-5205

- 1 Amend House File 2421 as follows:
- 2 1. Page 11, by inserting after line 29 the
- 3 following:
- 4 "COMMUNITY COLLEGES
- 5 Sec. \_\_\_\_ There is appropriated from the rebuild

- 6 Iowa infrastructure fund of the state to each of the  
 7 following community colleges for the fiscal year  
 8 beginning July 1, 1996, and ending June 30, 1997, the  
 9 following amounts, or so much thereof as is necessary,  
 10 to be used for driver transportation institutes:
- |    |  |            |
|----|--|------------|
| 11 | 1. Des Moines Area Community College ..... | \$575,000  |
| 12 | 2. Kirkwood Community College .....        | \$575,000  |
| 13 | 3. Indian Hills Community College .....    | \$575,000  |
| 14 | 4. Iowa Central Community College .....    | \$575,000" |
- 15 2. Title page, line 7, by inserting after the  
 16 word "fairs," the following: "community colleges,"  
 17 3. By renumbering as necessary.

Roll call was requested by Siegrist of Pottawattamie and Millage of Scott.

On the question "Shall amendment H-5205 be adopted?" (H.F. 2421)

The ayes were, 31:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Cormack	Doderer	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Lamberti	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Schrader	Taylor	

The nays were, 66:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Ollie	Renken
Salton	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Rants,		
	Presiding		

Absent or not voting, 3:

Corbett, Spkr.	Osterhaus	Van Maanen
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Amendment H-5205 lost.

Koenigs of Mitchell offered the following amendment H-5172 filed by him and moved its adoption:

H-5172

- 1 Amend House File 2421 as follows:
- 2 1. Page 11, by inserting after line 31 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 8.57, subsection 5, Code
- 5 Supplement 1995, is amended by adding the following
- 6 new paragraph:
- 7 NEW PARAGRAPH. f. Beginning July 1, 1996, and in
- 8 each fiscal year thereafter, sixteen million dollars
- 9 is appropriated from the fund under this subsection,
- 10 to the department of education to be used to provide
- 11 matching funds for school districts that have approved
- 12 a bond issue in the fiscal year in which the
- 13 appropriation is made. The match shall be twenty
- 14 percent of the amount of the bond issuance. If the
- 15 amount of school district claims in a particular
- 16 fiscal year exceed the amount of moneys appropriated
- 17 in this paragraph, the unpaid claims shall be paid
- 18 from moneys appropriated for the following fiscal
- 19 year. The department of education may reduce the
- 20 amount of the match in any given fiscal year, if the
- 21 claims from the preceding fiscal year exceeded sixteen
- 22 million dollars. If the department of education has
- 23 reduced the match in any given fiscal year and there
- 24 is money remaining at the end of that fiscal year, the
- 25 department shall readjust the match to twenty percent
- 26 for the following fiscal year. Notwithstanding
- 27 section 8.33, moneys appropriated to the department of
- 28 education in this paragraph shall not revert to the
- 29 rebuild Iowa infrastructure fund, but shall remain
- 30 available for expenditure for the following fiscal
- 31 year."
- 32 2. By renumbering as necessary and correcting
- 33 internal references as necessary.

Roll call was requested by Koenigs of Mitchell and Siegrist of Pottawattamie.

On the question "Shall amendment H-5172 be adopted?" (H.F. 2421)

The ayes were, 35:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy

Myers	Nelson, L.	O'Brien	Ollie
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Wise	Witt	

The nays were, 62:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Rants, Presiding		

Absent or not voting, 3:

Corbett, Spkr.	Osterhaus	Van Maanen
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Amendment H-5172 lost.

Murphy of Dubuque offered the following amendment H-5173 filed by him and Cohoon and moved its adoption:

H-5173

- 1 Amend House File 2421 as follows:
- 2 1. Page 11, by inserting after line 31 the
- 3 following:
- 4 "Sec. 100. Section 8.57, subsection 5, Code
- 5 Supplement 1995, is amended by adding the following
- 6 new paragraph:
- 7 NEW PARAGRAPH. e. Moneys appropriated from the
- 8 fund created in this subsection shall be appropriated
- 9 only for vertical infrastructure projects and for
- 10 projects relating to the Iowa communications network.
- 11 For purposes of this subsection, "vertical
- 12 infrastructure" means the construction or renovation
- 13 of buildings, all appurtenant structures and
- 14 utilities, and site development and related
- 15 maintenance projects."
- 16 2. Page 16, by inserting after line 23 the
- 17 following:
- 18 "Sec. \_\_\_\_ EFFECTIVE DATE. Section 100 of this
- 19 Act takes effect July 1, 1997."
- 20 3. By renumbering as necessary.



Roll call was requested by Murphy of Dubuque and Gipp of Winneshiek.

On the question "Shall amendment H-5173 be adopted?" (H.F. 2421)

The ayes were, 35:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Schrader	Shoultz	Tealor	Warnstadt
Weigel	Wise	Witt	

The nays were, 60:

Arnold	Blodgett	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Rants, Presiding

Absent or not voting, 5:

Boddicker	Corbett, Spkr.	Houser	Osterhaus
Van Maanen			

Amendment H-5173 lost.

Brunkhorst of Bremer offered the following amendment H-5176 filed by him and moved its adoption:

H-5176

- 1 Amend House File 2421 as follows:
- 2 1. Page 12, line 2, by striking the word "data"
- 3 and inserting the following: "data-only".

A non-record roll call was requested.

The ayes were 46, nays none.

Amendment H-5176 was adopted.

Warnstadt of Woodbury offered the following amendment H-5165 filed by Warnstadt et. al. and moved its adoption:

H-5165

- 1 Amend House File 2421 as follows:  
 2 1. Page 16, by inserting after line 2 the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 602.8108, subsection 2, Code  
 5 1995, is amended to read as follows:  
 6 2. Except as otherwise provided, the clerk of the  
 7 district court shall report and submit to the state  
 8 court administrator, not later than the fifteenth day  
 9 of each month, the fines and fees received during the  
 10 preceding calendar month. Except as provided in  
 11 subsection subsections 4 and 5, the state court  
 12 administrator shall deposit the amounts received with  
 13 the treasurer of state for deposit in the general fund  
 14 of the state. The state court administrator shall  
 15 report to the legislative fiscal bureau within thirty  
 16 days of the beginning of each fiscal quarter the  
 17 amount received during the previous quarter in the  
 18 account established under this section.  
 19 Sec. \_\_\_\_ Section 602.8108, Code 1995, is amended  
 20 by adding the following new subsection:  
 21 NEW SUBSECTION. 5. The state court administrator  
 22 shall allocate all of the fines and fees attributable  
 23 to commercial vehicle violation citations issued by  
 24 motor vehicle division personnel of the state  
 25 department of transportation to the treasurer of state  
 26 for deposit in the road use tax fund."  
 27 2. Title page, line 8, by inserting after the  
 28 word "trails," the following: "allocating commercial  
 29 vehicle violation fines to the road use tax fund."  
 30 3. By renumbering as necessary.

Roll call was requested by Cohoon of Des Moines and Gipp of Win-  
 neshiek.

On the question "Shall amendment H-5165 be adopted?" (H.F. 2421)

The ayes were, 36:

Bell	Bernau	Brammer	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Harper	Holveck
Jochum	Klemme	Koenigs	Kreiman
Larkin	Main	Mascher	May
McCoy	Mertz	Moreland	Mundie

Murphy	Myers	Nelson, L.	O'Brien
Ollie	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 58:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hamitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nutt
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Rants,		
	Presiding		

Absent or not voting, 6:

Baker	Corbett, Spkr.	Grubbs	Nelson, B.
Osterhaus	Van Maanen		

Amendment H-5165 lost.

Mundie of Webster offered the following amendment H-5177 filed by him and moved its adoption:

H-5177

1 Amend House File 2421 as follows:  
 2 1. Page 16, by inserting after line 2 the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 423.24, subsection 2, Code  
 5 Supplement 1995, is amended to read as follows:  
 6 2. Twenty percent of all revenue derived from the  
 7 use tax on motor vehicles, trailers, and motor vehicle  
 8 accessories and equipment as collected pursuant to  
 9 section 423.7 shall be deposited and credited ~~one-half~~  
 10 to the road use tax fund ~~and one-half to the primary~~  
 11 ~~road fund to be used for the commercial and industrial~~  
 12 ~~highway network~~, except to the extent that the  
 13 department directs that moneys are deposited in the  
 14 highway safety patrol fund created in section 80.41 to  
 15 fund the appropriations made from the highway safety  
 16 patrol fund in accordance with the provisions of

17 section 80.41. The department shall determine the  
 18 amount of moneys to be credited under this subsection  
 19 to the highway safety patrol fund and shall deposit  
 20 that amount into the highway safety patrol fund."

Amendment H-5177 lost.

Brauns of Muscatine offered the following amendment H-5211,  
 previously deferred, filed by him and moved its adoption:

H-5211

1 Amend House File 2421 as follows:  
 2 1. Page 11, line 24, by inserting after the words  
 3 "treasurer of state" the following: "for the fiscal  
 4 year beginning July 1, 1996, and ending June 30,  
 5 1997,".  
 6 2. Page 16, by inserting after line 21 the  
 7 following:  
 8 "Sec. \_\_\_\_ It is the intent of the general  
 9 assembly that for the fiscal year beginning July 1,  
 10 1997, the governor and the general assembly consider  
 11 appropriating additional state general fund moneys to  
 12 the state department of transportation to be used for  
 13 reimbursements to the department of personnel, the  
 14 auditor of state, and the attorney general's office  
 15 and for appropriations to the department of  
 16 inspections and appeals, the department of management,  
 17 and the department of revenue and finance, for  
 18 administrative costs and services that are currently  
 19 being funded from state use tax moneys, motor vehicle  
 20 fuel tax moneys, and from the road use tax fund."  
 21 3. By renumbering as necessary.

Amendment H-5211 was adopted.

Brauns of Muscatine 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. 2421)

The ayes were, 84:

Arnold	Baker	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry

Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Klemme	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Mundie	Myers	Nelson, L.
Nutt	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Weigel	Welter	Witt	Rants, Presiding

The nays were, 12:

Bell	Cphoon	Drees	Fallon
Jochum	Koenigs	Moreland	Murphy
O'Brien	Ollie	Warnstadt	Wise

Absent or not voting, 4:

Corbett, Spkr.	Nelson, B.	Osterhaus	Van Maanen
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2421** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 3:27 p.m., until 4:15 p.m.

The House reconvened at 4:17 p.m., Rants of Woodbury in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-one members present, thirty-nine absent.

### CONSIDERATION OF BILLS Regular Calendar

**House File 2302**, a bill for an act relating to the Iowa communications network by increasing the membership of the commission, providing authority to enter into lease-purchase agreements, restricting the use of the network, and requiring financial disclosure of Iowa telecommunications and technology commission members, was taken up for consideration.

Brunkhorst of Bremer offered the following amendment H-5137 filed by him and Brand and moved its adoption:

H-5137

- 1 Amend House File 2302 as follows:
- 2 1. Page 1, line 3, by striking the word "five"
- 3 and inserting the following: "six".
- 4 2. Page 1, line 4, by striking the word "four"
- 5 and inserting the following: "five".
- 6 3. Page 1, line 8, by striking the words "Two
- 7 members" and inserting the following: "One member".
- 8 4. Page 1, line 12, by striking the word "four"
- 9 and inserting the following: "five".
- 10 5. Page 1, line 18, by striking the word "four"
- 11 and inserting the following: "five".
- 12 6. Page 1, line 26, by striking the word "four"
- 13 and inserting the following: "five".
- 14 7. Page 1, line 28, by striking the words
- 15 "nonvoting, ex-officio voting" and inserting the
- 16 following: "nonvoting, ex-officio".
- 17 8. By striking page 4, line 22, through page 5,
- 18 line 1, and inserting the following:
- 19 "Sec. \_\_\_\_ INITIAL APPOINTMENTS OF NEW COMMISSION
- 20 MEMBERS. The two new members of the Iowa
- 21 telecommunications and technology commission provided
- 22 for in this Act shall be appointed on or before July
- 23 1, 1996, to the following terms:
- 24 1. One member shall be appointed for a term of
- 25 five years.
- 26 2. One member shall be appointed for a term of
- 27 three years."
- 28 9. By renumbering as necessary.

Amendment H-5137 was adopted.

Brunkhorst of Bremer 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. 2302)

The ayes were, 64:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Heaton	Houser

Hurley	Huseman	Jacobs	Klemme
Kreiman	Kremer	Lamberti	Larson
Lord	Main	Martin	McCoy
Mertz	Metcalf	Meyer	Millage
Mundie	Nutt	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Rants, Presiding

The nays were, 31:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cphoon	Connors
Doderer	Fallon	Harper	Harrison
Holveck	Jochum	Koenigs	Larkin
Mascher	May	Moreland	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Wise	Witt	

Absent or not voting, 5:

Brammer	Corbett, Spkr.	Nelson, B.	Osterhaus
Van Maanen			

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2302** be immediately messaged to the Senate.

#### EXPLANATION OF VOTE

I was temporarily absent from the House chamber on the afternoon of March 5, 1996. Had I been present, I would have voted "aye" on House Files 2229 and 2397.

MASCHER of Johnson

#### PRESENTATION OF VISITORS

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

Sixth grade class from Guthrie Center Elementary School, Guthrie Center, accompanied by Nancy Beck, Karen Benton and Randy Mohning. By Dinkla of Guthrie.

Forty-five eighth grade students from Dallas Center Grimes Junior High, Grimes, accompanied by Bill Wineland. By Churchill and Metcalf of Polk.

Thirty-eight junior students from Lenox High School, Lenox, accompanied by Allen Dukes and Karl Peterson. By Daggett of Union and Boggess of Taylor.

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF PUBLIC HEALTH

The Annual Report by the Council of Chemically Exposed Infants and Children, pursuant to Chapter 235C.3(7), Code of Iowa.

A Report on the Vital Statistics of Iowa, pursuant to Chapter 144.5(5), Code of Iowa.

A Report on the organized delivery systems, pursuant to Chapter 158, 1995 Acts of the Seventy-sixth General Assembly.

### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\173 Guthrie Center Elementary Team, Guthrie Center – For winning the state competition in the Knowledge Master Open.
- 1996\174 Shirley DeHoogh, Council Bluffs – For being selected the Jennie Edmundson Memorial Hospital Auxiliary 1995 Volunteer of the Year.
- 1996\175 Cory Beckman, New Hampton Community High School – For placing 6th in the Class 2A championship in the 130 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\176 Scott Duffy, New Hampton Community High School – For placing 3rd in the Class 2A championship in the 275 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\177 Zac Weiglein, New Hampton Community High School – For placing 3rd in the Class 2A championship in the 112 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\178 Jeff Freidhof, New Hampton Community High School – For winning the Class 2A championship in the 152 lb. weight class of the 1996 State Wrestling Tournament.



- 1996\179 Todd Schmauss, Crestwood High School – For placing 6th in the Class 2A championship in the 140 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\180 Jesse Zobeck, Crestwood High School – For placing 4th in the Class 2A championship in the 119 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\181 Ryan Friedrich, Riceville High School – For placing 6th in the Class 1A championship in the 112 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\182 Che' Oulman, Riceville High School – For placing 6th in the Class 1A championship in the 103 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\183 Tony Schuchhardt, New Hampton Community High School – For placing 3rd in the Class 2A championship in the 103 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\184 Coach Larry Straw, New Hampton Community High School – For coaching the New Hampton Community High School Wrestling Team to 2nd place in the Class 2A 1996 State Wrestling Tournament.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2295

Appropriations: Millage, Chair; Brand and Gipp.

##### House File 2414

Appropriations: Millage, Chair; Gipp and Ollie.

##### Senate File 2157

Education: Rants, Chair; Lord and Osterhaus.

##### Senate File 2200

Education: Gries, Chair; Hanson and Nelson of Pottawattamie.

##### Senate File 2204

Education: Hanson, Chair; Nelson of Marshall and Warnstadt.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

##### House Study Bill 743

Appropriations: Ertl, Chair; Brand and Meyer.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### H.S.B. 747 Appropriations

Relating to mutual aid emergency services contracts between fire departments.

## H.S.B. 748 Ways and Means

Relating to the taxation of bonds and notes issued by a school district and providing an applicability date provision.

### 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

### COMMITTEE ON JUDICIARY

**Senate File 284**, a bill for an act relating to the crime of forgery, by prohibiting the knowing possession of forged writings, including documents prescribed for entry into, stay, or employment in the United States, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5221** March 5, 1996.

**Senate File 2080**, a bill for an act relating to nonsubstantive Code corrections, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1996.

### COMMITTEE ON LOCAL GOVERNMENT

**Senate File 2138**, a bill for an act relating to county mental health and developmental disability funding.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1996.

### AMENDMENTS FILED

H—5212	H.F.	2369	Doderer of Johnson Martin of Scott
H—5215	H.F.	2182	Blodgett of Cerro Gordo
H—5216	H.F.	2182	Blodgett of Cerro Gordo
H—5217	H.F.	2435	Fallon of Polk Sukup of Franklin
H—5218	H.F.	2435	Fallon of Polk Sukup of Franklin
H—5219	H.F.	2444	Brand of Benton
H—5220	H.F.	2298	Mascher of Johnson
H—5221	S.F.	284	Committee on Judiciary

H—5224	H.F.	2434	Fallon of Polk
H—5225	H.F.	2462	Nelson of Marshall
H—5226	H.F.	2449	Tyrrell of Iowa
H—5227	H.F.	2447	Nelson of Pottawattamie Fallon of Polk
H—5228	H.F.	2449	Kremer of Buchanan
H—5229	H.F.	2449	Rants of Woodbury
H—5230	H.F.	2449	Churchill of Polk
H—5231	H.F.	2409	Nelson of Pottawattamie Renken of Grundy Siegrist of Pottawattamie
H—5232	H.F.	2389	Bogges of Taylor
H—5233	H.F.	2345	Nelson of Pottawattamie
H—5234	H.F.	2409	Holveck of Polk
H—5235	H.F.	2316	Weigel of Chickasaw Kreiman of Davis Grubbs of Scott

On motion by Siegrist of Pottawattamie, the House adjourned at 5:02 p.m., until 8:45 a.m., Thursday, March 7, 1996.

# JOURNAL OF THE HOUSE

Sixtieth Calendar Day - Forty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 7, 1996

The House met pursuant to adjournment at 8:45 a.m., Rants of Woodbury in the chair.

Prayer was offered by Reverend Rod Ankrom, First Baptist Church, Hampton.

The Journal of Wednesday, March 6, 1996 was approved.

## INTRODUCTION OF BILLS

**House File 2473**, by committee on judiciary, a bill for an act relating to marriage and divorce and providing for a tax credit for premarital counseling and early marriage counseling, and providing for repeals.

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

**House File 2474**, by committee on judiciary, a bill for an act to require the deduction of certain costs from allowances paid to an inmate of an institution under the control of the department of corrections.

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

## SENATE MESSAGES CONSIDERED

**Senate File 2126**, by Bisignano, a bill for an act providing for sex offender registry checks involving child day care, foster care, and adoptions.

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

**Senate File 2337**, by committee on agriculture, a bill for an act relating to receiverships regarding the administration of the assets of grain dealers.

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

**Senate File 2353**, by committee on commerce, a bill for an act relating to satellite terminals and establishing certain requirements for such terminals of a financial institution with a principal place of business in another state.

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

## 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 6, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2037, a bill for an act relating to animal feeding operations by providing for county zoning and siting of certain operations, and imposing requirements relating to construction permits.

Also: That the Senate has on March 6, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2343, a bill for an act relating to price discrimination in the purchase of livestock and providing criminal penalties and civil remedies.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2399**, a bill for an act relating to eligibility of persons for county general assistance, with report of committee recommending passage, was taken up for consideration.

Carroll of Poweshiek 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. 2399)

The ayes were, 92:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Renken

Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Rants, Presiding

The nays were, 4:

Bernau	Doderer	Jochum	Murphy
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Absent or not voting, 4:

Brammer	Corbett, Spkr.	Osterhaus	Van Maanen
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2399** be immediately messaged to the Senate.

**House File 2201**, a bill for an act relating to defining the practice of dentistry, with report of committee recommending passage, was taken up for consideration.

Blodgett 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?" (H.F. 2201)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer

Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Rants, Presiding	

The nays were, none.

Absent or not voting, 5:

Brammer	Corbett, Spkr.	Grundberg	Osterhaus
Van Maanen			

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

**House File 2308**, a bill for an act relating to asbestos removal and encapsulation, was taken up for consideration.

Bogges of Taylor 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. 2308)

The ayes were, 72:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Brand
Brauns	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Daggett
Dinkla	Doderer	Drake	Drees
Eddie	Fallon	Gipp	Greig
Greiner	Gries	Grubbs	Hammitt Barry
Harper	Harrison	Holveck	Houser
Hürley	Huseman	Jacobs	Jochum
Koenigs	Lamberti	Larkin	Larson
Lord	Martin	Mascher	May
McCoy	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Salton	Schrader	Shoultz
Siegrist	Taylor	Teig	Thomson
Van Fossen	Veenstra	Warnstadt	Weidman
Weigel	Wise	Witt	Rants, Presiding

The nays were, 23:

Branstad	Brunkhorst	Coon	Cormack
Disney	Ertl	Garman	Grundberg
Hahn	Halvorson	Hanson	Heaton
Klemme	Kreiman	Kremer	Main
Meyer	Renken	Schulte	Sukup
Tyrrell	Vande Hoef	Welter	

Absent or not voting, 5:

Bradley	Brammer	Corbett, Spkr.	Osterhaus
Van Maanen			

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

**House File 2081**, a bill for an act relating to legalizing official acts performed by notaries public more than ten years earlier, with report of committee recommending passage, was taken up for consideration.

Churchill 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. 2081)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Renken	Salton	Schrader
Schulte	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen



Vande Hoef  
Weigel  
Rants,  
Presiding

Veenstra  
Welter

Warnstadt  
Wise

Weidman  
Witt

The nays were, none.

Absent or not voting, 7:

Brammer  
Osterhaus

Corbett, Spkr.  
Shoultz

Grubbs  
Van Maanen

Grundberg

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2081, 2201 and 2308.**

**House File 2316**, a bill for an act relating to sentences for persons convicted of sexually predatory offenses, was taken up for consideration.

Weigel of Chickasaw offered the following amendment H-5235 filed by Weigel et. al. and moved its adoption:

H-5235

- 1 Amend House File 2316 as follows:
- 2 1. Page 1, by inserting after line 5, the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 710.10, Code 1995, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 3. A person's intent to commit an
- 7 illegal act upon the child may be inferred when the
- 8 individual is not known to the child and the
- 9 individual does not have the permission of the child's
- 10 parent, guardian, or custodian to contact the child."
- 11 2. Title page, by striking lines 1 and 2, and
- 12 inserting the following: "An Act relating to sex
- 13 offenses, including enticing away a child and
- 14 sentences for persons convicted of sexually predatory
- 15 offenses."
- 16 3. By renumbering as necessary.

Amendment H-5235 was adopted.

Grubbs of Scott offered the following amendment H-5199 filed by him and Kreiman and moved its adoption:

H-5199

- 1 Amend House File 2316 as follows:
- 2 1. Page 3, line 9, by striking the word "court"
- 3 and inserting the following: "finder of fact".

Amendment H-5199 was adopted.

Grubbs 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?" (H.F. 2316)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Rants,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Corbett, Spkr.

Osterhaus

Van Maanen

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

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2316** be immediately messaged to the Senate.

**House File 2409**, a bill for an act relating to the regulation of activities of state banks and state bank affiliates, interstate branching or banking, and personnel of the banking division, state banks, and state bank affiliates, and the regulation of financial transactions involving such entities and personnel, was taken up for consideration.

Holveck of Polk offered the following amendment H-5234 filed by him and moved its adoption:

H-5234

1 Amend House File 2409 as follows:

2 1. Page 2, by inserting after line 9 the

3 following:

4 "Sec. \_\_\_\_ Section 524.211, subsection 5, Code

5 Supplement 1995, is amended to read as follows:

6 5. An employee of the banking division, other than  
7 ~~the superintendent or~~ a member of the state banking  
8 board, shall not perform any services for, and shall  
9 not be a shareholder, member, partner, owner,  
10 director, officer, or employee of, any enterprise,  
11 person, or affiliate subject to the regulatory purview  
12 of the banking division."

13 2. Page 14, by inserting after line 19 the

14 following:

15 "Sec. \_\_\_\_ Section 524.211, subsection 5, as  
16 amended by this Act, shall not apply to the individual  
17 who is serving as the superintendent of banking on  
18 March 1, 1996."

19 3. By renumbering as necessary.

Amendment H-5234 lost.

Nelson of Pottawattamie offered the following amendment H-5231 filed by Nelson et. al. and moved its adoption:

H-5231

1 Amend House File 2409 as follows:

2 1. Page 14, by inserting after line 19, the

3 following:

4 "Sec. \_\_\_\_ Section 535B.2, Code 1995, is amended

5 by adding the following new subsection:

6 NEW SUBSECTION. 13. A nonprofit organization  
7 qualifying for tax exempt status under the Internal  
8 Revenue Code as defined in section 422.3 which offers  
9 housing services to low and moderate income families.

- 10 Sec. \_\_\_\_ Section 535B.3, subsections 1 and 3,  
 11 Code 1995, are amended to read as follows:  
 12 1. A person exempt under section 535B.2,  
 13 subsection 10, 11, or 12, or 13, shall register with  
 14 the administrator.  
 15 3. The registrant, except a nonprofit organization  
 16 exempt under section 535B.2, subsection 13, shall pay  
 17 an annual registration fee of one hundred dollars."  
 18 2. By renumbering as necessary.

Amendment H-5231 was adopted.

Renken of Grundy 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. 2409)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Bogges	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carrroll	Cataldo	Churchill
Cohoon	Connors	Coon	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Rants, Presiding	

The nays were, none.

Absent or not voting, 5:

Boddicker	Corbett, Spkr.	Cormack	Osterhaus
Van Maanen			

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2409** be immediately messaged to the Senate.

The House stood at ease at 10:32 a.m., until the fall of the gavel.

The House resumed session at 11:17 a.m., Rants of Woodbury in the chair.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 116

Grundberg of Polk called up for consideration House Concurrent Resolution 116, a concurrent resolution designating March 1996 as Iowa Women's History Month and moved its adoption.

The motion prevailed and the resolution was adopted.

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 116** be immediately messaged to the Senate.

#### SPECIAL PRESENTATION

In celebration of "March Women's History Month - 150 Years of Iowa Women", the Iowa Commission on the Status of Women, the Iowa Department of Education and the State Historical Society of Iowa sponsored a "Write Women Back Into History" essay contest. Holveck of Polk presented the following winners of the contest:

##### Sixth and Seventh Grade Category

First Place - Amanda Jo Miller, Red Oak Community Middle School, Red Oak, for her essay about Gladys Cooper, a nineteenth-century doctor.

Second Place - Emily Salsbery, St. Augustin's School, Des Moines, for her essay about her mother Patricia Shoff.

Third Place - Megan Bradfield, Wilton Elementary School, Wilton, for her essay about her great-grandmother Lela Whitmer Norton.

##### Eighth and Ninth Grade Category

First Place - Rene Kafka, Heelan High School, Sioux City, for her essay on the "Common Woman."

Second Place - Dia Carpenter, Charles City Middle School, Charles City, for her essay on Carrie Chapman Catt.

Third Place - Erin Orozco, Keokuk Middle School, Keokuk, for her essay on Janet Fife.

The Edith Rose Murphy Sackett Award – Rachel Smith of Charles City Middle School, for her essay about her great-grandmother, Katherine Zastrow.

Also: Katy Morgan, Bettendorf Middle School, Bettendorf, for her essay on Kathy Wine.

The Women in Science and Engineering Award  
Sixth and Seventh Grade Category

First Place – Jillian Anderson, Emerson Hough Elementary School, Newton, for her essay on Pam St. John.

Second Place – Rachael Revell, Emerson Hough Elementary School, Newton, for her essay on Pam St. John.

Eighth and Ninth Category

First Place – Helen Fuller, West Branch Middle School, West Branch, for her essay on Carolyn Anderson.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 7, 1996. Had I been present, I would have voted “aye” on House File 2409.

CORMACK of Webster

I was temporarily absent from the House chamber on the afternoon of March 6, 1996. Had I been present, I would have voted “aye” on House Files 2302 and 2421.

NELSON of Marshall

PRESENTATION OF VISITORS

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

Thirteen Local State Government students from Lamoni, accompanied by Brad Kunecke. By Daggett of Union.

Eighth grade students from West Marshall Middle School, State Center, accompanied by Patrica Anderson and Vicki Vellenga. By Garman of Story.

Twenty-two senior students from Mount Pleasant High School, Mount Pleasant, accompanied by Mr. Halvorson and Mrs. Allen. By Heaton of Henry.

Thirty-five 4H students from Benton, Iowa, Poweshiek and Tama counties, accompanied by Nancy Allen. By Brand of Benton, Carroll of Poweshiek and Tyrrell of Iowa.

## CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON

Chief Clerk of the House

- 1996\185 New Hampton Community High School, Chickasaw County – For placing 2nd in the Class 2A 1996 State Wrestling Tournament.
- 1996\186 Brooke Douglas, Adair – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\187 Heather Ray, Cedar Rapids – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\188 Arlene and Donald Beasley, Marion – For celebrating their Fiftieth wedding anniversary.
- 1996\189 Bertie and Byron Hayter, Des Moines – For celebrating their Fiftieth wedding anniversary.
- 1996\190 Idella and Willard Cushingberry, Des Moines – For celebrating their Fiftieth wedding anniversary.
- 1996\191 Ellen and George Robinson, Des Moines – For celebrating their Fiftieth wedding anniversary.
- 1996\192 Nellie and Orsel Morrow, Des Moines – For celebrating their Fiftieth wedding anniversary.
- 1996\193 Barbara and Arzania Williams, Des Moines – For celebrating their Fiftieth wedding anniversary.
- 1996\194 Dr. Larry Barrett, Bettendorf – For his Fifty-two years of service.
- 1996\195 Jodi Robinson, Villisca – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\196 Sarah Lemley, Des Moines – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\197 Stacie Hansen, Cedar Falls – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\198 Emily Mumm, Cedar Falls – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.

- 1996\199 Cliff Sacco, Centerville – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\200 Susan Bridenstine, Muscatine – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\201 Jill Maw, Muscatine – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\202 Katherine Snyder, Guthrie Center – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2465

Appropriations: Ertl, Chair; Meyer and Moreland.

##### House Concurrent Resolution 115

Agriculture: Meyer, Chair; Hahn and Weigel.

##### Senate File 2062

Judiciary: Nutt, Chair; Dinkla and Moreland.

##### Senate File 2121

State Government: Disney, Chair; Brammer and Renken.

##### Senate File 2122

State Government: Drake, Chair; Connors and Houser.

##### Senate File 2127

State Government: Thomson, Chair; Disney and Taylor.

##### Senate File 2155

Judiciary: Nutt, Chair; Dinkla and Doderer.

##### Senate File 2165

Natural Resources: Huseman, Chair; Branstad and Mertz.

##### Senate File 2207

Judiciary: Schulte, Chair; Dinkla and Doderer.

##### Senate File 2208

Judiciary: Coon, Chair; Grubbs and Holveck.

##### Senate File 2211

Judiciary: Harrison, Chair; Bernau and Veenstra.



**Senate File 2212**

Natural Resources: Weidman, Chair; Garman and Mundie.

**Senate File 2213**

Human Resources: Hammitt Barry, Chair; Harrison and Witt.

**Senate File 2215**

Human Resources: Lord, Chair; Burnett and Veenstra.

**Senate File 2252**

Judiciary: Dinkla, Chair; Holveck and Nutt.

**Senate File 2256**

Judiciary: Harrison, Chair; Bernau and Coon.

**Senate File 2300**

Judiciary: Schulte, Chair; Boddicker and Shoultz.

**Senate File 2303**

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

**Senate File 2321**

Human Resources: Lord, Chair; Burnett and Veenstra.

**Senate File 2367**

State Government: Bradley, Chair; Connors and Gipp.

**Senate File 2375**

Judiciary: Lamberti, Chair; Dinkla and Moreland.

**Senate Concurrent Resolution 104**

Agriculture: Greig, Chair; Burnett and Main.

**Senate Concurrent Resolution 107**

Natural Resources: Klemme, Chair; Huseman and O'Brien.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT****House Study Bill 747**

Appropriations: Meyer, Chair; Ertl and Kreiman.

**AMENDMENTS FILED**

H—5236	H.F.	2298	Metcalf of Polk
H—5237	H.F.	2419	Fallon of Polk
H—5238	H.F.	2433	Cormack of Webster

H—5239	H.F.	2444	Sukup of Franklin Kreiman of Davis Murphy of Dubuque Cormack of Webster
H—5240	H.F.	2470	Vande Hoef of Osceola
H—5241	H.F.	47	Kreiman of Davis
H—5242	H.F.	2298	Halvorson of Clayton
H—5243	H.F.	2298	Halvorson of Clayton
H—5244	H.F.	2298	Halvorson of Clayton
H—5245	H.F.	2473	Fallon of Polk
H—5246	H.F.	308	O'Brien of Boone
H—5247	H.F.	2235	Holveck of Polk
H—5248	H.F.	2235	Holveck of Polk
H—5249	H.F.	2235	Holveck of Polk
H—5250	H.F.	2235	Holveck of Polk
H—5251	H.F.	2235	Holveck of Polk
H—5252	H.F.	2235	Holveck of Polk
H—5253	H.F.	2235	Holveck of Polk
H—5254	H.F.	2433	Cormack of Webster
H—5255	H.F.	2412	O'Brien of Boone
H—5256	S.F.	2433	O'Brien of Boone
H—5257	H.F.	2441	Halvorson of Clayton
H—5258	H.F.	2449	Bernau of Story
H—5259	H.F.	2457	Carroll of Poweshiek
H—5260	H.F.	2235	Dinkla of Guthrie

On motion by Siegrist of Pottawattamie, the House adjourned at 11:42 a.m., until 1:00 p.m., Monday, March 11, 1996.

# JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day – Forty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 11, 1996

The House met pursuant to adjournment at 1:00 p.m., Speaker Corbett in the chair.

Prayer was offered by Monsignor Edward Lechtenberg, St. Patrick Catholic Church, Waukon.

The Journal of Thursday, March 7, 1996 was approved.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Girl Scout Troop 2098, Iowa City.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Carroll of Poweshiek, on request of Siegrist of Pottawattamie; Brand of Benton, Holveck of Polk and Osterhaus of Jackson, until their arrival, all on request of Schrader of Marion.

## PETITION FILED

The following petition was received and placed on file:

By Eddie of Buena Vista from ninety-one citizens of District 10, opposing changes to Peoples Natural Gas, Service Guard program.

## INTRODUCTION OF BILLS

**House File 2475**, by committee on judiciary, a bill for an act providing for the regulation of investment securities under Article 8 of the Uniform Commercial Code, and providing conforming changes, and an effective date.

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

**House File 2476**, by Mundie, a bill for an act relating to liens placed against certain property for unpaid property taxes.

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

## SENATE MESSAGES CONSIDERED

**Senate File 2114**, by committee on judiciary, a bill for an act relating to the amount of prison time served by persons convicted of an aggravated misdemeanor or greater offense, by providing for changes

in the mandatory minimum terms of sentences to be served, providing for a reduction in the amount of good and honor time that may be earned by forcible felons, providing for a sentencing task force and a departmental study, and making other related changes.

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

**Senate File 2128**, by Murphy, Gronstal, Drake, and Bennett, a bill for an act relating to the road use tax fund by allocating fines and fees for commercial vehicle violations to the road use tax fund, appropriating moneys to the road use tax fund from sales tax revenues, providing for use tax payments for leased vehicles, and appropriating moneys for funding recreational trails from the general fund of the state, and providing an applicability provision.

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

**Senate File 2147**, by McLaren, a bill for an act increasing the membership of the Iowa telecommunications and technology commission.

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

**Senate File 2178**, by committee on human resources, a bill for an act relating to the inclusion of a performance evaluation component in contracts providing managed care services under the medical assistance program.

Read first time and referred to committee on **human resources**.

**Senate File 2218**, by committee on human resources, a bill for an act relating to the community health management system by extending the date for implementation of phase I of the system.

Read first time and referred to committee on **human resources**.

**Senate File 2235**, by committee on human resources, a bill for an act relating to the use of alternative licensing for nursing facilities and providing for a contingent effective date.

Read first time and referred to committee on **human resources**.

**Senate File 2269**, by committee on judiciary, a bill for an act enhancing the penalties for a third or subsequent offense of domestic abuse assault.

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

**Senate File 2291**, by committee on judiciary, a bill for an act eliminating the restitution limit for the offense of operating while intoxicated.

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

**Senate File 2299**, by committee on judiciary, a bill for an act relating to reserve peace officers obtaining or renewing professional permits to carry weapons.

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

**Senate File 2302**, by committee on judiciary, a bill for an act to provide for the six-year revocation of licenses for persons who unintentionally cause the death of another while driving recklessly or eluding a police officer.

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

**Senate File 2334**, by committee on education, a bill for an act relating to funding for a talented and gifted education center at the university of Iowa and naming of that center as an international center.

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

**Senate File 2336**, by committee on agriculture, a bill for an act providing for the selection and tenure of the executive director of the agricultural development authority.

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

**Senate File 2338**, by committee on agriculture, a bill for an act relating to Iowa-foaled horses by providing eligibility requirements for brood mares.

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

**Senate File 2352**, by committee on judiciary, a bill for an act providing that the sheriff may charge for room and board provided to county prisoners and providing for the creation and filing of a room and board reimbursement lien.

Read first time and referred to committee on **local government**.

**Senate File 2354**, by committee on judiciary, a bill for an act relating to invasion of privacy of a minor and establishing a penalty.

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

O'Brien of Boone asked and received unanimous consent to withdraw amendment H-5256 to Senate File 2433, filed by him on March 7, 1996.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2365**, a bill for an act relating to the authority of fiduciaries under the probate code to invest in open-end or closed-end management investment companies or investment trusts, was taken up for consideration.

Dinkla of Guthrie 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. 2365)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Burnett	Cataldo	Churchill	Cphoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Brunkhorst	Carroll	Grubbs	Holveck
Osterhaus			

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

**House File 2355**, a bill for an act relating to the establishment of personal needs trusts for persons with disabilities, with report of committee recommending passage, was taken up for consideration.

Boddicker of Cedar 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. 2355)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Burnett	Cataldo	Churchill	Cphoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 5:

Brunkhorst	Carroll	Grubbs	Holveck
Osterhaus			

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

**Senate File 376**, a bill for an act relating to the regulation of credit unions by authorizing additional powers and defining certain business relationships and establishing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Cormack of Webster offered the following amendment H-5122 filed by the committee on commerce-regulation and moved its adoption:

H-5122

1 Amend Senate File 376, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 7 through 12 and  
4 inserting the following: "payments on shares or as  
5 deposits, ~~including the right to conduct Christmas~~  
6 ~~clubs, vacation clubs, and other such thrift~~  
7 ~~organizations within the membership.~~ Rules adopted  
8 allowing nonmember deposits in credit unions serving  
9 predominantly low-income members shall be designed  
10 solely to meet the needs of the low-income members."

11 2. Page 3, by inserting after line 18 the  
12 following:

13 "Sec. \_\_\_\_ Section 533.6, subsection 2, Code 1995,  
14 is amended to read as follows:

15 2. The superintendent may make or cause to be made  
16 an examination of each credit union whenever the  
17 superintendent believes such examination is necessary  
18 or advisable, but in no event less frequently than  
19 once during each eighteen-month period. A credit  
20 union designated as serving predominantly low-income  
21 members shall be reviewed during each examination to  
22 ensure that such credit union is continuing to meet  
23 the standards established by rule of the  
24 superintendent. Each credit union and all of its  
25 officers and agents shall give to the representatives  
26 of the superintendent free access to all books,  
27 papers, securities, records, and other sources of  
28 information under their control. A report of such  
29 examination shall be forwarded to the chairperson of  
30 each credit union within thirty days after the  
31 completion of the examination. Within thirty days of  
32 the receipt of this report, a meeting of the directors  
33 shall be called to consider matters contained in the  
34 report and the action taken shall be set forth in the  
35 minutes of the board. The superintendent may accept,  
36 in lieu of the examination of a credit union, an audit  
37 report conducted by a certified public accounting firm  
38 selected from a list of firms previously approved by  
39 the superintendent. The cost of the audit shall be  
40 paid by the credit union."

41 3. Page 12, by inserting after line 13 the  
42 following:

43 "Sec. \_\_\_\_ Section 533.61, subsection 2, Code  
44 1995, is amended by adding the following new  
45 paragraph:

46 NEW PARAGRAPH. f. A list of credit unions which  
47 have been designated as serving predominantly low-  
48 income members pursuant to section 533.4, subsection  
49 1."

50 4. By renumbering as necessary.

The committee amendment H-5122 was adopted.



Cormack 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. 376)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Brammer
Brand	Branstad	Brauns	Burnett
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Daggett	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 6:

Bradley	Brunkhorst	Carroll	Dinkla
Grubbs	Osterhaus		

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

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2355, 2365 and Senate File 376.**

The House stood at ease at 1:47 p.m., until the fall of the gavel.

The House resumed session at 2:38 p.m., Speaker Corbett in the chair.

### INTRODUCTION OF BILL

**House File 2477**, 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 education and cultural programs of this state and making related statutory changes and providing effective date provisions.

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

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 2258**, a bill for an act relating to the powers of a benefited recreational lake district to promote water quality, with report of committee recommending amendment and passage, was taken up for consideration.

Weidman of Cass offered the following amendment H-5124 filed by the committee on natural resources and moved its adoption:

H-5124

- 1 Amend House File 2258 as follows:
- 2 1. Page 1, line 29, by striking the word "held".

The committee amendment H-5124 was adopted.

Weidman of Cass 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. 2258)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Burnett	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Holveck
Houser	Hurley	Huseman	Jacobs

Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, 1:

Garman

Absent or not voting, 7:

Brunkhorst	Carroll	Dinkla	Heaton
Osterhaus	Renken	Van Fossen	

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

**House File 61**, a bill for an act providing immunity from civil liability for an employer who in good faith discloses information about a current or former employee of the employer, with report of committee recommending amendment and passage, was taken up for consideration.

Kremer of Buchanan offered the following amendment H-3106 filed by the committee on labor and industrial relations and moved its adoption:

H-3106

- 1 Amend House File 61 as follows:
- 2 1. Page 1, line 5, by striking the words "fair
- 3 and unbiased information" and inserting the following:
- 4 "work-related information in writing".
- 5 2. Page 1, line 6, by striking the words
- 6 "employee's job performance" and inserting the
- 7 following: "employee".
- 8 3. Page 1, by inserting after line 8 the
- 9 following: "The employer who provides information in
- 10 writing about a current or former employee shall send
- 11 a copy of the information provided to the current or
- 12 former employee at that employee's last known
- 13 address."
- 14 4. Page 1, line 10, by striking the words "clear
- 15 and convincing" and inserting the following: "a
- 16 preponderance of the".

The committee amendment H-3106 was adopted.

Rants of Woodbury in the chair at 2:54 p.m.

Nelson of Pottawattamie offered the following amendment H-3190 filed by Running of Linn and moved its adoption:

H-3190

- 1 Amend House File 61 as follows:
- 2 1. Page 1, line 2, by striking the word “—
- 3 IMMUNITY”.
- 4 2. Page 1, line 3, by striking the word “who”.
- 5 3. Page 1, by striking lines 5 through 13 and
- 6 inserting the following: “employee, shall provide a
- 7 truthful statement in writing of the employee’s or
- 8 former employee’s job performance as supported by the
- 9 individual’s personnel file. A copy of the statement
- 10 shall be mailed to the last known address of the
- 11 employee or former employee if the request is made by
- 12 a prospective employer. For purposes of this
- 13 section.”.
- 14 4. Title page, by striking lines 1 and 2 and
- 15 inserting the following: “An Act providing for the
- 16 disclosure of information about a current or”.

Amendment H-3190 lost.

Kremer of Buchanan 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. 61)

The ayes were, 64:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Churchill
Coon	Corbett, Spkr.	Cormack	Daggett
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammit Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kreiman	Kremer
Lamberti	Larson	Lord	Main
Martin	May	Mertz	Metcalf
Meyer	Millage	Mundie	Nelson, B.
Nutt	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Rants, Presiding

The nays were, 32:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cphoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Larkin	Mascher	McCoy	Moreland
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

Absent or not voting, 4:

Brunkhorst	Carroll	Dinkla	Osterhaus
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 61 and 2258.**

**House File 2383**, a bill for an act relating to issuance of free deer and wild turkey hunting licenses to certain landowners and tenants, was taken up for consideration.

Kremer of Buchanan offered the following amendment H-5146 filed by him and moved its adoption:

H-5146

- 1 Amend House File 2383 as follows:
- 2 1. Page 1, line 32, by inserting after the word
- 3 "operations." the following: "However this paragraph
- 4 does not apply to an owner who is a parent of the
- 5 tenant and who resides in this state."

Amendment H-5146 was adopted.

Arnold of Lucas 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. 2383)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley

Brammer	Brand	Branstad	Brauns
Burnett	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Rants, Presiding

The nays were, none.

Absent or not voting, 4:

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

**House File 2425**, a bill for an act relating to drainage district bid bonds, assessment payments, subdistricts, and drainage discharge liability, was taken up for consideration.

Witt of Black Hawk offered the following amendment H-5201 filed by him and moved its adoption:

H-5201

- 1 Amend House File 2425 as follows:
- 2 1. By striking page 3, line 29, through page 4,
- 3 line 12.
- 4 2. By renumbering as necessary.

Amendment H-5201 lost.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2425** be deferred and that the bill be placed on the **unfinished business calendar**.

**House File 2150**, a bill for an act relating to grandparent visitation rights, with report of committee recommending amendment and passage, was taken up for consideration.

Boddicker of Cedar offered the following amendment H-5115 filed by the committee on human resources and moved its adoption:

H-5115

- 1 Amend House File 2150 as follows:
- 2 1. Page 1, by striking line 3 and inserting the
- 3 following:
- 4 "NEW SUBSECTION. 7. A parent of the child
- 5 unreasonably refuses to".

The committee amendment H-5115 was adopted.

Boddicker of Cedar 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. 2150)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Burnett	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Renken
Salton	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Rants, Presiding

The nays were, none.





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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2050, 2150 and 2383.**

### 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 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2323, a bill for an act relating to pharmacy technician designation, registration and fees, delegation of duties, and disciplinary action.

Also: That the Senate has on March 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2380, a bill for an act relating to child abuse and child sexual abuse reporting and increasing a penalty.

Also: That the Senate has on March 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2391, a bill for an act providing that a school of postsecondary instruction shall not grant a degree to a student without the successful completion by the student of a program of study and establishing a penalty.

Also: That the Senate has on March 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2392, a bill for an act providing for the inclusion of a substance abuse evaluation as a condition of pretrial release.

Also: That the Senate has on March 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2394, a bill for an act relating to investment guidelines for trustees and providing an applicability date.

Also: That the Senate has on March 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2395, a bill for an act relating to the regulation of insurance companies for purposes of solvency and establishing a measure for the risk-based capital of an insurer, and providing penalties.

Also: That the Senate has on March 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2402, a bill for an act adopting the uniform statutory rule against perpetuities.

JOHN F. DWYER, Secretary

## COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on March 4, 1996, and is on file in the office of the Chief Clerk:

February 29, 1996

Chief Clerk  
House of Representatives  
Statehouse  
LOCAL

Dear Chief Clerk:

There are transmitted herewith claims against the State of Iowa to be filed with the Administration and Rules Committee of the House of Representatives.

This listing includes 54 claims of general nature that were denied by the State Appeal Board at the March, 1995, January 9, 1996 & February 21, 1996 meetings. This supplements our filing of January 8, 1996.

The attached index shows claim number, name and address of claimant and the amount requested in the claim.

Sincerely,  
Gretchen Tegeler  
Chairperson  
STATE APPEAL BOARD

### DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD SUBMITTED TO THE 76TH GENERAL ASSEMBLY January 1996 through February 1996

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G950433	Families Inc.	West Branch, IA	Family Services	\$842.16
G950439	Families Inc.	West Branch, IA	Family Services	\$255.78
G951135	Goodwill Industries of SE Iowa	Iowa City, IA	Outdated Invoice	\$50.00
G951805	Families Inc.	West Branch, IA	Provider Services	\$1,069.66
G953031	Frances M. Hoover	Spring Hill, FL	License Refund	Unspecified
G953068	Families Inc.	West Branch, IA	Provider Services	\$227.28
G960082	Clarinda Youth Corp	Clarinda, IA	Provider Services	\$100.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G960083	Clarinda Youth Corp	Clarinda, IA	Provider Services	\$461.55
G960121	Clarinda Youth Corp	Clarinda, IA	Maintenance	\$298.80
G960125	Clarinda Youth Corp	Clarinda, IA	Maintenance	\$503.50
G960126	Clarinda Youth Corp	Clarinda, IA	Maintenance	\$1,258.80
G960127	Clarinda Youth Corp	Clarinda, IA	Maintenance	\$545.48
G960160	Clarinda Youth Corp	Clarinda, IA	Provider Service,	\$64.00
G960162	Clarinda Youth Corp	Clarinda, IA	Provider Service	\$50.35
G960164	Clarinda Youth Corp	Clarinda, IA	Provider Service	\$1,510.50
G960165	Clarinda Youth Corp	Clarinda, IA	Provider Service	\$192.00
G960166	Clarinda Youth Corp	Clarinda, IA	Provider Service	\$160.00
G960168	Clarinda Youth Corp	Clarinda, IA	Provider Service	\$763.67
G960171	Clarinda Youth Corp	Clarinda, IA	Provider Service.	\$64.00
G960235	Wayne W. DePover III	Davenport IA	License Fee Refund	\$32.00
G960236	Humboldt County Conservation	Dakota City, IA	Sales tax Refund	\$2,604.50
G960266	Marcus-Meriden-Cleghorn CSD	Marcus, IA	Motor Fuel Refund	\$3,674.67
G960296	Brewer & Sinclair	West Des Moines, IA	Atty Fees	\$364.50
G960327	Family Resources Inc.	Davenport, IA	Provider Services	\$81.57
G960328	Family Resources Inc.	Davenport, IA	Provider Services	\$27.19
G960331	Family Resources Inc.	Davenport, IA	Provider Services	\$481.92
G960332	Family Resources Inc.	Davenport, IA	Provider Services	\$160.64
G960368	IMMC Family Ecology Center	Des Moines, IA	Medical Fees	\$698.50
G960373	City of Cedar Rapids	Cedar Rapids, IA	Sales tax Refund	\$5,806.87
G960378	Anthony Reddick	Marshalltown, IA	Outdated Invoice	Undetermined

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G960414	Reed Cadillac-Oldsmobile	Waterloo, IA	License Refund	\$1,062.43
G960556	IMMC - Family Ecology Center	Des Moines, IA	Medical Fees	\$698.50
G960557	IMMC - Family Ecology Center	Des Moines, IA	Medical Fees	\$1,179.36
G960571	Families of NE Iowa	Maquoketa, IA	Provider Services	\$179.20
G960589	Families of NE Iowa	Maquoketa, IA	Provider Services	\$134.80
G960598	Families of NE Iowa	Maquoketa, IA	Provider Services	\$179.20
G960613	Families of NE Iowa	Maquoketa, IA	Provider Services	\$118.72
G960616	Families of NE Iowa	Maquoketa, IA	Provider Services	\$356.16
G960620	Families of NE Iowa	Maquoketa, IA	Provider Services	\$182.10
G960625	Families of NE Iowa	Maquoketa, IA	Provider Services	\$756.48
G960634	Families of NE Iowa	Maquoketa, IA	Provider Services	\$583.02
G960636	Families of NE Iowa	Maquoketa, IA	Provider Services	\$24.12
G960638	Families of NE Iowa	Maquoketa, IA	Provider Services	\$284.90
G960705	Christian Home Association - Children's Square USA	Council Bluffs, IA	Provider Services	\$44.81
G960782	Family Resources Inc.	Davenport, IA	Purchase of Services	\$90.72
G960787	Family Resources Inc.	Davenport, IA	Purchase of Services	\$129.60
G960813	United Way of Fort Dodge	Fort Dodge, IA	Transportation	\$10.00
G960814	United Way of Fort Dodge	Fort Dodge, IA	Transportation	\$13.50
G960910	Goodwill Industries at Southeast Iowa	Iowa City, IA	Outdated Invoice	\$90.00
G960911	Goodwill Industries at Southeast Iowa	Iowa City, IA	Outdated Invoice	\$75.00
G960981	Goodwill Industries	Sioux City, IA	Outdated Invoice	\$319.00

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G961073	Iowa Western Community College	Council Bluffs, IA	Outdated Invoice	\$10,000.00

DENIED GENERAL CLAIMS BY THE STATE APPEAL BOARD  
SUBMITTED TO THE 76TH GENERAL ASSEMBLY  
Claim Omitted From March 1995

<u>Claim</u>	<u>Full Name</u>	<u>City</u>	<u>Type</u>	<u>Amount</u>
G951401	Mervin O. Sanders	Stockton, IA	Income Tax Refund	\$3,611.00
G951402	Mervin O. Sanders	Stockton, IA	Income Tax Refund	\$215.00

### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 11, 1996, he approved and transmitted to the Secretary of State the following bill:

Senate File 2088, an act prohibiting abuse of a human corpse, and providing a penalty.

### PRESENTATION OF VISITORS

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

Seven Foreign Exchange students from newly formed Russian Republics, Chile and the Philippines, staying in north central Iowa, accompanied by Jan Siems. By Sukup of Franklin.

Ninety eighth grade students from Urbandale Middle School, accompanied by Mrs. Ann Tharnish, Mrs. Pauline Thieleke and Mr. Sean Smith. By Churchill and Metcalf of Polk.

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

#### JOB TRAINING PARTNERSHIP ACT

The following Substate Areas have submitted Proposed Local Training Plans for Program Years, 1996-1997, pursuant to Chapter 7B, Code of Iowa:

Service Delivery Area 1, Allamakee, Clayton, Fayette, Howard and Winneshiek Counties.

Service Delivery Area 2, Cerro Gordo, Floyd, Franklin, Hancock, Kossuth, Mitchell, Winnebago and Worth Counties.

Service Delivery Area 3, Buena Vista, Clay, Dickinson, Emmet, Lyon, O'Brien, Osceola, Palo Alto and Sioux Counties.

Service Delivery Area 4, Cherokee, Ida, Monona, Plymouth and Woodbury Counties.

Service Delivery Area 5, Webster County.

Service Delivery Area 7, Black Hawk, Bremer, Buchanan, Butler, Chickasaw and Grundy Counties.

Service Delivery Area 8, Cedar, Clinton, Delaware, Dubuque and Jackson Counties.

Service Delivery Area 9, Cedar, Clinton, Jackson, Muscatine and Scott Counties.

Service Delivery Area 10, Benton, Iowa, Johnson, Jones, Linn and Washington Counties.

Service Delivery Area 11, Boone, Dallas, Jasper, Madison, Marion, Polk, Story and Warren Counties.

Service Delivery Area 12, Carroll County.

Service Delivery Area 13, Pottawattamie County.

Service Delivery Area 15, Wapello County.

Service Delivery Area 16, Des Moines, Henry, Lee and Louisa.

#### UNITED WAY OF CENTRAL IOWA

The Area 11 Substate Plan for Title III Economic Dislocation and Worker Adjustment Assistance Act, pursuant to Chapter 184.11, 1995 Acts of the Seventy-sixth General Assembly.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2411

Ways and Means: Halvorson, Chair; Dinkla and Myers.

##### House File 2417

Ways and Means: Disney, Chair; Larkin and Rants.

##### House File 2466

Ways and Means: Disney, Chair; Larkin and Main.

##### House File 2468

Ways and Means: Renken, Chair; Brammer and Dinkla.

##### House File 2470

Ways and Means: Halvorson, Chair; Dinkla and Myers.

##### Senate File 2159

Education: Gries, Chair; Boddicker and Cohoon.

##### Senate File 2178

Human Resources: Carroll, Chair; Hurley and Moreland.

**Senate File 2218**

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

**Senate File 2235**

Human Resources: Martin, Chair; Blodgett, Ertl, Moreland and Witt.

**Senate File 2329**

Education: Nelson of Marshall, Chair; Gries and Nelson of Pottawattamie.

**Senate File 2331**

Education: Kreiman, Chair; Garman and Grundberg.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT****House Study Bill 748**

Ways and Means: Halvorson, Chair; Dinkla and Myers.

**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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Committee Bill** (Formerly House Study Bill 746), relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and making related statutory changes and providing effective date provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 7, 1996.

**COMMITTEE ON JUDICIARY**

**House File 2331**, a bill for an act expanding the factors that a court and the state department of transportation may consider in ordering the issuance of a temporary restricted license, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 1, 1996.

**RESOLUTION FILED**

**HR 104**, by Churchill, Corbett, Schrader, Bell, Masher, Nelson of Marshall and Nelson of Pottawattamie, a house resolution urging the United States government to reassess its policy relating to the dispute between

the People's Republic of China (mainland communist China) and the Republic of China (ROC) on Taiwan.

Laid over under **Rule 25.**

AMENDMENTS FILED

H—5261	H.F.	2433	Cormack of Webster
H—5262	H.F.	2436	Thomson of Linn
H—5263	H.F.	2361	Weidman of Cass
H—5264	H.F.	2472	Bell of Jasper
H—5265	H.F.	2112	Disney of Polk Blodgett of Cerro Gordo
H—5266	H.F.	2199	Fallon of Polk
H—5267	S.F.	2260	Schrader of Marion Van Maanen of Marion
H—5268	H.F.	2458	Kreiman of Davis
H—5269	H.F.	2458	Millage of Scott
H—5270	H.F.	2472	Murphy of Dubuque
H—5271	H.F.	2472	Murphy of Dubuque
H—5272	H.F.	2472	Murphy of Dubuque
H—5273	H.F.	2472	Fallon of Polk
H—5274	H.F.	2472	Kreiman of Davis Murphy of Dubuque
H—5275	H.F.	2472	Myers of Johnson
H—5276	H.F.	2472	Fallon of Polk
H—5277	H.F.	2472	Larkin of Lee
H—5278	H.F.	2472	Shoultz of Black Hawk
H—5279	H.F.	2472	Shoultz of Black Hawk
H—5280	H.F.	2454	Thomson of Linn
H—5281	H.F.	2472	Garman of Story
H—5282	H.F.	2472	Koenigs of Mitchell Burnett of Story
			Wise of Lee
			Connors of Polk
			Taylor of Linn
			May of Worth
			Shoultz of Black Hawk
			Schrader of Marion
H—5283	H.F.	2472	Weigel of Chickasaw
H—5284	H.F.	2472	Garman of Story
H—5285	H.F.	2473	Kreiman of Davis
H—5286	H.F.	2292	Rants of Woodbury
H—5287	H.F.	2235	Holveck of Polk



H—5288	H.F.	2235	Holveck of Polk
H—5289	H.F.	2235	Holveck of Polk
H—5290	H.F.	2235	Holveck of Polk
H—5291	H.F.	2235	Holveck of Polk
H—5292	H.F.	2472	Mascher of Johnson
H—5293	H.F.	2472	Bell of Jasper
H—5294	H.F.	2472	Holveck of Polk
H—5295	H.F.	2472	Mascher of Johnson
H—5296	H.F.	2472	Schrader of Marion
H—5297	H.F.	2472	Jochum of Dubuque Burnett of Story
H—5298	H.F.	2472	Fallon of Polk
H—5299	H.F.	2472	Larkin of Lee
H—5300	H.F.	2472	Witt of Black Hawk Nelson of Pottawattamie May of Worth Ollie of Clinton Mascher of Johnson Schrader of Marion Shoultz of Black Hawk Harper of Black Hawk
H—5301	H.F.	2292	Rants of Woodbury

On motion by Siegrist of Pottawattamie, the House adjourned at 4:18 p.m., until 8:45 a.m., Tuesday, March 12, 1996.

# JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day – Forty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 12, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Jim Bartsch, Bethel Baptist Church, Newell.

The Journal of Monday, March 11, 1996 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 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2390, a bill for an act relating to establishing community-based corrections programs.

Also: That the Senate has on March 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2403, a bill for an act establishing a community college funding formula, providing for properly related matters, and an effective date.

Also: That the Senate has on March 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2405, a bill for an act relating to the duties of the clerk of court concerning court records.

Also: That the Senate has on March 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2408, a bill for an act relating to disclosure requirements under the federal Community Reinvestment Act with respect to the eligibility of a financial institution to receive state public funds.

Also: That the Senate has on March 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2410, a bill for an act relating to juvenile justice chapter provisions involving medically relevant tests for the presence of illegal drugs in a child or parent, parent visitations with a child who has been removed from the child's home, voiding related administrative rules, and providing an effective date.

Also: That the Senate has on March 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2413, a bill for an act relating to judicial administration, including the definition of a judicial officer, the administrative authority of certain judges within a district, and the retirement age of an associate juvenile judge and associate probate judge.

Also: That the Senate has on March 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2420, a bill for an act relating to juvenile justice, including dispositional alternatives for juveniles adjudicated delinquent, registering with the sex offender registry, and associate juvenile judge jurisdiction.

Also: That the Senate has on March 11, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2443, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Ways and Means Calendar

**House File 2166**, a bill for an act relating to the taxation of foreign corporations and providing an effective and retroactive applicability date provision, was taken up for consideration.

Holveck of Polk asked and received unanimous consent to defer action on amendment H-5062.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Osterhaus of Jackson, on request of Schrader of Marion; Moreland of Wapello, until his arrival, on request of Cataldo of Polk.

Rants of Woodbury offered the following amendment H-5166 filed by him and moved its adoption:

H-5166

- 1 Amend House File 2166 as follows:
- 2 1. Page 1, by striking lines 9 and 10 and
- 3 inserting the following: "shareholders or holiday
- 4 parties or employee appreciation dinners."
- 5 2. Page 1, by striking line 15 and inserting the
- 6 following: "which is incorporated in or which is
- 7 transacting business within this state where the
- 8 holding or parent company has no physical presence in
- 9 the state as that presence relates to the ownership or
- 10 control of the subsidiary."
- 11 3. Page 1, by striking lines 18 and 19.

Amendment H-5166 was adopted, placing out of order amendment H-5062, previously deferred, filed by Holveck of Polk on February 8, 1996.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-5063 filed by him on February 8, 1996.

Rants of Woodbury 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. 2166)

The ayes were, 63:

Baker	Bell	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Carroll	Cataldo	Churchill	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nelson, L.	Nutt	O'Brien
Rants	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Van Maanen, Presiding	

The nays were, 33:

Arnold	Bernau	Brammer	Brand
Brunkhorst	Burnett	Cohoon	Connors
Coon	Doderer	Drees	Halvorson
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Mundie	Murphy
Myers	Ollie	Renken	Schrader
Shoultz	Taylor	Weigel	Wise
Witt			

Absent or not voting, 4:

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

## Regular Calendar

**House File 2429**, a bill for an act relating to the representation of indigents and other court appointments in criminal and juvenile proceedings and providing effective and retroactive applicability dates, was taken up for consideration.

Millage 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?" (H.F. 2429)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

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

**House File 2190**, a bill for an act relating to setting the compensation for publication of certain notices by the superintendent of printing, was taken up for consideration.

Bradley of Clinton asked and received unanimous consent to withdraw amendment H-5120 filed by him and Vande Hoef of Osceola on February 26, 1996.

Bradley of Clinton offered the following amendment H-5170 filed by him and Vande Hoef and moved its adoption:

H-5170

- 1 Amend House File 2190 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 331.302, subsections 7, 8, and
- 5 10, Code 1995, are amended to read as follows:
- 6 7. A resolution becomes effective upon passage and
- 7 an ordinance or amendment becomes a law when a summary
- 8 of the ordinance or the complete text of the ordinance
- 9 is published, unless a subsequent effective date is
- 10 provided within the measure. As used in this
- 11 paragraph, "summary" shall mean a narrative
- 12 description of the terms and conditions of an
- 13 ordinance setting forth the main points of the
- 14 ordinance in a manner calculated to inform the public
- 15 in a clear and understandable manner the meaning of
- 16 the ordinance and which shall provide the public with
- 17 sufficient notice to conform to the desired conduct
- 18 required by the ordinance. The description shall
- 19 include the title of the ordinance, an accurate and
- 20 intelligible abstract or synopsis of the essential
- 21 elements of the ordinance, a statement that the
- 22 description is a summary, the location and the normal
- 23 business hours of the office where the ordinance may
- 24 be inspected, when the ordinance becomes effective,
- 25 and the full text of any provisions imposing fines,
- 26 penalties, forfeitures, fees, or taxes. Legal
- 27 descriptions of property set forth in ordinances shall
- 28 be described in full, provided that maps or charts may
- 29 be substituted for legal descriptions when they
- 30 contain sufficient detail to clearly define the area
- 31 with which the ordinance is concerned. The narrative
- 32 description shall be written in a clear and coherent
- 33 manner and shall, to the extent possible, avoid the
- 34 use of technical or legal terms not generally familiar
- 35 to the public. When necessary to use technical or
- 36 legal terms not generally familiar to the public, the
- 37 narrative description shall include definitions of
- 38 those terms.
- 39 8. The auditor shall promptly record each measure,
- 40 publish a summary of all ordinances or a complete text
- 41 of the ordinances and amendments as provided in
- 42 section 331.305, authenticate all measures except
- 43 motions with signature and certification as to time
- 44 and manner of publication, if any, and maintain for

45 public use copies of all effective ordinances and  
46 codes. A copy of the complete text of an ordinance or  
47 amendment shall also be available for distribution to  
48 the public at the office of the county auditor. The  
49 auditor's certification is presumptive evidence of the  
50 facts stated therein.

Page 2

1 10. The compensation paid to a newspaper for a  
2 publication required by this section shall not exceed  
3 ~~three-fourths~~ of the fee provided in section 618.11.  
4 The compensation paid to a newspaper for publication  
5 of the complete text of an ordinance shall not exceed  
6 three-fourths of the fee provided in section 618.11."

7 2. Page 1, by inserting before line 1 the  
8 following:

9 "Sec. \_\_\_\_ Section 380.7, subsection 2, Code 1995,  
10 is amended to read as follows:

11 2. Publish a summary of all ordinances or the  
12 complete text of ordinances and amendments in the  
13 manner provided in section 362.3. As used in this  
14 paragraph, "summary" shall mean a narrative  
15 description of the terms and conditions of an  
16 ordinance setting forth the main points of the  
17 ordinance in a manner calculated to inform the public  
18 in a clear and understandable manner the meaning of  
19 the ordinance and which shall provide the public with  
20 sufficient notice to conform to the desired conduct  
21 required by the ordinance. The description shall  
22 include the title of the ordinance, an accurate and  
23 intelligible abstract or synopsis of the essential  
24 elements or the ordinance, a statement that the  
25 description is a summary, the location and the normal  
26 business hours of the office where the ordinance may  
27 be inspected, when the ordinance becomes effective,  
28 and the full text of any provisions imposing fines,  
29 penalties, forfeitures, fees, or taxes. Legal  
30 descriptions of property set forth in ordinances shall  
31 be described in full, provided that maps or charts may  
32 be substituted for legal descriptions when they  
33 contain sufficient detail to clearly define the area  
34 with which the ordinance is concerned. The narrative  
35 description shall be written in a clear and coherent  
36 manner and shall, to the extent possible, avoid the  
37 use of technical or legal terms not generally familiar  
38 to the public. When necessary to use technical or  
39 legal terms not generally familiar to the public, the  
40 narrative description shall include definitions of  
41 those terms."

42 3. Page 1, by inserting before line 1 the  
43 following:

44 "Sec. \_\_\_\_ Section 380.9, Code 1995, is amended to  
45 read as follows:

- 46 380.9 FEE FOR PUBLICATION.  
 47 The compensation paid to a newspaper for any  
 48 publication required by this chapter may not exceed  
 49 ~~three-fourths~~ of the fee provided in section 618.11.  
 50 The compensation paid to a newspaper for publication

## Page 3

- 1 of the complete text of an ordinance shall not exceed  
 2 three-fourths of the fee provided in section 618.11."  
 3 4. Page 1, line 10, by inserting after the word  
 4 "printing" the following: "pursuant to chapter  
 5 17A".  
 6 5. Title page, line 1, by striking the words  
 7 "setting the compensation for" and inserting the  
 8 following: "the".  
 9 6. Title page, line 2, by striking the word  
 10 "notices" and inserting the following: "notices,  
 11 ordinances, and amendments".  
 12 7. By renumbering as necessary.

Amendment H-5170 was adopted.

Bradley 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. 2190)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor



Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, 1:

Myers

Absent or not voting, 2:

Fallon

Osterhaus

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:

Cohon of Des Moines, until his return, on request of Schrader of Marion.

**House File 2458**, a bill for an act relating to the right to appointed counsel or a public defender, by relating to the eligibility for certain indigents, the recovery of defense costs, and by restricting the right to counsel for certain parents in child in need of assistance cases, was taken up for consideration.

Millage of Scott offered the following amendment H-5269 filed by him and moved its adoption:

H-5269

- 1 Amend House File 2458 as follows:
- 2 1. Page 1, line 24, by striking the word "a" and
- 3 inserting the following: "an incarcerated".

Amendment H-5269 was adopted.

Kreiman of Davis offered the following amendment H-5268 filed by him and moved its adoption:

H-5268

- 1 Amend House File 2458 as follows:
- 2 1. Page 1, by striking lines 17 through 25.
- 3 2. Title page, by striking lines 3 through 5 and
- 4 inserting the following: "indigents and the recovery
- 5 of defense costs."
- 6 3. By renumbering as necessary.

Amendment H-5268 lost.

Millage 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?" (H.F. 2458)

The ayes were, 64:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Drees	Eddie	Erti
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

The nays were, 33:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Connors
Doderer	Fallon	Harper	Holveck
Jochum	Koenigs	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

Absent or not voting, 3:

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

**Rule 76 invoked:** Kreiman of Davis invoked Rule 76, conflict of interest, and refrained from voting.

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2166, 2190, 2429 and 2458.**

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

McCoy of Polk, for the remainder of the day and March 13, 1996, on request of Schrader of Marion.

**House File 2324**, a bill for an act relating to state employee disclosures of information and making penalties applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Houser of Pottawattamie offered the following amendment H-5133 filed by the committee on state government and moved its adoption:

H-5133

- 1 Amend House File 2324 as follows:
- 2 1. Page 2, by inserting after line 28 the
- 3 following:
- 4 "Sec. \_\_\_\_ EFFECTIVE DATE. This Act, being deemed
- 5 of immediate importance, takes effect upon enactment."
- 6 2. Title page, line 2, by inserting after the
- 7 word "applicable" the following: "and providing an
- 8 effective date".
- 9 3. By renumbering as necessary.

The committee amendment H-5133 was adopted.

Houser 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. 2324)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Bogess	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	Mertz

Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 6:

Boddicker	Cohoon	Doderer	Hahn
McCoy	Osterhaus		

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

**Senate File 2135**, a bill for an act providing for the organization of cooperative corporations, providing for fees, and providing for penalties, was taken up for consideration.

Meyer of Sac 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. 2135)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Connors	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.

Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 1:

Greig

Absent or not voting, 7:

Brauns	Cohoon	Coon	McCoy
Osterhaus	Siegrist	Veenstra	

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

#### HOUSE FILE 2257 WITHDRAWN

Meyer of Sac asked and received unanimous consent to withdraw House File 2257 from further consideration by the House.

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2324 and Senate File 2135.**

**House File 2314**, a bill for an act relating to requirements for reports submitted by certain service providers to the department of human services, with report of committee recommending passage, was taken up for consideration.

Blodgett 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?" (H.F. 2314)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Connors	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig

Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Warnstadt	Weidman	Weigel	Welter
Wise	Witt,	Van Maanen,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Cphoon	Coon	McCoy	Osterhaus
Veenstra			

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

#### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **House File 2314** be immediately messaged to the Senate.

#### ADOPTION OF HOUSE RESOLUTION 104

Churchill of Polk asked and received unanimous consent for the immediate consideration of House Resolution 104, a resolution urging the United States government to reassess its policy relating to the dispute between the People's Republic of China (mainland communist China) and the Republic of China (ROC) on Taiwan and moved its adoption.

The motion prevailed and the resolution was adopted.

The House stood at ease at 10:39 a.m., until the fall of the gavel.

The House resumed session at 11:00 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

#### COMMITTEE OF THE WHOLE

Gipp of Winneshiek asked and received unanimous consent to suspend House Rules 63 and 65, relating to the committee of the whole.

Gipp of Winneshiek asked and received unanimous consent that the House resolve itself into a committee of the whole to discuss IPERS.

Gipp of Winneshiek asked and received unanimous consent that the following proposed rules be adopted as the rules of the committee of the whole:

1. Greg Cusack, Betsy Sanders, Patrice Beckham and Linda Hanson will be present in the House well to give an overview of IPERS and to answer questions.

2. Representatives Mona Martin, Rick Larkin, Chuck Gipp and David Schrader will ask questions, in that order, and all questions will be directed through those members.

Gipp of Winneshiek moved that the committee of the whole now rise at 12:12 p.m., which motion prevailed.

#### SPONSOR WITHDRAWN

(Amendment H-5282 to House File 2472)

Mundie of Webster requested to be withdrawn as a sponsor of amendment H-5282 to House File 2472.

On motion by Gipp of Winneshiek, the House was recessed at 12:13 p.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

#### SENATE MESSAGES CONSIDERED

**Senate File 2323**, by committee on human resources, a bill for an act relating to pharmacy technician designation, registration and fees, delegation of duties, and disciplinary action.

Read first time and referred to committee on **human resources**.

**Senate File 2380**, by committee on judiciary, a bill for an act relating to child abuse and child sexual abuse reporting and increasing a penalty.

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

**Senate File 2390**, by committee on judiciary, a bill for an act relating to establishing community-based corrections programs.

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

**Senate File 2391**, by committee on education, a bill for an act providing that a school of postsecondary instruction shall not grant a degree to a student without the successful completion by the student of a program of study and establishing a penalty.

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

**Senate File 2392**, by committee on judiciary, a bill for an act providing for the inclusion of a substance abuse evaluation as a condition of pretrial release.

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

**Senate File 2394**, by committee on judiciary, a bill for an act relating to investment guidelines for trustees and providing an applicability date.

Read first time and referred to committee on **commerce-regulation**.

**Senate File 2402**, by committee on judiciary, a bill for an act adopting the uniform statutory rule against perpetuities.

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

**Senate File 2403**, by committee on education, a bill for an act establishing a community college funding formula, providing for property related matters, and an effective date.

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

**Senate File 2410**, by committee on human resources, a bill for an act relating to juvenile justice chapter provisions involving medically relevant tests for the presence of illegal drugs in a child or parent, parent visitations with a child who has been removed from the child's home, voiding related administrative rules, and providing an effective date.

Read first time and referred to committee on **human resources**.

**Senate File 2413**, by committee on judiciary, a bill for an act relating to judicial administration, including the definition of a judicial officer, the administrative authority of certain judges within a district, and the retirement age of an associate juvenile judge and associate probate judge.

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

**Senate File 2420**, by committee on judiciary, a bill for an act relating to juvenile justice, including dispositional alternatives for



juveniles adjudicated delinquent, registering with the sex offender registry, and associate juvenile judge jurisdiction.

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

**Senate File 2443**, by committee on appropriations, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes.

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

**QUORUM CALL**

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

**CONSIDERATION OF BILLS**

**Appropriations Calendar**

**House File 2472**, a bill for an act relating to and making appropriations to the justice system and providing effective dates, was taken up for consideration.

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

The House resumed session at 2:42 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Disney of Polk, until his return, on request of Gipp of Winneshiek.

Witt of Black Hawk offered the following amendment H-5300 filed by Witt et. al. and moved its adoption:

H-5300

- 1 Amend House File 2472 as follows:
- 2 1. Page 1, by striking lines 10 and 11 and
- 3 inserting the following:
- 4 "..... \$ 5,753,460
- 5 ..... FTEs 79.50
- 6 It is the intent of the general assembly that the
- 7 office of attorney general shall establish within the
- 8 office an antiobscenity enforcement until within the
- 9 funds appropriated in this subsection."
- 10 2. Page 4, by striking lines 18 through 32.
- 11 3. By renumbering as necessary.

Roll call was requested by Witt of Black Hawk and Murphy of Dubuque.

On the question "Shall amendment H-5300 be adopted?" (H.F. 2472)

The ayes were, 36:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cphoon
Connors	Doderer	Drees	Ertl
Fallon	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 60:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammit Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 4:

Disney	Grundberg	McCoy	Osterhaus
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Amendment H-5300 lost.

Jochum of Dubuque asked and received unanimous consent to withdraw amendment H-5297 filed by her and Burnett on March 11, 1996.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-5270 filed by him on March 11, 1996.

Mascher of Johnson offered the following amendment H-5292 filed by her and moved its adoption:

H-5292

- 1 Amend House File 2472 as follows:
- 2 1. Page 6, by striking lines 26 and 27 and
- 3 inserting the following:
- 4 "..... \$ 16,535,631
- 5 ..... FTEs 326.30"

A non-record roll call was requested.

The ayes were 28, nays 54.

Amendment H-5292 lost.

Murphy of Dubuque offered the following amendment H-5271 filed by him and moved its adoption:

H-5271

- 1 Amend House File 2472 as follows:
- 2 1. Page 9, by inserting after line 10 the
- 3 following:
- 4 "It is the intent of the general assembly that as a
- 5 condition of receiving the appropriation in this
- 6 subsection, the department of corrections shall
- 7 require that each work shift in a correctional
- 8 facility directly involved with supervision of inmates
- 9 have a correctional officer of the same gender as the
- 10 majority of inmates in that correctional facility."

A non-record roll call was requested.

The ayes were 28, nays 53.

Amendment H-5271 lost.

Murphy of Dubuque offered the following amendment H-5272 filed by him and moved its adoption:

H-5272

- 1 Amend House File 2472 as follows:
- 2 1. Page 9, by inserting after line 10 the
- 3 following:
- 4 "It is the intent of the general assembly that the
- 5 department of general services shall, notwithstanding
- 6 any provisions of law or rule to the contrary, permit
- 7 the department of corrections the opportunity to
- 8 acquire, at no cost, computers that would otherwise be
- 9 disposed of by the department of general services.
- 10 The department of corrections shall use computers
- 11 acquired under this paragraph to provide educational
- 12 training and programs for inmates."

Amendment H-5272 was adopted.

Fallon of Polk offered the following amendment H-5273 filed by him and requested division as follows:

H-5273

1 Amend House File 2472 as follows:

H-5273A

2 1. Page 9, by inserting after line 10 the  
3 following:  
4 "It is the intent of the general assembly that as a  
5 condition of receiving the appropriation provided in  
6 this subsection, the department of corrections shall  
7 permit an inmate in any correctional facility under  
8 the department's control to make toll-free local  
9 telephone calls subject only to reasonable  
10 restrictions adopted by the superintendent of each  
11 correctional facility concerning the frequency and  
12 time of making toll-free local telephone calls."

H-5273B

13 2. Page 27, by inserting after line 26 the  
14 following:  
15 "Sec. \_\_. Section 356.36, unnumbered paragraph 1,  
16 Code Supplement 1995, is amended to read as follows:  
17 The Iowa department of corrections, in consultation  
18 with the Iowa state sheriff's association, the Iowa  
19 association of chiefs of police and peace officers,  
20 the Iowa league of cities, and the Iowa board of  
21 supervisors association, shall draw up minimum  
22 standards for the regulation of jails, alternative  
23 jails, facilities established pursuant to chapter  
24 356A, and municipal holding facilities. The standards  
25 shall allow an inmate to make toll-free local  
26 telephone calls subject only to reasonable  
27 restrictions on the frequency and time of making toll-  
28 free local telephone calls. When completed by the  
29 department, the standards shall be adopted as rules  
30 pursuant to chapter 17A."  
31 3. By renumbering as necessary.

Fallon of Polk moved the adoption of amendment H-5273A.

Roll call was requested by Fallon of Polk and Rants of Woodbury.

On the question "Shall amendment H-5273A be adopted?" (H.F. 2472)

The ayes were, 6:

Bernau	Doderer	Fallon	Harper
Holveck	Ollie		

The nays were, 89:

Arnold	Baker	Bell	Boddicker
Bogges	Bradley	Brammer	Brand
Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammit Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

Absent or not voting, 5:

Blodgett.	Brunkhorst	Grubbs	McCoy
Osterhaus			

Amendment H-5273A lost.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-5273B, filed by him on March 11, 1996.

Kreiman of Davis offered the following amendment H-5274 filed by him and Murphy and moved its adoption:

H-5274

- 1 Amend House File 2472 as follows:
- 2 1. Page 15, by striking line 35 and inserting the
- 3 following:
- 4 " ..... \$ 90,166,787".
- 5 2. Page 17, by inserting after line 31 the
- 6 following:

7 “\_. Of the moneys appropriated in this  
 8 subsection, the judicial department shall use \$72,500  
 9 for an additional 2.00 FTEs for the expansion of the  
 10 court-appointed special advocate program.”

11 3. By renumbering as necessary.

Amendment H-5274 lost.

Bell of Jasper offered the following amendment H-5293 filed by him and moved its adoption:

H-5293

1 Amend House File 2472 as follows:

2 1. Page 15, by striking line 35 and inserting the  
 3 following:

4 “..... \$  
 5 91,238,766”.

6 2. Page 17, by inserting after line 31 the  
 7 following:

8 “\_. Of the funds appropriated in this  
 9 subsection, the judicial department shall use not more  
 10 than \$1,144,479 for an additional 7.00 district court  
 11 judges, an additional 7.00 court reporters, and an  
 12 additional 5.25 full-time equivalent court attendants.  
 13 Of the additional district court judges, court  
 14 reporters, and court attendants, 1.00 additional  
 15 district court judge, 1.00 court reporter, and .75  
 16 full-time equivalent court attendant shall be assigned  
 17 each to judicial election districts 2A, 2B, and 3B,  
 18 and 2.00 additional district court judges, 2.00 court  
 19 reporters, and 1.50 full-time equivalent court  
 20 attendants shall be assigned each to judicial election  
 21 districts 5A and 5C, notwithstanding the provisions of  
 22 section 602.6201, subsection 3.”

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

25 “Sec. \_\_. Section 602.6201, subsection 10, Code  
 26 Supplement 1995, is amended to read as follows:

27 10. Notwithstanding the formula for determining  
 28 the number of judgeships in this section, the number  
 29 of district judges shall not exceed one hundred eight  
 30 fifteen during the period commencing July 1, 1995  
 31 1996.”

32 4. By renumbering as necessary.

Roll call was requested by Bell of Jasper and Schrader of Marion.

Rule 75 was invoked.

On the question “Shall amendment H-5293 be adopted?” (H.F. 2472)

The ayes were, 35:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers.	Nelson, L.	O'Brien	Ollie
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Wise	Witt	

The nays were, 58:

Arnold	Boddicker	Boggess	Bradley
Branstad	Brauns	Carroll	Churchill
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammit Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 7:

Blodgett	Brunkhorst	Drake	Main
McCoy	Osterhaus	Vande Hoef	

Amendment H-5293 lost.

Holveck of Polk offered the following amendment H-5294 filed by him and moved its adoption:

H-5294

- 1 Amend House File 2472 as follows:
- 2 1. Page 24, by striking line 31 and inserting the
- 3 following:
- 4 "..... \$ 200,000"

Roll call was requested by Holveck of Polk and Schrader of Marion.

On the question "Shall amendment H-5294 be adopted?" (H.F. 2472)

The ayes were, 33:

Bell	Bernau	Brammer	Brand
Burnett	Cohon	Connors	Doderer
Drees	Ertl	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Schrader
Shoultz	Taylor	Weigel	Wise
Witt			

The nays were, 60:

Arnold	Baker	Blodgett	Boddicker
Bogess	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Cataldo	Churchill
Coon	Corbett, Spkr.	Cormack	Dinkla
Disney	Drake	Eddie	Garman
Gipp	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 7:

Daggett	Greig	Houser	Hurley
McCoy	Osterhaus	Warnstadt	

Amendment H-5294 lost.

Myers of Johnson offered the following amendment H-5275 filed by him and moved its adoption:

H-5275

- 1 Amend House File 2472 as follows:
- 2 1. Page 26, by striking lines 7 and 8 and
- 3 inserting the following:
- 4 " .....
- 5 ..... \$ 34,396,129
- 6 ..... FTEs 566.00
- 7 It is the intent of the general assembly that, of
- 8 the moneys appropriated in this subsection, the
- 9 department shall expend the amount necessary to
- 10 provide the state match for adding twelve state
- 11 troopers through the federal community-oriented
- 12 policing services program."



Roll call was requested by Myers of Johnson and Bernau of Story.

Rule 75 was invoked.

On the question "Shall amendment H-5275 be adopted?" (H.F. 2472)

The ayes were, 38:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Carroll
Cataldo	Cohoon	Connors	Doderer
Drees	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Schrader	Shoultz
Taylor	Warnstadt	Weidman	Weigel
Wise	Witt		

The nays were, 57:

Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Churchill	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Welter
Van Maanen, Presiding			

Absent or not voting, 5:

Brunkhorst	Greig	Houser	McCoy
Osterhaus			

Amendment H-5275 lost.

Mascher of Johnson offered the following amendment H-5295 filed by her and moved its adoption:

H-5295

- 1 Amend House File 2472 as follows:
- 2 1. Page 26, by inserting after line 24 the
- 3 following:
- 4 "Sec. \_\_\_\_ DEPARTMENT OF PUBLIC SAFETY — HIGHWAY
- 5 PATROL. There is appropriated from the general fund

- 6 of the state to the department of public safety,  
 7 division of highway safety, uniformed force, and radio  
 8 communications, the following amounts, for the purpose  
 9 of replacing radio communications equipment for the  
 10 department, for the fiscal years indicated:  
 11 1. For the fiscal year beginning July 1, 1996, and  
 12 ending June 30, 1997, \$2,607,025.  
 13 2. For the fiscal year beginning July 1, 1997, and  
 14 ending June 30, 1998, \$2,607,025.  
 15 3. For the fiscal year beginning July 1, 1998, and  
 16 ending June 30, 1999, \$2,607,025.”  
 17 2. By renumbering as necessary.

Roll call was requested by Mascher of Johnson and Schrader of Marion.

On the question “Shall amendment H-5295 be adopted?” (H.F. 2472)

The ayes were, 33:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Schrader	Shoultz
Taylor	Weidman	Weigel	Wise
Witt			

The nays were, 56:

Arnold	Boddicker	Boggess	Bradley
Branstad	Brauns	Carroll	Churchill
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Fallon	Garman	Gipp
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Hurley	Huseman
Jacobs	Klemme	Kremer	Larson
Lord	Main	Martin	Meyer
Millage	Nelson, B.	Rants	Renken
Salton	Schulte	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Welter	Van Maanen, Presiding

Absent or not voting, 11:

Blodgett	Brunkhorst	Ertl	Greig
Houser	Lamberti	McCoy	Metcalf
Nutt	Osterhaus	Siegrist	

Amendment H-5295 lost.

Schrader of Marion asked and received unanimous consent to withdraw amendment H-5296 filed by him on March 11, 1996.

Koenigs of Mitchell offered the following amendment H-5282 filed by Koenigs et. al. and moved its adoption:

H-5282

- 1 Amend House File 2472 as follows:
- 2 1. By striking page 26, line 32, through page 27,
- 3 line 2.

Roll call was requested by Siegrist of Pottawattamie and Keonigs of Mitchell.

On the question "Shall amendment H-5282 be adopted?" (H.F. 2472)

The ayes were, 33:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Heaton	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Schrader
Shoultz	Taylor	Weigel	Welter
Wise			

The nays were, 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harrison	Hurley
Huseman	Jacobs	Klemme	Kremer
Larson	Main	Martin	Mertz
Metcalf	Meyer	Millage	Mundie
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Witt
Van Maanen,			
Presiding			

Absent or not voting, 6:

Houser	Lamberti	Lord	McCoy
Osterhaus	Teig		

Amendment H-5282 lost.

Speaker Corbett in the chair at 5:53 p.m.

Fallon of Polk offered the following amendment H-5298 filed by him and moved its adoption:

H-5298

- 1 Amend House File 2472 as follows:
- 2 1. By striking page 26, line 25, through page 27,
- 3 line 2.
- 4 2. Page 30, by inserting after line 10 the
- 5 following:
- 6 "Sec. \_\_\_\_ CRIMINAL SANCTIONS STUDY. The
- 7 legislative council is requested to create a study
- 8 committee concerning the effectiveness and costs of
- 9 the criminal justice system, with a focus on
- 10 appropriate sanctions to be imposed on individuals
- 11 convicted of a criminal offense, and shall make
- 12 findings and proposed legislative solutions. The
- 13 committee shall consider the long-term trends in
- 14 prison populations based on the current criminal code
- 15 and the costs associated with these trends. The
- 16 committee shall examine alternative criminal
- 17 sanctions, including increased use of community-based
- 18 corrections, in providing a cost-effective criminal
- 19 justice system. The committee shall also examine
- 20 methods for providing restitution for victims of
- 21 crimes."
- 22 3. Page 30, by striking lines 20 through 22.
- 23 4. By renumbering as necessary.

Roll call was requested by Fallon of Polk and Rants of Woodbury.

On the question "Shall amendment H-5298 be adopted?" (H.F. 2472)

The ayes were, 1:

Fallon

The nays were, 94:

Arnold	Baker	Bell	Bernau
Boddicker	Boggess	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper

Harrison	Heaton	Holveck	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Main	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker Corbett		

Absent or not voting, 5:

Blodgett	Houser	Lord	McCoy
Osterhaus			

Amendment H-5298 lost.

Van Fossen of Scott in the chair at 6:07 p.m.

Larkin of Lee offered the following amendment H-5277 filed by him and moved its adoption:

H-5277

- 1 Amend House File 2472 as follows:
- 2 1. Page 27, by inserting after line 10 the
- 3 following:
- 4 "Sec. \_\_\_\_ DEPARTMENT OF CORRECTIONS — SUPER
- 5 MAXIMUM CORRECTIONAL FACILITY. The department of
- 6 corrections shall construct a super maximum security
- 7 correctional facility for men at the Fort Madison
- 8 correctional facility. The facility shall include 150
- 9 super maximum security beds and 100 maximum security
- 10 beds. Bonds shall be issued under the provisions of
- 11 sections 16.177 and 602.8108A to finance the
- 12 construction of the facility. The cost of planning,
- 13 developing, and constructing the facility, exclusive
- 14 of financing costs, shall not exceed \$31,000,000."
- 15 2. Page 28, line 11, by inserting after the word
- 16 "dollars" the following: "and, beginning July 1,
- 17 1997, the first eleven million one hundred thousand
- 18 dollars."
- 19 3. By renumbering as necessary.

Amendment H-5277 lost.

Shoultz of Black Hawk offered the following amendment H-5278 filed by him and moved its adoption:

H-5278

- 1 Amend House File 2472 as follows:  
2 1. Page 27, by inserting after line 10 the  
3 following:  
4 "Sec. \_\_\_\_ Section 80B.11, subsection 9,  
5 unnumbered paragraph 1, Code 1995, is amended to read  
6 as follows:  
7 9. Minimum qualifications for instructors in law  
8 enforcement and jailer training schools. The  
9 qualifications shall provide that an instructor shall  
10 not lose their status as a certified instructor based  
11 upon their retirement from the active police force or  
12 upon their leaving the Iowa law enforcement academy if  
13 the instructor otherwise remains qualified and the  
14 instructor remains a member of a police reserve unit."  
15 2. By renumbering as necessary.

Amendment H-5278 lost.

Bell of Jasper offered amendment H-5264 filed by him as follows:

H-5264

- 1 Amend House File 2472 as follows:  
2 1. Page 28, by inserting after line 4 the  
3 following:  
4 "Sec. \_\_\_\_ Section 602.8108, subsection 3, Code  
5 1995, is amended by adding the following new  
6 paragraph:  
7 NEW PARAGRAPH. c. Notwithstanding provisions of  
8 this subsection to the contrary, all moneys collected  
9 from the drug abuse resistance education surcharge  
10 provided in section 911.2 shall be remitted to the  
11 treasurer of state for deposit in the general fund of  
12 the state and the amount deposited is appropriated to  
13 the Iowa law enforcement academy for use by the drug  
14 abuse resistance education program."  
15 2. Page 29, by inserting after line 23 the  
16 following:  
17 "Sec. \_\_\_\_ Section 911.2, unnumbered paragraph 1,  
18 Code 1995, is amended to read as follows:  
19 When a court imposes a fine or forfeiture for a  
20 violation of a state law, or of a city or county  
21 ordinance except an ordinance regulating the parking  
22 of motor vehicles, the court shall assess an  
23 additional penalty in the form of a surcharge equal to  
24 thirty percent of the fine or forfeiture imposed. An  
25 additional drug abuse resistance education surcharge  
26 of five dollars shall be assessed by the court if the  
27 violation arose out of a violation of an offense  
28 provided for in chapter 321J or chapter 124, division

29 IV. In the event of multiple offenses, the surcharge  
30 shall be based upon the total amount of fines or  
31 forfeitures imposed for all offenses. When a fine or  
32 forfeiture is suspended in whole or in part, the  
33 surcharge shall be reduced in proportion to the amount  
34 suspended."

35 3. By renumbering as necessary.

Garman of Story rose on a point of order that amendment H-5264 was not germane.

The Speaker ruled the point well taken and amendment H-5264 not germane.

Garman of Story offered amendment H-5284 filed by her as follows:

H-5284

1 Amend House File 2472 as follows:  
2 1. Page 28, line 5, by inserting after the figure  
3 "602.8108A," the following: "subsection 1,"  
4 2. Page 28, line 8, by striking the figure "1."  
5 and inserting the following: "1."  
6 3. Page 28, line 11, by inserting after the word  
7 "dollars" the following: "and, beginning July 1,  
8 1997, the first nine million two hundred thousand  
9 dollars."  
10 4. Page 28, by striking lines 24 through 28 and  
11 inserting the following: "finance authority under  
12 section 16.177. Except as otherwise provided in  
13 subsection 2, amounts in the funds shall not be  
14 subject to appropriation for".  
15 5. Page 29, by striking lines 3 through 8 and  
16 inserting the following: "proceedings. Any amounts  
17 remaining in the fund at the end of each fiscal year  
18 shall be transferred to the general fund of the  
19 state."

Millage of Scott asked and received unanimous consent to withdraw amendment H-5312, to amendment H-5284, filed by him from the floor.

On motion by Garman of Story, amendment H-5284 was adopted.

Connors of Polk asked and received unanimous consent to defer action on amendment H-5276.

Larkin of Lee offered the following amendment H-5299 filed by him and moved its adoption:

H-5299

1 Amend House File 2472 as follows:  
2 1. Page 29, by inserting after line 8 the

3 following:  
 4 "Sec. \_\_\_\_ NEW SECTION. 904.310B EMPLOYEE  
 5 CANTEENS.  
 6 The director may establish a canteen at an  
 7 institution under the director's jurisdiction for the  
 8 sale of items to peace officers or employees of the  
 9 institution. Inmates may be employed at the canteen.  
 10 The department may establish a permanent operating  
 11 fund for each canteen which shall consist of receipts  
 12 from the sale of items from the canteen. Any moneys  
 13 in the fund over the amount needed to conduct normal  
 14 business transactions, to reimburse any accounts which  
 15 have subsidized the canteen, and to pay employees of  
 16 the canteen, including inmate-employees, shall be used  
 17 to pay for activities held on behalf of the employees  
 18 of the institution, for employee scholarships, or for  
 19 other activities or programs which directly benefit  
 20 the employees of the institution. An employee's  
 21 purchase of goods from an inmate employed in the  
 22 canteen shall not be considered a violation of section  
 23 721.12."  
 24 2. By renumbering as necessary.

Amendment H-5299 lost.

Garman of Story offered the following amendment H-5281 filed by her and moved its adoption:

H-5281

1 Amend House File 2472 as follows:  
 2 1. Page 29, by inserting after line 23 the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 912.14, Code 1995, is amended  
 5 to read as follows:  
 6 912.14 VICTIM COMPENSATION FUND.  
 7 A victim compensation fund is established as a  
 8 separate fund in the state treasury. Moneys deposited  
 9 in the fund shall be administered by the department  
 10 and dedicated to and used for the purposes of section  
 11 709.10 and this chapter. In addition, the department  
 12 may use moneys from the fund for the purposes of  
 13 section 236.15 and for the award of funds to programs  
 14 that provide services and support to victims of  
 15 domestic abuse or sexual assault as provided in  
 16 chapter 236. Notwithstanding section 8.33, any  
 17 balance in the fund on June 30 of any fiscal year  
 18 shall not revert to the general fund of the state."  
 19 2. By renumbering as necessary.

Amendment H-5281 was adopted.

Weigel of Chickasaw offered the following amendment H-5283 filed by him and moved its adoption:



H-5283

- 1 Amend House File 2472 as follows:
- 2 1. Page 29, by inserting after line 23 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 912.6, Code Supplement 1995, is
- 5 amended by adding the following new subsection:
- 6 NEW SUBSECTION. 6A. In the event of a victim's
- 7 death, reasonable charges incurred for health care for
- 8 the victim's spouse, children, parents, siblings, or
- 9 persons related by blood or affinity to the victim not
- 10 to exceed three thousand dollars per survivor."
- 11 2. By renumbering as necessary.

Amendment H-5283 was adopted.

Speaker pro tempore Van Maanen of Marion in the chair at 6:40 p.m.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-5279 filed by him on March 11, 1996.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-5276, previously deferred, filed by him on March 11, 1996.

Garman 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?" (H.F. 2472)

The ayes were, 91:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Main
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Salton	Schrader	Schulte
Siegrist	Sukup	Taylor	Teig

Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Van Maanen, Presiding	

The nays were, 4:

Fallon	Moreland	Shoultz	Witt
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Absent or not voting, 5:

Brammer	Brunkhorst	Lord	McCoy
Osterhaus			

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2472** be immediately messaged to the Senate.

#### HOUSE FILE 2157 REFERRED

The Speaker announced that House File 2157, presently on the **calendar**, was referred to committee on **appropriations**.

#### 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 12, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2442, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

Also: That the Senate has on March 12, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2446, a bill for an act relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing an effective date.

JOHN F. DWYER, Secretary

#### 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

House File 2114, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date.

ON THE PART OF THE HOUSE:

DAVID A. MILLAGE, Chair  
STEVEN W. CHURCHILL  
HUBERT HOUSER  
PATRICK J. MURPHY  
MICHAEL J. O'BRIEN

ON THE PART OF THE SENATE:

EMIL J. HUSAK, Chair  
BRAD BANKS  
JOHNIE HAMMOND  
JIMLIND

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, March 11, 1996. Had I been present, I would have voted "aye" on House Files 61, 2050, 2150, 2258, 2355, 2365, 2383, and Senate File 376.

CARROLL of Poweshiek

I was necessarily absent from the House chamber on the morning of Tuesday, March 12, 1996. Had I been present, I would have voted "aye" on House Files 2166 and 2429.

MORELAND of Wapello

I was necessarily absent from the House chamber on March 12, 1996. Had I been present, I would have voted "aye" on House File 2314 and Senate File 2135.

VEENSTRA of Sioux

### PRESENTATION OF VISITORS

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

Five Home School students from Poweshiek Area Christian Home Educators, Poweshiek County, accompanied by Beth Reyes and Karen Albers. By Carroll of Poweshiek.

Forty-two sixth grade students from Lenox Elementary School, Lenox, accompanied by Mrs. Janet Reed and Mr. David Koets. By Daggett of Union and Boggess of Taylor.

Thirty-four fifth grade students from Pleasant Hill Elementary, Pleasant Hill, accompanied by Sue Stanley. By Disney of Polk.

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF COMMERCE

The Annual Report of the Alcoholic Beverages Division, pursuant to Chapter 123, Code of Iowa.

## DEPARTMENT OF HUMAN SERVICES

The Annual Report of savings of the Iowa Communications Network, pursuant to Chapter 8D.10, Code of Iowa.

## DEPARTMENT OF TRANSPORTATION

The "1995 Iowa Airport Sufficiency Ratings," pursuant to Chapter 328.12, Code of Iowa.

A summary of purchasing activity for soy based inks and recycled content trash bags, pursuant to Chapter 307.21, Code of Iowa.

## CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\203 Rebekah Soverns, Shenandoah – For being selected to participate in the Iowa Sesquicentennial Traveling Art Exhibit.
- 1996\204 City of Clarinda – For becoming a Sister City with Tamana, Japan.
- 1996\205 City of Tamana, Japan – For becoming a Sister City with Clarinda, Iowa.
- 1996\206 Lucille Dempster, Council Bluffs – For celebrating her Eightieth birthday.
- 1996\207 Arlene and Ralph Morse, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\208 V.L. "Vic" McCarthy, Council Bluffs – For celebrating his Eightieth birthday.
- 1996\209 Pearl Givens, Council Bluffs – For celebrating her Ninetieth birthday.
- 1996\210 Rose Hemiller, Council Bluffs – For celebrating her Eightieth birthday.
- 1996\211 Geneva and Roy Mooney, Camanche – For celebrating their Fiftieth wedding anniversary.
- 1996\212 Wendy Carlson, Essex – For being selected to participate in the Iowa Sesquicentennial Traveling Art Exhibit.
- 1996\213 Ryan Pavlovec, South Winneshiek/ Turkey Valley Wrestling Team – For placing 6th in the Class 2A championship in the 135 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\214 David Salvay, Cedar Rapids – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.

- 1996\215 Gladys and Robert Biermann, Clinton – For celebrating their Fiftieth wedding anniversary.
- 1996\216 Oryl Weber, Missouri Valley – For celebrating her Ninetieth birthday.
- 1996\217 Luke Gutzwiller, Thomas Jefferson High School, Council Bluffs – For winning 1st place in the honors division for large schools and 2nd place overall in the state Academic Decathlon.
- 1996\218 Angela Degner, Muscatine – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\219 Sibley-Ocheyedan Girls Basketball Team and Coaches Edkhoff and Bellows of Sibley and Ocheyedan – For winning the championship of the 1996 Girls State Basketball Tournament.
- 1996\220 Aaron Allspach, Baxter Community School – For winning 3rd place in the Water and Boating Safety Committee's 16th annual water safety poster contest.
- 1996\221 Justin Stanley, Wilton High School – For placing 2nd in the Class 2A championship in the 103 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\222 Nick Marin, West Liberty High School – For winning the Class 2A championship in the 112 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\223 Chad Morrison, West Liberty High School – For winning the Class 2A championship in the 189 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\224 Michelle Willert, Nashua – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\225 Ben Scorpil, West Liberty High School – For being a runner-up in the Class 2A championship in the 130 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\226 Jason Payne, Columbus Junction High School – For winning the Class 1A championship in the 189 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\227 Estee Walter, Prescott – For receiving a Chicago Mercantile Exchange scholarship from the National Cattlemen's Foundation.
- 1996\228 Courtney Koberg, Davenport – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.

- 1996\229 Scott Enyart, Monroe – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\230 Denise DeZwarte, Newton – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\231 Amy Sullivan, Elma – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\232 Stacy Demro, Ionia – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\233 Allen Poppe, Ionia – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\234 Crystal Larson, Lime Spring – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\235 Tammy Hansen, Nashua – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\236 Jennifer Katcher, Nashua – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2473

Ways and Means: Lamberti, Chair; Doderer and Nutt.

##### Senate File 2101

Commerce-Regulation: Sukup, Chair; Holveck and Van Fossen.

##### Senate File 2121 Reassigned

State Government: Disney, Chair; Cataldo and Renken.

##### Senate File 2122 Reassigned

State Government: Bradley, Chair; Connors and Gipp.

##### Senate File 2127 Reassigned

State Government: Bradley, Chair; Connors and Gipp.

##### Senate File 2162

Commerce-Regulation: Metcalf, Chair; Cataldo, Cormack, Doderer and Sukup.

**Senate File 2182**

Labor and Industrial Relations: Hanson, Chair; Connors and Halvorson.

**Senate File 2230**

Commerce-Regulation: Lamberti, Chair; Dinkla and Weigel.

**Senate File 2305**

Commerce-Regulation: Jacobs, Chair; Lamberti 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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON STATE GOVERNMENT**

**Senate File 259**, a bill for an act relating to the practice of mortuary science, cremation, and licensing of funeral establishments and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5302 March 11, 1996.

**RESOLUTION FILED**

**HCR 117**, by Warnstadt, Klemme, Rants, and Nutt, a concurrent resolution supporting the 185th Fighter Wing of the Air National Guard of Iowa in its peacekeeping patrols in the United Nations "No-Fly Zone" over Iraq.

Laid over under **Rule 25**.

**AMENDMENTS FILED**

H—5302	S.F.	259	Committee on State Government
H—5303	H.F.	308	Metcalf of Polk
H—5304	H.F.	2235	Weigel of Chickasaw
H—5305	H.F.	2235	Weigel of Chickasaw
H—5306	H.F.	2235	Weigel of Chickasaw
H—5307	H.F.	2235	Weigel of Chickasaw
H—5308	H.F.	2466	Grundberg of Polk
H—5309	H.F.	2235	Kremer of Buchanan
H—5310	H.F.	2471	Dinkla of Guthrie Bernau of Story

H—5311	H.F.	2285	Murphy of Dubuque
H—5313	H.F.	2298	Larson of Linn
H—5314	H.F.	2298	Larson of Linn
H—5315	H.F.	2298	Larson of Linn
H—5316	H.F.	2298	Larson of Linn
H—5317	H.F.	2298	Larson of Linn
H—5318	H.F.	2298	Larson of Linn
H—5319	H.F.	2298	Larson of Linn
H—5320	H.F.	2298	Larson of Linn
H—5321	H.F.	2298	Larson of Linn
H—5322	H.F.	2298	Larson of Linn
H—5323	H.F.	2298	Larson of Linn
H—5324	H.F.	2298	Larson of Linn
H—5325	H.F.	2367	Nutt of Woodbury
H—5326	H.F.	2412	Murphy of Dubuque
H—5327	H.F.	2449	Jochum of Dubuque
			Bell of Jasper
			Drees of Carroll
			Mundie of Webster
			O'Brien of Boone
			Harper of Black Hawk
			Taylor of Linn
			Holveck of Polk
			Kreiman of Davis
			Fallon of Polk
H—5328	H.F.	2456	Harrison of Scott
H—5329	H.F.	2477	Bernau of Story
			Burnett of Story
			Brand of Benton
H—5330	H.F.	2477	Mertz of Kossuth
H—5331	H.F.	2315	Brunkhorst of Bremer
H—5332	H.F.	2447	Shoultz of Black Hawk
			Burnett of Story
			Doderer of Johnson
H—5333	H.F.	2447	Shoultz of Black Hawk
			Doderer of Johnson
			Mascher of Johnson
H—5334	H.F.	2447	Shoultz of Black Hawk
			Burnett of Story
			Doderer of Johnson
H—5335	H.F.	2447	Mascher of Johnson
			Burnett of Story
			Shoultz of Black Hawk
			Holveck of Polk



H—5336	H.F.	2477	Mascher of Johnson
			Myers of Johnson
			Ollie of Clinton
			Burnett of Story
H—5337	H.F.	2477	Warnstadt of Woodbury
H—5338	H.F.	2477	Warnstadt of Woodbury
H—5339	H.F.	2477	Ollie of Clinton
			Nelson of Pottawattamie
			Cohon of Des Moines
			Schrader of Marion
			Harper of Black Hawk
			Burnett of Story
			Myers of Johnson
			Doderer of Johnson
			Murphy of Dubuque
H—5340	H.F.	2449	Fallon of Polk
H—5341	H.F.	2477	Taylor of Linn
			Shoultz of Black Hawk
			Kreiman of Davis
			Harper of Black Hawk
			Doderer of Johnson
			Cohon of Des Moines
			Koenigs of Mitchell
			Drees of Carroll
			Cataldo of Polk
			Bernau of Story
H—5342	H.F.	2447	Weigel of Chickasaw
			Mascher of Johnson
			Shoultz of Black Hawk
H—5343	H.F.	2477	Shoultz of Black Hawk
			Koenigs of Mitchell
			Taylor of Linn
			Weigel of Chickasaw
			Warnstadt of Woodbury
			Nelson of Pottawattamie
			Bernau of Story
H—5344	H.F.	2477	Murphy of Dubuque
			Ollie of Clinton
H—5345	H.F.	2447	Metcalf of Polk
			Nutt of Woodbury
			Thomson of Linn
			Taylor of Linn

H—5346	H.F.	2477	Koenigs of Mitchell
			Shoultz of Black Hawk
			Doderer of Johnson
			Weigel of Chickasaw
			Taylor of Linn
H—5347	H.F.	2477	Brand of Benton
			Burnett of Story
			Doderer of Johnson
			Witt of Black Hawk
			Harper of Black Hawk
H—5348	H.F.	2477	Nelson of Pottawattamie
			Drees of Carroll
			Warnstadt of Woodbury
H—5349	H.F.	2477	Nelson of Pottawattamie
H—5350	H.F.	2477	Nelson of Pottawattamie
H—5351	H.F.	2477	Witt of Black Hawk
			Doderer of Johnson
			Burnett of Story
			Shoultz of Black Hawk
			Harper of Black Hawk
H—5352	H.F.	2477	Cataldo of Polk
			Nelson of Pottawattamie
			Cohon of Des Moines
			Koenigs of Mitchell
			Larkin of Lee
			Harper of Black Hawk
			Mascher of Johnson
			Burnett of Story
			Wise of Lee
			Kreiman of Davis
			Moreland of Wapello
			Schrader of Marion
H—5353	H.F.	2477	Murphy of Dubuque
H—5354	H.F.	2477	Shoultz of Black Hawk
			Kremer of Buchanan
			Murphy of Dubuque
			Witt of Black Hawk
			Harper of Black Hawk
			Kreiman of Davis
H—5355	H.F.	2477	Kreiman of Davis
			Warnstadt of Sioux

	Burnett of Story		Ollie of Clinton
	Mascher of Johnson		Harper of Black Hawk
	Witt of Black Hawk		Taylor of Linn
	Murphy of Dubuque		Mundie of Webster
	Shoultz of Black Hawk		Nelson of Pottawattamie
	Wise of Lee		Bell of Jasper
	Cphoon of Des Moines		May of Worth
	Koenigs of Mitchell		Larkin of Lee
	Drees of Carroll		Bernau of Story
	Brand of Benton		
H—5356	H.F.	2477	Jochum of Dubuque
	Kreiman of Davis		Koenigs of Mitchell
	O'Brien of Boone		
H—5357	H.F.	2447	Holveck of Polk
	Doderer of Johnson		Shoultz of Black Hawk
	Mascher of Johnson		Burnett of Story
H—5358	H.F.	2448	Fallon of Polk
H—5359	H.F.	2477	Weigel of Chickasaw
	Koenigs of Mitchell		Drees of Carroll
	Mertz of Kossuth		Mundie of Webster
	May of Worth		
H—5360	H.F.	2477	Meyer of Sac
	Huseman of Cherokee		Kremer of Buchanan
	Salton of Palo Alto		Branstad of Winnebago
H—5361	H.F.	2477	Wise of Lee
H—5362	H.F.	2477	Myers of Johnson
	Nelson of Pottawattamie		Cataldo of Polk
	Larkin of Lee		O'Brien of Boone
	Schrader of Marion		Cphoon of Des Moines
	Nutt of Woodbury		Koenigs of Mitchell
	Bernau of Story		Doderer of Johnson
	Lamberti of Polk		Warnstadt of Woodbury
	Branstad of Winnebago		Mundie of Webster
	Mertz of Kossuth		May of Worth
	Gries of Crawford		Baker of Polk
	Jochum of Dubuque		Witt of Black Hawk
	Bell of Jasper		Mascher of Johnson
	Moreland of Wapello		Murphy of Dubuque
	Kreiman of Davis		Weigel of Chickasaw
	Harper of Black Hawk		Connors of Polk
	Shoultz of Black Hawk		Taylor of Linn
	Ollie of Clinton		Drees of Carroll

H—5363	H.F.	2477	Burnett of Story Bernau of Story
H—5364	H.F.	2477	Millage of Scott
H—5365	H.F.	2447	Fallon of Polk
H—5366	H.F.	2477	Van Fossen of Scott Millage of Scott Harrison of Scott
			Martin of Scott
			Grubbs of Scott
			Bradley of Clinton
H—5367	S.F.	2140	Rants of Woodbury
H—5368	H.F.	2477	Drake of Pottawattamie
H—5369	S.F.	2140	Rants of Woodbury
H—5370	H.F.	2477	Shoultz of Black Hawk
H—5371	S.F.	2140	Heaton of Henry Brauns of Muscatine Main of Jefferson
H—5372	S.F.	2140	Rants of Woodbury
H—5373	H.F.	2477	Shoultz of Black Hawk
H—5374	H.F.	2477	Hammitt Barry of Harrison
H—5375	H.F.	2477	Baker of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 6:47 p.m., until 8:45 a.m., Wednesday, March 13, 1996.

# JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day – Forty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 13, 1996

The House met pursuant to adjournment at 8:53 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Pastor Lewis Howard, Reorganized Church of Jesus Christ of Latter Day Saints, Hiawatha.

The Journal of Tuesday, March 12, 1996 was approved.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2464**, a bill for an act relating to consumer protection by requiring the registration of certain persons seeking to engage in regulated businesses in this state, and providing for civil and criminal penalties, was taken up for consideration.

Sukup of Franklin 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. 2464)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie

Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

McCoy                      Osterhaus                      Taylor

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

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-5301, to House File 2292.

**House File 2315**, a bill for an act authorizing small quantities of wine to be shipped in and out of this state for consumption or use by persons twenty-one years of age or older, with report of committee recommending passage, was taken up for consideration.

Brunkhorst of Bremer offered the following amendment H-5331 filed by him and moved its adoption:

H-5331

- 1 Amend House File 2315 as follows:
- 2 1. Page 1, line 14, by striking the figure
- 3 "422.43" and inserting the following: "422.43, use
- 4 tax under section 423.2."
- 5 2. By renumbering as necessary.

Amendment H-5331 was adopted.

Brunkhorst of Bremer 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. 2315)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney

Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, 3:

Branstad	Kreiman	Sukup
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Absent or not voting, 2:

McCoy	Osterhaus
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2315 and 2464.**

### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (House File 2114)

Millage of Scott called up for consideration the report of the conference committee on House File 2114 and moved the adoption of the conference committee report and the amendments contained therein as follows:

### REPORT OF THE CONFERENCE COMMITTEE ON HOUSE FILE 2114

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 2114, a bill for An Act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date, respectfully make the following report:

1. That the House recedes from its amendment, S-5107.

2. That the Senate recedes from its amendment, H-5079.

3. That House File 2114, as amended, passed, and reprinted by the House, is amended as follows:

1. Page 1, by striking lines 23 and 24 and inserting the following: "designated in the succeeding fiscal year."

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

"Sec. \_\_\_\_ DEPARTMENT OF HUMAN SERVICES — CHILD DAY CARE. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 1995, and ending June 30, 1996, to supplement the appropriation made in 1995 Iowa Acts, chapter 205, section 6, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For state child care assistance, provided moneys appropriated in this section are not subject to transfer under section 8.39 or any other provision but shall only be used for funding of state child care assistance for persons who are eligible for or are on a waiting list for but who are not receiving the assistance as of the effective date of this section:

..... \$ 1,274,000"

3. Page 2, by inserting before line 1 the following:

"Sec. \_\_ DEPARTMENT OF EDUCATION — GENERAL ADMINISTRATION. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1995, and ending June 30, 1996, to supplement the amount appropriated in 1995 Iowa Acts, chapter 218, section 1, subsection 1, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For general administration to be used to provide assistance to school districts involved in a financial reporting pilot project:

..... \$ 50,000

Notwithstanding section 8.33, moneys appropriated in this section which remain unexpended or unobligated at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure in the succeeding fiscal year for the purpose designated.

Sec. \_\_\_\_ SCHOOL FOR THE DEAF AND BRAILLE AND SIGHT SAVING SCHOOL. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1995, and ending June 30, 1996, to supplement the amounts appropriated in 1995 Iowa Acts, chapter 218, section 6, subsections 5 and 6, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:



- 1. For the state school for the deaf:

..... \$ 47,000

- 2. For the Iowa braille and sight saving school:

..... \$ 47,000

3. Of the moneys appropriated to the state school for the deaf and the Iowa braille and sight saving school in this section, each school may expend not more than \$45,000 for technology needs of the school. Notwithstanding section 8.33, moneys appropriated in this section which remain unexpended or unobligated at the close of the fiscal year shall not revert to the general fund of the state, but shall remain available for expenditure for technology needs at the designated school in the succeeding fiscal year."

- 4. Page 2, by inserting after line 9 the following:

"Sec. \_\_ DEPARTMENT OF INSPECTIONS AND APPEALS. There is appropriated from the general fund of the state to the department of inspections and appeals for the fiscal year beginning July 1, 1995, and ending June 30, 1996, to supplement the appropriation made in 1995 Iowa Acts, chapter 219, section 9, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For racetrack regulation, to be used for employment of not more than one full-time equivalent position which shall be in addition to the full-time equivalent positions authorized in 1995 Iowa Acts, chapter 219, section 9:

..... \$ 42,000"

- 5. Page 2, line 20, by striking the figure "150,000" and inserting the following: "116,850".

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

"Sec. \_\_ DEPARTMENT OF REVENUE AND FINANCE — REFUND CLAIMS. There is appropriated from the general fund of the state to the department of revenue and finance for the fiscal year beginning July 1, 1995, and ending June 30, 1996, an amount sufficient to pay all refund claims timely filed pursuant to section 422.73, subsection 3, as enacted by this Act, and to pay up to \$75,000 for processing such claims.

Notwithstanding section 8.33, moneys appropriated in this section which remain unexpended or unobligated at the close of the fiscal year shall not revert to the general fund of the state but shall remain available for expenditure in the succeeding fiscal year for the purposes of paying refund claims and processing costs as provided in this section and the moneys are not subject to transfer under section 8.39.

Sec. \_\_. Section 422.73, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding subsection 2, a claim for refund of individual income tax paid for any tax year beginning on or after January 1, 1985, and before January 1, 1989, is considered timely if filed with the department on or before October 31, 1996, if the taxpayer's claim is the result of the unconstitutional taxation of federal pension benefits based upon the decision in Davis v. Michigan Department of Treasury, 489 U.S. 803, 109 S. Ct. 1500 (1989).

A taxpayer entitled to a refund of tax paid under this subsection shall receive an amount equal to one hundred percent of the refund without interest. The claim for refund shall be filed separate from any income tax return and shall not be allowed as a credit for income taxes owed. A claim shall be filed between the effective date of this subsection and October 31, 1996. An extension for filing shall not be allowed and claims disallowed on the basis of timeliness shall not be allowed upon appeal to any other state agency notwithstanding any other provision of law.

The claim for refund shall be made on claim forms to be made available by the department. In order for a taxpayer to have a valid refund claim, the taxpayer must supply legible copies of documents the director deems necessary to show entitlement to the refund, including but not limited to income tax forms and W-2P forms, which will establish the state income tax that was paid on the federal pension benefits for the tax years in question. The burden of proof is on the taxpayer to show that the claim for refund is valid. Estates are not entitled to file a claim for refund under this subsection, except a spouse of a deceased taxpayer who was the spouse of the taxpayer when the unconstitutional tax was imposed may file a claim for refund without reopening the deceased taxpayer's estate. If a taxpayer has filed a claim under this subsection and subsequently dies before receipt of the refund, the taxpayer's estate is entitled to receipt of any valid refund claim.

The department shall make a reasonable attempt to notify individuals who are entitled to a refund under this subsection."

7. By renumbering, relettering, or redesignating and correcting internal references as necessary.

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE

DAVID A. MILLAGE, Chair  
STEVEN W. CHURCHILL  
HUBERT HOUSER  
PATRICK J. MURPHY  
MICHAEL J. O'BRIEN

EMIL J. HUSAK, Chair  
BRAD BANKS  
JOHNNIE HAMMOND  
JIM LIND

The motion prevailed and the conference committee report was adopted.

Millage 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?" (H.F. 2114)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cphoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman

Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

McCoy

Osterhaus

Taylor

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2114** be immediately messaged to the Senate.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Osterhaus of Jackson, on request of Schrader of Marion; Nelson of Marshall, until her return, on request of Siegrist of Pottawattamie.

#### Regular Calendar

**House File 2456**, a bill for an act relating to the rights of victims of criminal acts, was taken up for consideration.

Harrison of Scott offered amendment H-5328 filed by him as follows:

H-5328

- 1 Amend House File 2456 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 331.653, Code Supplement 1995,

5 is amended by adding the following new subsection:

6 NEW SUBSECTION. 65A. Carry out the duties imposed  
7 under section 910A.8.

8 Sec. 2. Section 331.756, Code Supplement 1995, is  
9 amended by adding the following new subsection:

10 NEW SUBSECTION. 83A. Carry out the duties imposed  
11 under sections 910A.2, 910A.5, and 910A.6.

12 Sec. 3. Section 910A.1, Code 1995, is amended by  
13 adding the following new subsection:

14 NEW SUBSECTION. 1A. "Victim impact statement"  
15 means a written or oral presentation to the court by  
16 the victim or the victim's representative that  
17 indicates the physical, emotional, financial, or other  
18 effects of the offense upon the victim.

19 Sec. 4. Section 910A.6, subsection 1, Code 1995,  
20 is amended to read as follows:

21 1. The scheduled date, time, and place of trial,  
22 and the cancellation or postponement of a court  
23 proceeding that was expected to require the victim's  
24 attendance, in any criminal case relating to the crime  
25 for which the person is a registered victim.

26 Sec. 5. Section 910A.6, Code 1995, is amended by  
27 adding the following new subsections: -

28 NEW SUBSECTION. 6. Except where the prosecuting  
29 attorney determines that disclosure of such  
30 information would unreasonably interfere with the  
31 investigation, at the request of the registered  
32 victim, notice of the status of the investigation, to  
33 be provided by law enforcement authorities  
34 investigating the case, until the alleged assailant is  
35 apprehended or the investigation is closed.

36 NEW SUBSECTION. 7. The right to be informed of  
37 any plea agreements related to the crime for which the  
38 person is a registered victim.

39 NEW SUBSECTION. 8. The victim's right to make an  
40 oral victim impact statement, in the presence of the  
41 defendant, as well as notification of the time and  
42 place for such statement.

43 Sec. 6. Section 910A.8, Code 1995, is amended by  
44 adding the following new subsection:

45 NEW SUBSECTION. 4. The offender's transfer from  
46 local custody to custody in another locality.

47 Sec. 7. Section 910A.9, Code 1995, is amended by  
48 adding the following new subsection:

49 NEW SUBSECTION. 6. The date on which the offender  
50 is expected to be transferred from custody in one

Page 2

1 institution to another, or to custody in an  
2 institution not under the control of the department of  
3 corrections."

Larson of Linn offered the following amendment H-5377, to amendment H-5328 filed by him from the floor and moved its adoption:

H-5377

1 Amend the amendment, H-5328, to House File 2456, as  
2 follows:

3 1. Page 1, by inserting after line 18 the  
4 following:

5 "Sec. \_\_\_\_ Section 910A.5, Code 1995, is amended  
6 to read as follows:

7 910A.5 VICTIM IMPACT STATEMENT.

8 1. A victim may present a victim impact statement  
9 to the court using one or more of the following  
10 methods:

11 a. A victim may file a signed victim impact  
12 statement with the county attorney, and a filed impact  
13 statement shall be included in the presentence  
14 investigation report. If a presentence investigation  
15 report is not ordered by the court, a filed victim  
16 impact statement shall be provided to the court prior  
17 to sentencing.

18 ~~The court shall consider a filed victim impact~~  
19 ~~statement in determining the appropriate sentence and~~  
20 ~~in entering any order of restitution to the victim~~  
21 ~~pursuant to chapter 910.~~

22 b. A victim may orally present a victim impact  
23 statement at the sentencing hearing, in the presence  
24 of the defendant.

25 c. If the victim is unable to make an oral or  
26 written statement because of the victim's age, or  
27 mental, emotional, or physical incapacity, the  
28 victim's attorney or a designated representative shall  
29 have the opportunity to make a statement on behalf of  
30 the victim.

31 2. ~~The A~~ victim impact statement shall:

32 ~~1. Identify~~ include the identification of the  
33 victim of the offense., and may include the following:

34 2. a. Itemize ~~Itemization of~~ any economic loss  
35 suffered by the victim as a result of the offense.  
36 For purposes of this paragraph, a pecuniary damages  
37 statement prepared by a county attorney pursuant to  
38 section 910.3, may serve as the itemization of  
39 economic loss.

40 3. b. ~~Identify~~ Identification of any physical  
41 injury suffered by the victim as a result of the  
42 offense with detail as to its seriousness and  
43 permanence.

44 4. c. ~~Describe~~ Description of any change in the  
45 victim's personal welfare or familial relationships as  
46 a result of the offense.

47 5. d. ~~Describe~~ Description of any request for  
48 psychological services initiated by the victim or the  
49 victim's family as a result of the offense.

50 6. e. ~~Contain any~~ Any other information related to

## Page 2

- 1 the impact of the offense upon the victim."  
 2 2. By renumbering as necessary.

Amendment H-5377 was adopted.

On motion by Harrison of Scott, amendment H-5328, as amended, was adopted.

Harrison 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?" (H.F. 2456)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

McCoy

Nelson, B.

Osterhaus

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

**Senate File 2083**, a bill for an act relating to minimum instructional time requirements for a school week, with report of committee recommending passage, was taken up for consideration.

Garman 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. 2083)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 1:

Sukup

Absent or not voting, 3:

McCoy

Nelson, B.

Osterhaus

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

**House File 2255**, a bill for an act relating to the extension of time during which an alternative surcharge may be imposed for E911, with report of committee recommending passage, was taken up for consideration.

Vande Hoef of Osceola 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. 2255)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, L.
Nutt	O'Brien	Ollie	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

McCoy                      Nelson, B.                      Osterhaus

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

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2255 and 2456; Senate File 2083.**



House File 2235, a bill for an act relating to certain franchise agreements by amending provisions relating to the definition of a franchise, and applicability, transfer, encroachment, termination, nonrenewal, repurchase of assets, independent sourcing, and enforcement, was taken up for consideration.

The House stood at ease at 10:05 a.m., until the fall of the gavel.

The House resumed session at 10:53 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Dinkla of Guthrie offered amendment H-5260 filed by him as follows:

H-5260

1 Amend House File 2235 as follows:

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

4 "Section 1. Section 523H.5, subsections 3, 4, 5,  
5 and 7, Code Supplement 1995, are amended to read as  
6 follows:

7 3. A franchisor may require as a condition of a  
8 transfer any of the following:

9 a. That the transferee successfully complete a  
10 reasonable at the time of the transfer the  
11 franchisor's current training program required of new  
12 franchisees.

13 b. That a reasonable transfer fee be paid to  
14 reimburse the franchisor for the franchisor's  
15 reasonable and actual expenses directly attributable  
16 to the transfer.

17 c. That the franchisee pay or make provision  
18 reasonably provisions acceptable to the franchisor to  
19 pay any amount due the franchisor or the franchisor's  
20 affiliate.

21 d. That the financial terms of the transfer comply  
22 at the time of the transfer with the franchisor's  
23 current financial requirements for franchisees.

24 4. A If a franchisee may transfer transfers the  
25 franchisee's interest in the franchise, for the  
26 unexpired term of the franchise agreement, and a  
27 franchisor shall not require the franchisee or the  
28 transferee to enter into a new or different franchise  
29 agreement as a condition of the transfer.

30 5. A franchisee shall give the franchisor no less  
31 than sixty days' written notice of a transfer which is  
32 subject to the provisions of this section, and ~~on~~  
33 ~~request from the franchisor~~ shall provide in writing  
34 the ownership interests of all persons holding or  
35 claiming an equitable or beneficial interest in the  
36 franchise subsequent to the transfer or the  
37 franchisee, as appropriate. A franchisee shall not  
38 circumvent the intended effect of a contractual  
39 provision governing the transfer of the franchise or

40 an interest in the franchise by means of a management  
41 agreement, lease, profit-sharing agreement,  
42 conditional assignment, or other similar device.

43 7. A transfer by a franchisee is deemed to be  
44 approved sixty days after the franchisee submits the  
45 request for consent to the transfer unless the  
46 franchisor withholds consent to the transfer as  
47 evidenced in writing, specifying the reason or reasons  
48 for withholding the consent, or the franchisor  
49 exercises a contractual right of first refusal. The  
50 written notice must be delivered to the franchisee

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1 prior to the expiration of the sixty-day period. Any  
2 such notice is privileged and is not actionable based  
3 upon a claim of defamation.

4 Sec. 2. Section 523H.5, subsection 12, unnumbered  
5 paragraph 1, Code Supplement 1995, is amended to read  
6 as follows:

7 The following occurrences shall not be considered  
8 transfers requiring the consent of the franchisor  
9 under a franchise agreement, and shall not result in  
10 the imposition of any penalties or make applicable any  
11 right of first refusal by the franchisor, provided  
12 that the franchisor, except with respect to succession  
13 of ownership of a franchise upon the death or  
14 disability of a franchisee under paragraph "a", is  
15 given at least sixty-days advance written notice of  
16 any of the following occurrences:

17 Sec. 3. Section 523H.5, subsection 12, paragraphs  
18 a and f, Code Supplement 1995, are amended to read as  
19 follows:

20 a. The succession of ownership of a franchise upon  
21 the death or disability of a franchisee, or of an  
22 owner of a franchise, to the surviving spouse, heir  
23 child or children, or a partner active in the  
24 management of the franchisee franchise unless the  
25 successor fails to meet within one year the then  
26 current reasonable qualifications of the franchisor  
27 for franchisees and the enforcement of the reasonable  
28 current qualifications is not arbitrary or capricious,  
29 provided that the surviving spouse, child or children,  
30 or partner is responsible for maintaining all of the  
31 standards and obligations under the franchise  
32 agreement during the one-year period preceding  
33 qualification as a franchisee.

34 f. A grant or retention of a security interest in  
35 the assets of the franchised business or its assets,  
36 or an ownership interest in the franchisee  
37 specifically excluding all rights under the franchise  
38 agreement, provided the security agreement establishes  
39 an obligation on the part of the secured party  
40 enforceable by the franchisor to give the franchisor  
41 notice of the secured party's intent to foreclose on

42 the collateral simultaneously with notice to the  
43 franchisee, and a reasonable opportunity to redeem the  
44 interests of the secured party and recover the secured  
45 party's interest in the ~~franchise or~~ assets of the  
46 franchise business by paying the secured obligation.  
47 Sec. 4. Section 523H.5, subsection 12, paragraph  
48 e, Code Supplement 1995, is amended by striking the  
49 paragraph.  
50 Sec. 5. Section 523H.5, subsection 13, Code

Page 3

1 Supplement 1995, is amended to read as follows:

2 13. A franchisor shall not interfere or attempt to  
3 interfere with any disposition of an interest in a  
4 franchise or franchised business as described in  
5 subsection 12, paragraphs "a" through "f", provided  
6 that the franchisor may prohibit any disposition of  
7 any interest, directly or indirectly, to a competitor  
8 of the franchisor or a competitor of any of the  
9 franchisor's franchisees.

10 Sec. 6. Section 523H.6, Code Supplement 1995, is  
11 amended to read as follows:

12 523H.6 ENCROACHMENT.

13 1. If a franchisor develops, or grants to a  
14 franchisee the right to develop, a new outlet or  
15 location which sells essentially the same goods or  
16 services under the same trademark, service mark, trade  
17 name, logotype, or other commercial symbol as an  
18 existing franchisee and the new outlet or location is  
19 in unreasonable proximity to the existing franchisee's  
20 outlet or location and has an adverse effect on the  
21 gross sales of the existing franchisee's outlet or  
22 location, the existing adversely affected franchisee  
23 has a cause of action for monetary damages in an  
24 amount calculated pursuant to subsection 3, unless any  
25 of the following apply:

26 a. The franchisor has first offered the new outlet  
27 or location to the existing franchisee on the same  
28 basic terms and conditions available to the other  
29 potential franchisee, or, if the new outlet or  
30 location is to be owned by the franchisor, on the  
31 terms and conditions that would ordinarily be offered  
32 to a franchisee for a similarly situated outlet or  
33 location.

34 b. The adverse impact on the existing franchisee's  
35 annual gross sales, based on a comparison to the  
36 annual gross sales from the existing outlet or  
37 location during the twelve-month period immediately  
38 preceding the opening of the new outlet or location,  
39 is determined to have been less than ~~five~~ ten percent  
40 during the first twelve months of operation of the new  
41 outlet or location.

42 c. The existing franchisee, at the time the  
43 franchisor develops, or grants to a franchisee the

44 right to develop, a new outlet or location, is not in  
 45 compliance with the franchisor's then current  
 46 reasonable criteria for eligibility for a new  
 47 franchise. A franchisee determined to be ineligible  
 48 pursuant to this paragraph shall be afforded the  
 49 opportunity to seek compensation pursuant to the  
 50 formal procedure established under paragraph "d",

Page 4

1 subparagraph (2). Such procedure shall be the  
 2 franchisee's exclusive remedy.

3 d. The franchisor has established both of the  
 4 following:

5 (1) A formal procedure for hearing and acting upon  
 6 claims by an existing franchisee with regard to a  
 7 decision by the franchisor to develop, or grant to a  
 8 franchisee the right to develop, a new outlet or  
 9 location, prior to the opening of the new outlet or  
 10 location.

11 (2) A reasonable formal procedure for awarding  
 12 compensation or other form of consideration to a  
 13 franchisee to offset all or a portion of the  
 14 franchisee's lost profits caused by the establishment  
 15 of the new outlet or location. The procedure shall be  
 16 deemed reasonable if approved by a majority of the  
 17 franchisor's franchisees in the United States, either  
 18 individually or by a representative body. The  
 19 procedure shall involve, ~~at the option of the~~  
 20 franchisee, least one of the following:

21 (a) A panel with the authority to make a decision  
 22 or award in accordance with the formal procedure,  
 23 comprised of an equal number of members selected by  
 24 the franchisee and the franchisor, and one additional  
 25 member to be selected unanimously by the members  
 26 selected by the franchisee and the franchisor.

27 (b) A neutral third-party mediator or an  
 28 arbitrator with the authority to make a decision or  
 29 award in accordance with the formal procedure. ~~The~~  
 30 ~~procedure shall be deemed reasonable if approved by a~~  
 31 ~~majority of the franchisor's franchisees in the United~~  
 32 ~~States, either individually or by an elected~~  
 33 ~~representative body.~~

34 (c) Arbitration of any dispute before neutral  
 35 arbitrators with the authority to make a decision or  
 36 award in accordance with the formal procedure and  
 37 pursuant to the rules of the American arbitration  
 38 association. The award of an arbitrator pursuant to  
 39 this subparagraph subdivision is subject to judicial  
 40 review pursuant to chapter 679A.

41 e. The existing franchisee has been granted  
 42 reasonable territorial rights and the new outlet or  
 43 location does not violate those territorial rights.

44 2. A franchisor shall establish and make available  
 45 to its franchisees a written policy setting forth its

46 reasonable criteria to be used by the franchisor to  
47 determine whether an existing franchisee is eligible  
48 for a franchise for an additional outlet or location.  
49 3. a. In establishing damages under a cause of  
50 action brought pursuant to this section, the

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1 franchisee has the burden of proving the amount of  
2 lost profits attributable to the compensable sales.  
3 In any action brought under this section, the damages  
4 payable shall be limited to no more than three years  
5 of the proven lost profits. For purposes of this  
6 subsection, "compensable sales" means the annual gross  
7 sales from the existing outlet or location during the  
8 twelve-month period immediately preceding the opening  
9 of the new outlet or location less both of the  
10 following:

11 (1) Five Ten percent.

12 (2) The actual gross sales from the operation of  
13 the existing outlet or location for the twelve-month  
14 period immediately following the opening of the new  
15 outlet or location.

16 b. Compensable sales shall exclude any amount  
17 attributable to factors other than the opening and  
18 operation of the new outlet or location.

19 4. Any cause of action brought under this section  
20 must be filed within eighteen months of the opening of  
21 the new outlet or location ~~or within three months~~  
22 ~~after the completion of the procedure under subsection~~  
23 ~~1, paragraph "d", subparagraph (2), whichever is~~  
24 ~~later. An application to vacate the award of an~~  
25 ~~arbitrator under subsection 1, paragraph "d",~~  
26 ~~subparagraph (2), subparagraph subdivision (c), shall~~  
27 ~~be filed as provided in section 679A.12.~~

28 ~~5. Upon petition by the franchisor or the~~  
29 ~~franchisee, the district court may grant a permanent~~  
30 ~~or preliminary injunction to prevent injury or~~  
31 ~~threatened injury for a violation of this section or~~  
32 ~~to preserve the status quo pending the outcome of the~~  
33 ~~formal procedure under subsection 1, paragraph "d",~~  
34 ~~subparagraph (2).~~

35 Sec. 7. Section 523H.7, subsections 1 and 3, Code  
36 Supplement 1995, are amended to read as follows:

37 1. Except as otherwise provided by this chapter, a  
38 franchisor shall not terminate a franchise prior to  
39 the expiration of its term except for good cause. For  
40 purposes of this section, "good cause" is cause based  
41 upon a legitimate business reason. "Good cause"  
42 includes the failure of the franchisee to comply with  
43 any material lawful requirement of the franchise  
44 agreement, provided that the termination by the  
45 franchisor is not arbitrary or capricious ~~when~~  
46 ~~compared to the actions of the franchisor in other~~  
47 ~~similar circumstances.~~ The burden of proof of showing

48 that action of the franchisor is arbitrary or  
49 capricious shall rest with the franchisee.  
50 3. Notwithstanding subsection 2, a franchisor may

Page 6

1 terminate a franchisee upon written notice and without  
2 an opportunity to cure if any of the following apply:

3 a. The franchisee or the business to which the  
4 franchise relates is declared bankrupt or judicially  
5 determined to be insolvent.

6 b. All or a substantial part of the assets of the  
7 franchise or the business to which the franchisee  
8 relates are assigned to or for the benefit of any  
9 creditor which is subject to chapter 681. An  
10 assignment for the benefit of any creditor pursuant to  
11 this paragraph does not include the granting of a  
12 security interest in the normal course of business.

13 c. The franchisee voluntarily abandons the  
14 franchise by failing to operate the business for five  
15 consecutive business days during which the franchisee  
16 is required to operate the business under the terms of  
17 the franchise, or any shorter period after which it is  
18 not unreasonable under the facts and circumstances for  
19 the franchisor to conclude that the franchisee does  
20 not intend to continue to operate the franchise,  
21 unless the failure to operate is due to circumstances  
22 beyond the control of the franchisee.

23 d. The franchisor and franchisee agree in writing  
24 to terminate the franchise.

25 e. The franchisee knowingly makes any material  
26 misrepresentations or knowingly omits to state any  
27 material facts relating to the acquisition or  
28 ownership or operation of the franchise business.

29 f. After three material breaches of a franchise  
30 agreement occurring within a twelve-month period, for  
31 which the franchisee has been given notice and an  
32 opportunity to cure, the franchisor may terminate upon  
33 any subsequent material breach within the twelve-month  
34 period following the third such material breach  
35 without providing an opportunity to cure, provided  
36 that the action is not arbitrary and capricious.

37 g. The franchised business or business premises of  
38 the franchisee are lawfully seized, taken over, or  
39 foreclosed by a government authority or official.

40 h. The franchisee is convicted of a felony or any  
41 ~~other~~ criminal misconduct which ~~materially and is~~  
42 likely to adversely affects affect the operation,  
43 maintenance, or goodwill of the franchise in the  
44 relevant market.

45 i. The franchisee operates the franchised business  
46 in a manner that imminently endangers the public  
47 health and safety.

48 Sec. 8. Section 523H.11, Code Supplement 1995, is  
49 amended to read as follows:

## 50 523H.11 REPURCHASE OF ASSETS.

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1 A franchisor shall not prohibit a franchisee from,  
2 or enforce a prohibition against a franchisee,  
3 engaging in any lawful business at any location after  
4 a termination or refusal to renew by a franchisor,  
5 other than a termination for good cause as provided in  
6 section 523H.7 or refusal to renew by a franchisor for  
7 good cause as provided in section 523H.8, unless it is  
8 one which relies on a substantially similar marketing  
9 program as the terminated or nonrenewed franchise or  
10 unless the franchisor offers in writing no later than  
11 ten business days before expiration of the franchise  
12 to purchase the assets of the franchised business for  
13 its fair market value as a going concern. The value  
14 of the assets shall not include the goodwill of the  
15 business attributable to the trademark licensed to the  
16 franchisee in the franchise agreement. The offer may  
17 be conditioned upon the ascertainment of a fair market  
18 value by an impartial appraiser. This section does  
19 not apply to assets of the franchised business which  
20 the franchisee did not purchase from the franchisor,  
21 or the agent of the franchisor.

22 Sec. 9. Section 523H.12, Code 1995, is amended by  
23 striking the section and inserting in lieu thereof the  
24 following:

## 25 523H.12 INDEPENDENT SOURCING.

26 1. A franchisor may offer franchises as a part of  
27 a partially or fully developed turnkey business.

28 2. A franchisor may require that franchisees  
29 purchase from the franchisor, or one or more suppliers  
30 selected by the franchisor, either or both of the  
31 following:

32 a. Equipment, products, and services required to  
33 establish or operate the franchise and that utilize or  
34 embody the franchisor's trade secrets, specialized  
35 technology or proprietary processes or ingredients or  
36 for which it is not practical to issue specifications  
37 or standards.

38 b. Products purchased for resale by the  
39 franchisee, with or without modification or value  
40 added by the franchisee, if such products are among  
41 the principal products sold by the franchisee.

42 3. A franchisor shall permit its franchisees to  
43 obtain other equipment, products, and services  
44 required to establish or operate the franchise from  
45 sources chosen by the franchisee, provided that the  
46 supplier first demonstrates to the franchisor's  
47 reasonable satisfaction that the supplier satisfies  
48 all of the following:

49 a. Meets the franchisor's specifications,  
50 standards, and requirements regarding quality,

## Page 8

- 1 variety, service, safety, and health for the  
 2 equipment, products, and services supplied and the  
 3 facilities used in the production and distribution of  
 4 such equipment, products, and services.  
 5 b. Has the capacity to meet franchisee supply  
 6 requirements.  
 7 c. Is financially sound and has a sound business  
 8 reputation.  
 9 d. Will supply equipment, products, or services to  
 10 a sufficient number of franchisees of the franchisor  
 11 to enable the franchisor to economically monitor  
 12 compliance by the supplier with the franchisor's  
 13 specifications, standards, and requirements.  
 14 e. Will comply with the franchisor's reporting  
 15 requirements.  
 16 Sec. 10. Section 523H.13, Code 1995, is amended to  
 17 read as follows:  
 18 523H.13 PRIVATE CIVIL ACTION.  
 19 A person who violates a provision of this chapter  
 20 or order issued under this chapter is liable for  
 21 damages caused by the violation, ~~including, but not~~  
 22 ~~limited to, costs and reasonable attorneys' and~~  
 23 ~~experts' fees, and subject to other appropriate relief~~  
 24 including injunctive and other equitable relief."

Kremer of Buchanan offered amendment H-5309, to amendment H-5260, filed by him and requested division as follows:

## H-5309

- 1 Amend the amendment, H-5260, to House File 2235 as  
 2 follows:

## H-5309A

- 3 1. Page 1, line 19, by striking the words "any  
 4 amount" and inserting the following: "any amount all  
 5 accounts".  
 6 2. Page 1, line 20, by inserting after the word  
 7 "affiliate" the following: "acquired in the regular  
 8 course of business".

## H-5309B

- 9 3. Page 2, by striking lines 47 through 49.

## H-5309C

- 10 4. Page 3, line 39, by striking the words "five  
 11 ten" and inserting the following: "five".  
 12 5. Page 5, line 11, by striking the words "Five  
 13 Ten" and inserting the following: "Five".



H-5309D

- 14 6. Page 5, by striking lines 35 through 49 and  
 15 inserting the following:  
 16 "Sec. \_\_\_\_ Section 523H.7, subsection 3, Code  
 17 Supplement 1995, is amended to read as follows:"

H-5309E

- 18 7. Page 8, by striking lines 16 through 24.  
 19 8. Renumber as necessary.

Kremer of Buchanan moved the adoption of amendment H-5309A.

A non-record roll call was requested.

The ayes were 46, nays 41.

Amendment H-5309A was adopted.

Weigel of Chickasaw offered the following amendment H-5305, to amendment H-5260, filed by him and moved its adoption:

H-5305

- 1 Amend the amendment, H-5260, to House File 2235 as  
 2 follows:  
 3 1. Page 2, lines 22 and 23, by striking the words  
 4 "heir child or children" and inserting the following:  
 5 "heir".  
 6 2. Page 2, line 29, by striking the words "child  
 7 or children" and inserting the following: "heir".

Roll call was requested by Weigel of Chickasaw and Holveck of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-5305, to amendment H-5260, be adopted?" (H.F. 2235)

The ayes were, 45:

Bell	Bernau	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Cohoon	Connors	Coon	Doderer
Drees	Ertl	Fallon	Garman
Greiner	Gries	Harper	Heaton
Holveck	Hurley	Jochum	Klemme
Koenigs	Kreiman	Kremer	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

The nays were, 42:

Arnold	Baker	Blodgett	Bogges
Bradley	Cataldo	Churchill	Daggett
Dinkla	Disney	Drake	Eddie
Gipp	Greig	Grubbs	Grundberg
Halvorson	Hammitt Barry	Hanson	Harrison
Houser	Huseman	Jacobs	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nutt	Rants
Renken	Salton	Sukup	Teig
Tyrrell	Van Fossen	Vande Hoef	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 13:

Boddicker	Carroll	Corbett, Spkr.	Cormack
Hahn	Lamberti	McCoy	Nelson, B.
Osterhaus	Schulte	Siegrist	Thomson
Veenstra			

Amendment H-5305 was adopted.

Gipp of Winneshiek asked and received unanimous consent that House File 2235 be deferred and placed on the **unfinished business calendar**.

(Amendment H-5260, as amended, pending)

On motion by Gipp of Winneshiek, the House was recessed at 12:00 p.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

#### SENATE MESSAGES CONSIDERED

**Senate File 2395**, by committee on commerce, a bill for an act relating to the regulation of insurance companies for purposes of solvency and establishing a measure for the risk-based capital of an insurer, and providing penalties.

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

**Senate File 2405**, by committee on judiciary, a bill for an act relating to the duties of the clerk of court concerning court records.

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

**Senate File 2408**, by committee on commerce, a bill for an act relating to disclosure requirements under the federal Community Reinvestment Act with respect to the eligibility of a financial institution to receive state public funds.

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

**Senate File 2442**, by committee on appropriations, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

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

**Senate File 2446**, by committee on appropriations, a bill for an act relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing effective dates.

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

#### 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 13, 1996, adopted the conference committee report and passed House File 2114, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2013, a bill for an act requiring the licensure of respiratory care therapists and creating a board for respiratory care practitioners.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2108, a bill for an act requiring flashing amber lights on motor vehicles used for snow removal and making existing penalties applicable.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2185, a bill for an act providing for maintenance and repair of out-of-state commercial vehicles and providing an effective date.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2186, a bill for an act relating to transportation-related sanctions by increasing penalties for certain offenses, providing for the issuance of temporary restricted licenses for certain offenses, providing scheduled fines for various violations, prohibiting certain activities of motor vehicle dealers, and allowing the issuance of a uniform citation and complaint to a corporation for certain violations.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2423, a bill for an act prohibiting a person from soliciting another person to arrange a sex act with a child and making a penalty applicable.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2428, a bill for an act relating to associate juvenile judges.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2431, a bill for an act deleting the requirement to enter a civil judgment after an order of restitution has been entered.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2435, a bill for an act relating to shared jurisdiction by the juvenile and adult courts over juveniles who commit certain public offenses and making penalties applicable.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2436, a bill for an act increasing the penalties for certain sex crimes against persons under the age of eighteen.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2438, a bill for an act relating to the terminology used to describe persons with certain mental and physical conditions.

JOHN F. DWYER, Secretary

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed fifty-two members present, forty-eight absent.

### RULES SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend the rules for immediate consideration of House File 2477.

### RULE 31.8 SUSPENDED

Gipp of Winneshiek asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments to House File 2477 for March 13, 1996.

**CONSIDERATION OF BILLS**  
**Appropriations Calendar**

**House File 2477**, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and making related statutory changes and providing effective date provisions, was taken up for consideration.

The House stood at ease at 1:17 p.m., until the fall of the gavel.

The House resumed session at 2:13 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Burnett of Story offered the following amendment H-5363 filed by her and Bernau and moved its adoption:

H-5363

1 Amend House File 2477 as follows:

2 1. Page 3, line 4, by striking the figure  
 3 "1,397,790" and inserting the following: "1,469,790".

4 2. Page 3, by inserting after line 4 the

5 following:

6 "From the moneys appropriated in this subsection,  
 7 \$1,397,790 for the fiscal year beginning July 1, 1996,  
 8 and ending June 30, 1997, shall be expended for the  
 9 Iowa grant program. The remainder shall be allocated  
 10 for the graduate student financial assistance  
 11 program."

12 3. Page 35, line 26, by striking the figure  
 13 "261.52A,".

Amendment H-5363 lost.

Myers of Johnson offered amendment H-5362 filed by Myers, et. al., and requested division as follows:

H-5362

1 Amend House File 2477 as follows:

H-5362A

2 1. Page 3, by inserting after line 4 the

3 following:

4 "     . NATIONAL GUARD TUITION AID PROGRAM

5 For tuition aid for Iowa national guard members as  
 6 provided in section 261.21:

7 ..... \$ 150,000

8 For the fiscal year beginning July 1, 1996, and  
 9 ending June 30, 1997, not more than 300 approved  
 10 claims shall be paid by the college student aid  
 11 commission under section 261.21, and the total amount  
 12 paid shall not average more than \$800 per claim."

H-5362B

13 2. Page 32, by inserting after line 16 the  
14 following:

15 "Sec. \_\_\_\_ NEW SECTION. 261.21 NATIONAL GUARD  
16 TUITION AID PROGRAM.

17 1. Subject to an appropriation of sufficient funds  
18 by the general assembly, a member of the national  
19 guard who meets the eligibility requirements of this  
20 subsection is entitled to attend and pursue any  
21 undergraduate course of study at a community college  
22 as defined in chapter 260C, or an institution of  
23 higher learning under the control of the state board  
24 of regents upon the payment by the member personally  
25 of fifty percent of the tuition charged by the  
26 community college or institution of higher learning.  
27 The remaining tuition shall be paid by the college  
28 student aid commission from funds appropriated to the  
29 commission in subsection 4. To be eligible for  
30 tuition aid under this section, a national guard  
31 member shall meet the following conditions:

32 a. Be a resident of the state and a member of an  
33 Iowa army or air national guard unit throughout each  
34 semester or duration of the vocational program for  
35 which the member has applied for benefits.

36 b. Have satisfactorily completed required initial  
37 active duty training.

38 c. Have maintained satisfactory performance of  
39 duty upon return from initial active duty training,  
40 including attending a minimum ninety percent of  
41 scheduled drill dates and attending annual training.

42 d. Have satisfactorily met the entrance  
43 requirements for admission to a community college, or  
44 institution of higher learning under the control of  
45 the state board of regents, and maintain satisfactory  
46 academic progress.

47 e. Have provided proper notice of national guard  
48 status to the community college or institution at the  
49 time of registration for the term in which tuition  
50 benefits are sought.

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1 f. Apply to the adjutant general of Iowa, who  
2 shall determine eligibility and whose decision is  
3 final.

4 2. Participation in the tuition aid program by an  
5 accredited private institution, as defined in section  
6 261.9, is voluntary. Subject to an appropriation of  
7 sufficient funds by the general assembly, a member of  
8 the Iowa national guard who meets the eligibility  
9 requirements of subsection 1 is entitled to attend and

10 pursue any undergraduate course of study at any  
11 participating accredited private institution, as  
12 defined in section 261.9, upon payment of tuition less  
13 an amount equal to fifty percent of the resident  
14 tuition rate established for institutions of higher  
15 learning under the control of the state board of  
16 regents. The remaining tuition, not to exceed fifty  
17 percent of the resident tuition rate for a regents  
18 university, shall be paid by the college student aid  
19 commission from funds appropriated to the commission  
20 in subsection 4.

21 3. An eligible member of the national guard,  
22 attending an educational institution as a full-time  
23 student, shall not receive tuition aid under this  
24 section for more than eight semesters, or if attending  
25 as a part-time student, not more than sixteen  
26 semesters of undergraduate study, or the trimester or  
27 quarter equivalent. A guard member who has met the  
28 educational requirements for a baccalaureate degree is  
29 ineligible for tuition aid under this section.

30 4. For the fiscal year beginning July 1, 1997, and  
31 for each succeeding year, there is appropriated from  
32 the general fund of the state an amount sufficient to  
33 pay the approved claims of educational institutions  
34 for tuition aid to eligible members of the national  
35 guard who received assistance under this section in  
36 the previous year and who continue to meet the  
37 eligibility requirements of this section, and for not  
38 more than three hundred new eligible Iowa national  
39 guard members as provided in this section with the  
40 total amount paid not exceeding an average of eight  
41 hundred dollars per approved claim, per fiscal year.  
42 However, not more than fifteen hundred claims shall be  
43 paid in accordance with this section in any fiscal  
44 year. The eligibility of applicants shall be  
45 certified by the adjutant general of Iowa to the  
46 college student aid commission, and all amounts that  
47 are or become due to a community college, accredited  
48 private institution, or institution of higher learning  
49 under the control of the state board of regents under  
50 this section shall be paid to the college or

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1 institution by the college student aid commission upon  
2 receipt of certification by the president or governing  
3 board of the educational institution as to accuracy of  
4 charges made, and as to the attendance of the  
5 individual at the educational institution. The  
6 college student aid commission shall maintain an  
7 annual record of the number of participants and the  
8 tuition dollar value of the participation.

9 5. The college student aid commission shall adopt

10 rules pursuant to chapter 17A to administer this  
 11 section.”  
 12 3. By renumbering as necessary.

Myers of Johnson asked and received unanimous consent to withdraw amendment H-5362A.

Koenigs of Mitchell offered the following amendment H-5346 filed by Koenigs, et. al. and moved its adoption:

H-5346

1 Amend House File 2477 as follows:  
 2 1. Page 3, line 14, by striking the figure  
 3 “4,596,739” and inserting the following: “4,696,739”.  
 4 2. Page 3, line 15, by striking the figure  
 5 “28.95” and inserting the following: “31.95”.

Amendment H-5346 lost.

Murphy of Dubuque offered amendment H-5344 filed by him and Ollie as follows:

H-5344

1 Amend House File 2477 as follows:  
 2 1. Page 3, by inserting after line 25 the  
 3 following:  
 4 “Sec. 201. Not later than September 1, 1996, the  
 5 college student aid commission shall compile a list of  
 6 affected students receiving tuition grants during the  
 7 fiscal year beginning July 1, 1995, and who  
 8 transferred from a nonaccredited to an accredited  
 9 private institution for the fiscal year beginning July  
 10 1, 1996. If the student meets all financial aid  
 11 criteria as set forth by the commission, the  
 12 transferring affected student may continue to receive  
 13 a tuition grant for the fiscal year beginning July 1,  
 14 1996. The commission shall calculate the funds  
 15 remaining from tuition grants awarded to affected  
 16 students who do not transfer to an accredited private  
 17 institution in the fiscal year beginning July 1, 1996.  
 18 Any remaining funds shall be used to award tuition  
 19 grants to eligible students. For purposes of this  
 20 paragraph, “affected student” means a qualified  
 21 student for whom payment of a tuition grant was made  
 22 under section 261.13 for one or more semesters or  
 23 trimesters while the student was attending a private  
 24 institution which was accredited as defined in section  
 25 261.9 for the fiscal year beginning July 1, 1995, but  
 26 which does not meet the requirements for an accredited  
 27 private institution for the fiscal year beginning July  
 28 1, 1996.”  
 29 2. By renumbering, relettering, and redesignating  
 30 as necessary.



Murphy of Dubuque offered the following amendment H-5385, to amendment H-5344, filed by him from the floor and moved its adoption:

H-5385

- 1 Amend the amendment, H-5344, to House File 2477 as
- 2 follows:
- 3 1. Page 1, line 18, by striking the word "Any"
- 4 and inserting the following: "Notwithstanding section
- 5 261.25, subsection 1, the first \$150,000 of these
- 6 remaining funds shall be used for chiropractic
- 7 graduate student forgivable loans as provided in
- 8 section 261.71, the next \$150,000 shall be used for
- 9 national guard tuition aid as provided in section
- 10 261.21, if enacted by the Seventy-sixth General
- 11 Assembly, and any excess".

Amendment H-5385 was adopted.

On motion by Murphy of Dubuque, amendment H-5344, as amended, was adopted.

Van Fossen of Scott asked and received unanimous consent to withdraw amendment H-5366, filed by Van Fossen, et. al., on March 12, 1996.

Drake of Pottawattamie asked and received unanimous consent to withdraw amendment H-5368, filed by him on March 12, 1996, placing out of order, amendment H-5384, to amendment H-5368, filed by Drake of Pottawattamie from the floor.

Shoultz of Black Hawk asked and received unanimous consent to withdraw amendment H-5370 filed by him on March 12, 1996.

Nelson of Pottawattamie offered the following amendment H-5349 filed by her and moved its adoption:

H-5349

- 1 Amend House File 2477 as follows:
- 2 1. Page 4, line 24, by striking the figure
- 3 "311,039" and inserting the following: "386,039".

Amendment H-5349 lost.

Nelson of Pottawattamie offered the following amendment H-5350 filed by her and moved its adoption:

H-5350

- 1 Amend House File 2477 as follows:
- 2 1. Page 4, line 25, by striking the figure "4.00"
- 3 and inserting the following: "4.50".

Amendment H-5350 lost.

Mertz of Kossuth offered the following amendment H-5330 filed by her and moved its adoption:

H-5330

- 1 Amend House File 2477 as follows:
- 2 1. Page 7, line 26, by striking the figure
- 3 "2,470,915" and inserting the following: "2,637,190".

Roll call was requested by Mertz of Kossuth and Shoultz of Black Hawk.

Rule 75 was invoked.

On the question "Shall amendment H-5330 be adopted?" (H.F. 2477)

The ayes were, 40:

Baker	Bell	Bernau	Brammer
Brand	Brauns	Burnett	Cataldo
Cohoon	Connors	Drees	Fallon
Garman	Harper	Harrison	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Meyer
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Osterhaus
Salton	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 52:

Arnold	Boddicker	Bogges	Branstad
Brunkhorst	Carroll	Churchill	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Gipp	Greig	Gries	Grubbs
Grundberg	Halvorson	Hammitt Barry	Hanson
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Lord	Main	Martin	Metcalf
Millage	Nelson, B.	Nutt	Rants
Renken	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Welter	Van Maanen, Presiding

Absent or not voting, 8:

Blodgett	Bradley	Doderer	Greiner
Hahn	Larson	McCoy	Weidman

Amendment H-5330 lost.

Baker of Polk offered the following amendment H-5375 filed by him and moved its adoption:

H-5375

- 1 Amend House File 2477 as follows:
- 2 1. Page 9, by striking lines 14 through 19.
- 3 2. Page 10, line 1, by striking the figure
- 4 "123,871,270" and inserting the following:
- 5 "124,306,270".
- 6 3. Page 10, line 13, by striking the figure
- 7 "18,041,340" and inserting the following:
- 8 "18,476,340".
- 9 4. Page 10, by inserting after line 18 the
- 10 following:
- 11 "Of the moneys allocated to merged area XI in
- 12 paragraph "j", for the fiscal year beginning July 1,
- 13 1996, and ending June 30, 1997, \$435,000 shall be
- 14 expended on the career opportunity program to provide
- 15 assistance to minority persons who major in fields or
- 16 subject areas where minorities are currently
- 17 underutilized pursuant to section 260C.29."
- 18 5. Page 29, by inserting after line 2 the
- 19 following:
- 20 "Sec. 101. Section 260C.29, subsection 3, Code
- 21 Supplement 1995, is amended by adding the following
- 22 new paragraphs:
- 23 NEW PARAGRAPH. f. Contract with other community
- 24 colleges to expand the availability of program
- 25 services and increase the number of students served by
- 26 the program.
- 27 NEW PARAGRAPH. g. Establish a separate account,
- 28 which shall consist of all appropriations, grants,
- 29 contributions, bequests, endowments, or other moneys
- 30 or gifts received specifically for purposes of the
- 31 program by the community college administering the
- 32 program as provided in subsection 2. Not less than
- 33 eighty percent of the funds received from state
- 34 appropriations for purposes of the program shall be
- 35 used for purposes of assistance to students as
- 36 provided in subsection 5."
- 37 6. By renumbering as necessary.

Amendment H-5375 lost.

Wise of Lee offered the following amendment H-5361 filed by him and moved its adoption:

H-5361

- 1 Amend House File 2477 as follows:
- 2 1. Page 9, line 23, by striking the figure
- 3 "200,000" and inserting the following: "1,450,000".

4 2. By striking page 34, line 25, through page 35,  
 5 line 1, and inserting the following: "thousand  
 6 dollars for support for the operations of the new Iowa  
 7 schools development corporation and for school  
 8 transformation design and implementation projects  
 9 administered by the corporation. Of the amount  
 10 provided in this subsection, one hundred fifty  
 11 thousand dollars shall be used for the school and  
 12 community planning initiative."  
 13 3. By renumbering, relettering, and redesignating  
 14 as necessary.

Roll call was requested by Wise of Lee and Shoultz of Black Hawk.

On the question "Shall amendment H-5361 be adopted?" (H.F. 2477)

The ayes were, 37:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Siegrist
Taylor	Warnstadt	Weigel	Wise
Witt			

The nays were, 56:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greiner	Gries	Grubbs	Grundberg
Halvorson	Hammitt Barry	Hanson	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Renken	Salton	Schulte	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 7:

Corbett, Spkr.	Greig	Hahn	Harrison
McCoy	Rants	Veenstra	

Amendment H-5361 lost.

Shoultz of Black Hawk offered the following amendment H-5343 filed by Shoultz et. al. and moved its adoption:

H-5343

1 Amend House File 2477 as follows:

2 1. Page 10, by striking lines 1 through 18, and  
3 inserting the following:

4 " ..... \$124,871,270

5 The funds appropriated in this subsection shall be  
6 allocated as follows:

7 a. Merged Area I .....	\$ 5,963,796
8 b. Merged Area II .....	\$ 7,032,256
9 c. Merged Area III .....	\$ 6,640,306
10 d. Merged Area IV .....	\$ 3,235,112
11 e. Merged Area V .....	\$ 6,766,796
12 f. Merged Area VI .....	\$ 6,270,791
13 g. Merged Area VII .....	\$ 8,945,122
14 h. Merged Area IX .....	\$ 10,967,686
15 i. Merged Area X .....	\$ 17,023,472
16 j. Merged Area XI .....	\$ 18,186,988
17 k. Merged Area XII .....	\$ 7,223,799
18 l. Merged Area XIII .....	\$ 7,388,425
19 m. Merged Area XIV .....	\$ 3,277,103
20 n. Merged Area XV .....	\$ 10,221,879
21 o. Merged Area XV .....	\$ 5,727,739"

Roll call was requested by Shoultz of Black Hawk and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-5343 be adopted?" (H.F. 2477)

The ayes were, 39:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Daggett	Drees
Fallon	Holveck	Jochum	Koenigs
Kreiman	Lamberti	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Welter	Wise	Witt	

The nays were, 55:

Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Dinkla	Disney	Drake	Eddie

Ertl	Garman	Gipp	Greiner
Gries	Grubbs	Grundberg	Halvorson
Hammitt Barry	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Van Maanen, Presiding	

Absent or not voting, 6:

Doderer	Greig	Hahn	Hanson
Harper	McCoy		

Amendment H-5343 lost.

Millage of Scott offered the following amendment H-5364 filed by him and moved its adoption:

H-5364

- 1 Amend House File 2477 as follows:
- 2 1. Page 10, by striking line 19 and inserting the
- 3 following: "Unless the board of directors of a
- 4 community college filed a dental hygiene program
- 5 intent form with the department of education by
- 6 December 1, 1995, the board shall not".

Amendment H-5364 was adopted.

Cataldo of Polk offered the following amendment H-5352 filed by Cataldo et. al. and moved its adoption:

H-5352

- 1 Amend House File 2477 as follows:
- 2 1. Page 10, by inserting after line 22 the
- 3 following:
- 4 "Sec. 101. There is appropriated from the general
- 5 fund of the state to the department of education for
- 6 the fiscal year beginning July 1, 1996, and ending
- 7 June 30, 1997, the following amount, or so much
- 8 thereof as is necessary, to be used for the purpose
- 9 designated:
- 10 To provide matching funds to the school districts
- 11 to pay for health benefits covering early retirement
- 12 of classroom teachers under section 279.46:
- 13 ..... \$ 500,000
- 14 The match shall consist of one-third from the
- 15 state, one-third from the school district, and one-

- 16 third from the employee who elects early retirement  
 17 pursuant to a program adopted pursuant to section  
 18 279.46 which program provides for the continuation of  
 19 health or medical insurance coverage."  
 20 2. By renumbering as necessary.

Roll call was requested by Ollie of Clinton and Taylor of Linn.

On the question "Shall amendment H-5352 be adopted?" (H.F. 2477)

The ayes were, 38:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Doderer	Drees
Fallon	Harper	Holveck	Jochum
Koenigs	Kreiman	Lamberti	Larkin
Mascher	May	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Wise	Witt		

The nays were, 60:

Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Halvorson	Hammit Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 2:

Hahn McCoy

Amendment H-5352 lost.

Ollie of Clinton offered the following amendment H-5339 filed by Ollie et. al. and moved its adoption:

H-5339

- 1 Amend House File 2477 as follows:
- 2 1. Page 11, by striking lines 3 through 6.

- 3 2. Page 18, line 8, by striking the figure  
4 "71,771,714" and inserting the following:  
5 "71,846,714".
- 6 3. Page 18, by inserting after line 9 the  
7 following:  
8 "From the moneys appropriated in this lettered  
9 paragraph, \$75,000 shall be used for purposes of  
10 providing teaching coursework through merged area XI  
11 at the Carroll campus."
- 12 4. Page 24, line 28, by striking the word "cash".
- 13 5. By striking page 24, line 30, through page 25,  
14 line 8, and inserting the following: "the use of the  
15 foundation. The For the fiscal year beginning July 1,  
16 1996, the cumulative total value of contributions  
17 received includes the value of the amount deposited in  
18 the national center endowment fund established in  
19 section 263.8A in excess of eight hundred seventy-five  
20 thousand dollars. For the fiscal year beginning July  
21 1, 1997, the cumulative total value of contributions  
22 received includes one-half the value of the amount  
23 deposited in the national center endowment fund  
24 established in section 263.8A in excess of eight  
25 hundred seventy-five thousand dollars. For the fiscal  
26 year beginning July 1, 1998, and for each succeeding  
27 fiscal year, the cumulative total value of  
28 contributions received shall not include the value of  
29 the amount deposited in the national center endowment  
30 fund established in 263.8A. The value of in-kind  
31 contributions shall be based upon the fair market  
32 value of the contribution determined for income tax  
33 purposes.
- 34 ~~The portion of the interest for Iowa schools fund~~  
35 ~~that is equal to the cumulative total value of~~  
36 ~~contributions, less the portion of the interest for~~  
37 ~~Iowa schools fund dedicated to the national center for~~  
38 ~~gifted and talented education, is dedicated to the~~  
39 ~~first in the nation in education foundation for that~~  
40 ~~year. The portion of the interest for Iowa schools~~  
41 ~~fund earned on this the amount dedicated amount to the~~  
42 ~~first in the nation in education foundation as~~  
43 ~~provided in this subsection shall be transferred by~~  
44 ~~the treasurer of".~~
- 45 6. Page 25, line 16, by striking the word "cash".
- 46 7. Page 25, line 21, by striking the word "cash".
- 47 8. By renumbering as necessary.

Amendment H-5339 lost.

Weidman of Cass in the chair at 4:37 p.m.

Shoultz of Black Hawk offered the following amendment H-5373  
filed by him and moved its adoption:



H-5373

- 1 Amend House File 2477 as follows:
- 2 1. Page 11, by inserting after line 9 the
- 3 following:
- 4 "\_. For distribution to school districts using
- 5 the family and schools together (FAST) model to
- 6 involve parents in support of their children's
- 7 educational success:
- 8 ..... \$ 30,000"
- 9 2. By renumbering as necessary.

Amendment H-5373 lost.

Hammitt Barry of Harrison offered the following amendment H-5374 filed by her and moved its adoption:

H-5374

- 1 Amend House File 2477 as follows:
- 2 1. Page 11, by striking lines 29 and 30 and
- 3 inserting the following: "general fund but shall be
- 4 distributed as follows:
- 5 1. To the state board of regents for the fiscal
- 6 year beginning July 1, 1996, and ending June 30, 1997,
- 7 the sum of \$20,000 to be allocated to the southwest
- 8 Iowa graduate studies center for an Internet
- 9 connection and a computer laboratory.
- 10 2. To the department of education for the fiscal
- 11 year beginning July 1, 1996, and ending June 30, 1997,
- 12 any funds remaining from the appropriation made under
- 13 this subsection after distribution pursuant to
- 14 subsection 1, which shall be used for purposes of
- 15 providing grants to support".
- 16 2. Page 12, line 33, by striking the figure
- 17 "74,156" and inserting the following: "84,156".
- 18 3. Page 17, line 25, by striking the figure
- 19 "19,280,398" and inserting the following:
- 20 "19,270,398".
- 21 4. By renumbering, relettering, and redesignating
- 22 as necessary.

Amendment H-5374 was adopted.

Brand of Benton offered the following amendment H-5347 filed by him and moved its adoption:

H-5347

- 1 Amend House File 2477 as follows:
- 2 1. Page 12, by striking lines 4 through 16, and
- 3 inserting the following:
- 4 "a. For salaries, support, maintenance,

5 miscellaneous purposes, and for not more than the  
 6 following full-time equivalent positions:  
 7 ..... \$ 1,152,417  
 8 ..... FTEs 15.63  
 9 If the moneys provided in this lettered paragraph  
 10 are augmented by reimbursements from the institutions  
 11 under the control of the state board of regents for  
 12 the funding of the office of the state board of  
 13 regents, the office shall report quarterly such  
 14 reimbursements to the chairpersons and ranking members  
 15 of the joint appropriations subcommittee on  
 16 education."

Roll call was requested by Siegrist of Pottawattamie and Millage of Scott.

On the question "Shall amendment H-5347 be adopted?" (H.F. 2477)

The ayes were, 36:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 60:

Arnold	Boddicker	Boguess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Welter	Weidman, Presiding

Absent or not voting, 4:

Blodgett	Churchill	Hahn	McCoy
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Amendment H-5347 lost.

Nelson of Marshall in the chair at 5:33 p.m.

Nelson of Pottawattamie asked and received unanimous consent to withdraw amendment H-5348 filed by Nelson of Pottawattamie, et al., on March 12, 1996.

Witt of Black Hawk offered the following amendment H-5351 filed by Witt, et. al., and moved its adoption:

H-5351

- 1 Amend House File 2477 as follows:
- 2 1. Page 13, line 20, by striking the figure
- 3 "202,267,198" and inserting the following:
- 4 "202,702,328".
- 5 2. Page 13, line 21, by striking the figure
- 6 "4,020.47" and inserting the following: "4,022.97".
- 7 3. Page 17, line 4, by striking the figure
- 8 "160,639,691" and inserting the following:
- 9 "161,084,066".
- 10 4. Page 17, line 5, by striking the figure
- 11 "3,581.98" and inserting the following: "3,583.64".
- 12 5. Page 18, line 8, by striking the figure
- 13 "71,771,714" and inserting the following:
- 14 "72,411,314".
- 15 6. Page 18, line 9, by striking the figure
- 16 "1,421.50" and inserting the following: "1,425.50".

Roll call was requested by Shoultz of Black Hawk and Witt of Black Hawk.

On the question "Shall amendment H-5351 be adopted?" (H.F. 2477)

The ayes were, 37:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cphoon
Connors	Doderer	Drees	Fallon
Hanson	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

The nays were, 61:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst

Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Halvorson	Hammitt Barry
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Nelson B, Presiding			

Absent or not voting, 2:

Hahn                      McCoy

Amendment H-5351 lost.

Murphy of Dubuque offered amendment H-5353 filed by him as follows:

H-5353

1 Amend House File 2477 as follows:  
 2 1. Page 13, line 20, by striking the figure  
 3 "202,267,198" and inserting the following:  
 4 "202,067,198".  
 5 2. Page 19, by inserting after line 2 the  
 6 following:  
 7 "Sec. 101. There is appropriated from the rebuild  
 8 Iowa infrastructure fund to the state board of regents  
 9 for the fiscal year beginning July 1, 1996, and ending  
 10 June 30, 1997, the following amount, or so much  
 11 thereof as may be necessary, to be used for the  
 12 purpose designated:  
 13 UNIVERSITY OF NORTHERN IOWA  
 14 For the acquisition of biosciences equipment:  
 15 ..... \$ 200,000"  
 16 3. Page 32, by inserting after line 34 the  
 17 following:  
 18 "Sec. 102. Section 261.85, unnumbered paragraph 1,  
 19 Code Supplement 1995, is amended to read as follows:  
 20 There is appropriated from the general fund of the  
 21 state to the commission for each fiscal year the sum  
 22 of ~~two~~ three million ~~nine~~ one hundred fifty thousand  
 23 dollars for the work-study program."  
 24 4. By renumbering, relettering, and redesignating  
 25 as necessary.

Murphy of Dubuque offered the following amendment H-5380, to amendment H-5353, filed by him from the floor and moved its adoption:

H-5380

- 1 Amend the amendment, H-5353, to House File 2477, as
- 2 follows:
- 3 1. Page 1, line 13, by striking the word
- 4 "NORTHERN".
- 5 2. Page 1, line 16, by striking the figure "34"
- 6 and inserting the following: "25".

Amendment H-5380 was adopted

On motion by Murphy of Dubuque, amendment H-5353, as amended, lost.

Mascher of Johnson offered the following amendment H-5336 filed by Mascher et. al. and moved its adoption:

H-5336

- 1 Amend House File 2477 as follows:
- 2 1. Page 16, line 32, by striking the figure
- 3 "282,101" and inserting the following: "608,448".

Amendment H-5336 lost.

Bernau of Story offered the following amendment H-5329 filed by Bernau et. al. and moved its adoption:

H-5329

- 1 Amend House File 2477 as follows:
- 2 1. Page 17, line 4, by striking the figure
- 3 "160,639,691" and inserting the following:
- 4 "160,839,691".
- 5 2. Page 17, line 8, by striking the figure
- 6 "1,500,000" and inserting the following: "1,700,000".

Roll call was requested by Bernau of Story and Murphy of Dubuque.

On the question "Shall amendment H-5329 be adopted?" (H.F. 2477)

The ayes were, 42:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Coon	Daggett
Doderer	Drake	Drees	Fallon
Garman	Greig	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	Mertz	Moreland

Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Weigel	Welter
Wise	Witt		

The nays were, 55:

Boddicker	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Corbett, Spkr.	Cormack	Dinkla	Disney
Eddie	Ertl	Gipp	Greiner
Gries	Grubbs	Grundberg	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Nelson B, Presiding	

Absent or not voting, 3:

Blodgett	Hahn	McCoy
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Amendment H-5329 lost.

Shoultz of Black Hawk offered amendment H-5354 filed by Shoultz et. al. as follows:

H-5354

- 1 Amend House File 2477 as follows:
- 2 1. Page 18, line 8, by striking the figure
- 3 "71,771,714" and inserting the following:
- 4 "71,871,714".

Speaker pro tempore Van Maanen of Marion in the chair at 6:18 p.m.

Shoultz of Black Hawk offered the following amendment H-5390, to amendment H-5354, filed by him from the floor and moved its adoption:

H-5390

- 1 Amend the amendment, H-5354, to House File 2477, as
- 2 follows:
- 3 1. Page 1, by inserting after line 4 the
- 4 following:

5 "\_. Page 18, by inserting after line 9 the  
6 following:  
7 "For the fiscal year beginning July 1, 1996, and  
8 ending June 30, 1997, the amount expended by the  
9 university of northern Iowa for purposes of the  
10 decision making institute shall not be less than the  
11 amount expended for the fiscal year beginning July 1,  
12 1995, and ending June 30, 1996."  
13 2. By renumbering, relettering, and redesignating  
14 as necessary.

Amendment H-5390 was adopted.

Shultz of Black Hawk moved the adoption of amendment H-5354, as amended.

A non-record roll call was requested.

The ayes were 46, nays 46.

Amendment H-5354, as amended, lost.

Churchill of Polk offered amendment H-5381 filed by him and Grundberg from the floor as follows:

H-5381

1 Amend House File 2477 as follows:  
2 1. Page 22, by inserting after line 19 the  
3 following:  
4 "Sec. 101. IOWA GRAIN QUALITY INITIATIVE.  
5 Notwithstanding section 423.24, subsection 1,  
6 paragraph "b", subparagraph (1), there is appropriated  
7 for the fiscal year beginning July 1, 1996, and ending  
8 June 30, 1997, an amount equal to two and three-  
9 quarters percent of the total revenues collected  
10 pursuant to section 423.7 and deposited in the value-  
11 added agricultural products and processes financial  
12 assistance fund, pursuant to section 423.24,  
13 subsection 1, paragraph "b", subparagraph (1), to the  
14 Iowa cooperative extension service in agriculture and  
15 home economics at Iowa state university of science and  
16 technology for administration of the Iowa grain  
17 quality initiative."  
18 2. By renumbering, relettering, and redesignating  
19 as necessary.

Koenigs of Mitchell rose on a point of order that amendment H-5381 was not germane.

The Speaker ruled the point well taken and amendment H-5381 not germane.

Meyer of Sac offered the following amendment H-5360 filed by Meyer et. al. and moved its adoption:

H-5360

- 1 Amend House File 2477 as follows:
- 2 1. Page 23, line 21, by striking the words and
- 3 figure "subsections 3 and" and inserting the
- 4 following: "subsection".
- 5 2. By striking page 23, line 22, through page 24,
- 6 line 15, and inserting the following: "is amended by
- 7 striking the subsection."
- 8 3. By renumbering as necessary.

Amendment H-5360 was adopted.

Kreiman of Davis offered the following amendment H-5355 filed by Kreiman et. al. and moved its adoption:

H-5355

- 1 Amend House File 2477 as follows:
- 2 1. By striking page 23, line 16, through page 24,
- 3 line 15.
- 4 2. By renumbering as necessary.

Roll call was requested by Shoultz of Black Hawk and Kreiman of Davis.

On the question "Shall amendment H-5355 be adopted?" (H.F. 2477)

The ayes were, 45:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Daggett	Doderer
Fallon	Garman	Harper	Heaton
Holveck	Jochum	Koenigs	Kreiman
Larkin	Main	Mascher	May
Mertz	Meyer	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
O'Brien	Ollie	Osterhaus	Salton
Schrader	Shoultz	Taylor	Teig
Warnstadt	Weigel	Welter	Wise
Witt			

The nays were, 54:

Blodgett	Boddicker	Boguess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Dinkla	Disney	Drake	Drees



Eddie	Ertl	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Martin	Metcalf
Millage	Nutt	Rants	Renken
Schulte	Siegrist	Sukup	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Van Maanen, Presiding		

Absent or not voting, 1:

McCoy

Amendment H-5355 lost.

Weigel of Chickasaw offered amendment H-5359 filed by Weigel et al. as follows:

H-5359

- 1 Amend House File 2477 as follows:
- 2 1. Page 24, by inserting after line 19 the
- 3 following:
- 4 "Sec. 101. NEW SECTION. 257.50 TRANSPORTATION
- 5 ASSISTANCE AID TO DISTRICTS.
- 6 1. The department shall pay transportation
- 7 assistance aid to a school district from funds as
- 8 provided in this section to school districts whose
- 9 average transportation costs per pupil exceed the
- 10 state average transportation costs per pupil
- 11 determined under subsection 2 by twenty-five percent.
- 12 2. A district's average transportation costs per
- 13 pupil shall be determined by dividing the district's
- 14 actual cost for all children transported in all school
- 15 buses for a school year pursuant to section 285.1,
- 16 subsection 12, less the amount received for
- 17 transporting nonpublic school pupils under section
- 18 285.1, by the district's actual enrollment for the
- 19 school year, excluding the shared-time enrollment for
- 20 the school year as defined in section 257.6. The
- 21 state average transportation costs per pupil shall be
- 22 determined by dividing the total actual costs for all
- 23 children transported in all districts for a school
- 24 year, by the total of all districts' actual
- 25 enrollments for the school year.
- 26 3. To be eligible for transportation assistance
- 27 aid, a school district shall annually certify its
- 28 actual cost for all children transported in all school
- 29 buses not later than July 31 after each school year on
- 30 forms prescribed by the department of education.

- 31 4. If a school district's average transportation  
 32 costs per pupil exceed the state average  
 33 transportation costs per pupil by twenty-five percent,  
 34 the department of education shall pay transportation  
 35 assistance aid equal to the amount of the difference  
 36 multiplied by the district's actual enrollment for the  
 37 school year excluding the shared-time enrollment for  
 38 the school year as defined in section 257.6.
- 39 5. There is appropriated from the general fund of  
 40 the state to the department of education, for each  
 41 fiscal year, an amount necessary to pay transportation  
 42 assistance aid pursuant to this section.  
 43 Transportation assistance aid is miscellaneous income  
 44 for purposes of chapter 257."
- 45 2. By renumbering as necessary.

Grundberg of Polk rose on a point of order that amendment H-5359 was not germane.

The Speaker ruled the point well taken and amendment H-5359 not germane.

Taylor of Linn offered amendment H-5341 filed by Taylor et. al. as follows:

H-5341

- 1 Amend House File 2477 as follows:  
 2 1. Page 30, by inserting after line 33 the  
 3 following:  
 4 "Sec.     . NEW SECTION. 260C.41 ADULT BASIC  
 5 EDUCATION PROGRAM.  
 6 1. An adult basic education program is established  
 7 to provide basic educational skills to adults who are  
 8 twenty-one years of age or older and who have very  
 9 limited to moderately deficient literacy skills. A  
 10 community college receiving funds for the program may  
 11 expend the funds for equipment, audio or visual  
 12 materials, staff development activities for the  
 13 program, development or expansion of outreach or  
 14 referral services to identify and attract program  
 15 participants, and program assessment. Each community  
 16 college shall submit a report to the department of  
 17 education which includes, but is not limited to, an  
 18 accounting for expenditure of funds received under the  
 19 program, numbers of persons served under the program,  
 20 an assessment of the impact of the program on persons  
 21 served under the program, and an estimation of the  
 22 numbers of persons yet to be served under the program.  
 23 2. The state board shall adopt rules pursuant to  
 24 chapter 17A that provide minimum standards for adult  
 25 basic education programs at the community colleges.

26 3. There is appropriated from the general fund of  
 27 the state to the department of education for each  
 28 fiscal year the sum of one hundred fifty thousand  
 29 dollars for adult basic education programs at the  
 30 community colleges, to be used as provided in this  
 31 section. Notwithstanding section 260C.18A, funds  
 32 appropriated in this subsection shall be distributed  
 33 by the department in the same manner, utilizing the  
 34 same formula, as federal funds received for adult  
 35 literacy programs at the community colleges.”  
 36 2. By renumbering as necessary.

Grundberg of Polk rose on a point of order that amendment H-5341 was not germane.

The Speaker ruled the point well taken and amendment H-5341 not germane.

Taylor of Linn asked for unanimous consent to suspend the rules to consider amendment H-5341.

Objection was raised.

Taylor of Linn moved to suspend the rules to consider amendment H-5341.

Roll call was requested by Ollie of Clinton and Schrader of Marion.

On the question “Shall the rules be suspended to consider amendment H-5341?” (H.F. 2477)

The ayes were, 36:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cphoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 61:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson

Hammitt Barry	Hanson	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 3:

Harrison	McCoy	Veenstra
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The motion to suspend the rules lost.

Jochum of Dubuque offered the following amendment H-5356 filed by Jochum et. al. and moved its adoption:

H-5356

- 1 Amend House File 2477 as follows:
- 2 1. Page 31, line 8, by striking the word
- 3 "~~hundred~~" and inserting the following: "one hundred".
- 4 2. Page 32, by striking lines 21 and 22 and
- 5 inserting the following: "~~thirty-five~~ thirty-eight
- 6 million six hundred sixty-four thousand seven hundred
- 7 fifty dollars".

Roll call was requested by Jochum of Dubuque and Siegrist of Pottawattamie.

On the question "Shall amendment H-5356 be adopted?" (H.F. 2477)

The ayes were, 42:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Brunkhorst	Burnett
Cataldo	Cohoon	Connors	Dinkla
Doderer	Ertl	Fallon	Garman
Grubbs	Holveck	Jochum	Koenigs
Kreiman	Larkin	Martin	Mascher
May	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Welter
Wise	Witt		

The nays were, 56:

Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Carroll	Churchill

Coon	Corbett, Spkr.	Cormack	Daggett
Disney	Drake	Drees	Eddie
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Van Maanen, Presiding

Absent or not voting, 2:

Houser                      McCoy

Amendment H-5356 lost.

The House resumed consideration of amendment H-5362B, found on pages 700 through 702 of the House Journal.

Murphy of Dubuque offered the following amendment H-5386, to amendment H-5362B, filed by him from the floor and moved its adoption:

H-5386

- 1 Amend the amendment, H-5362, to House File 2477, as
- 2 follows:
- 3 1. Page 3, by inserting after line 8 the
- 4 following:
- 5 "\_. Of the funds appropriated to the college
- 6 student aid commission to be allocated for this
- 7 program for each fiscal year, thirty-three and three-
- 8 tenths percent shall be reserved for students
- 9 attending the board of regents' institutions, thirty-
- 10 three and four-tenths percent shall be reserved for
- 11 students attending community colleges, and thirty-
- 12 three and three-tenths percent shall be reserved for
- 13 students attending private colleges and universities.
- 14 Funds appropriated for this program shall be used to
- 15 supplement, not supplant, funds appropriated for other
- 16 existing programs at the eligible institutions."
- 17 2. By renumbering, relettering, and redesignating
- 18 as necessary.

Amendment H-5386 was adopted.

Myers of Johnson moved the adoption of amendment H-5362B, as amended.

A non-record roll call was requested.

The ayes were 59, nays 16.

Amendment H-5362B, as amended, was adopted.

Warnstadt of Woodbury offered the following amendment H-5338 filed by him and moved its adoption:

H-5338

- 1 Amend House File 2477 as follows:
- 2 1. Page 32, by inserting after line 25 the
- 3 following:
- 4 "Sec. 101. NEW SECTION. 261.110 DEFINITIONS.
- 5 As used in this division, unless the context
- 6 otherwise requires:
- 7 1. "Accredited higher education institution" means
- 8 a public or private institution of higher learning
- 9 located in Iowa that meets the requirements
- 10 established in section 261.92, subsection 1.
- 11 2. "Commission" means the college student aid
- 12 commission.
- 13 3. "Full-time resident student" means an
- 14 individual resident of Iowa who is enrolled at an
- 15 accredited higher education institution located in
- 16 Iowa in a course of study including at least twelve
- 17 semester hours or the trimester equivalent of twelve
- 18 semester hours or the quarter equivalent of twelve
- 19 semester hours. "Course of study" does not include
- 20 correspondence courses.
- 21 4. "Grant" means an award by the state of Iowa to
- 22 an accredited higher education institution for a
- 23 qualified resident student under the Iowa military
- 24 service grant program.
- 25 5. "Part-time resident student" means an
- 26 individual resident of Iowa who is enrolled at an
- 27 accredited higher education institution located in
- 28 Iowa in a course of study including at least three
- 29 semester hours or the trimester or the four quarter
- 30 equivalent of three semester hours. "Course of study"
- 31 does not include correspondence courses.
- 32 6. "Qualified student" means a resident student
- 33 who entered military service on or after January 1,
- 34 1994, has received an honorable discharge from a
- 35 branch of the armed services of the United States of
- 36 America or the state military forces, after having
- 37 served a minimum of four years on active duty, and who
- 38 is making satisfactory progress toward graduation.
- 39 Sec. 102. NEW SECTION. 261.111 PROGRAM
- 40 ESTABLISHED — ELIGIBILITY.
- 41 An Iowa military service grant program is
- 42 established. A military service grant may be awarded

43 to a resident of Iowa who is admitted and in  
44 attendance as a full-time or part-time resident  
45 student at an accredited higher education institution  
46 and who has received an honorable discharge from a  
47 branch of the armed services of the United States of  
48 America or the state military forces, after having  
49 served a minimum of four years on active duty. The  
50 individual's permanent residence during the years of

Page 2

1 service on active duty shall have been in Iowa.  
2 Grants awarded shall be distributed to the appropriate  
3 accredited higher education institution for payment of  
4 educational expenses, including tuition, room, board,  
5 and mandatory fees, with any balance to be distributed  
6 to the student for whom the grant is awarded.

7 Sec. 103. NEW SECTION. 261.112 EXTENT OF GRANT.

8 A qualified full-time resident student may receive  
9 grants for not more than eight semesters of  
10 undergraduate study or the trimester or quarter  
11 equivalent. A qualified part-time resident student  
12 may receive grants for not more than sixteen semesters  
13 of undergraduate study or the trimester or quarter  
14 equivalent.

15 Sec. 104. NEW SECTION. 261.113 AMOUNT OF GRANT.

16 1. The amount of a grant to a qualified full-time  
17 student for an academic year shall be one thousand  
18 dollars.

19 2. The amount of a grant to a qualified part-time  
20 student enrolled in a course of study shall be equal  
21 to the average amount of a grant to a full-time  
22 student times a number which represents twenty-four  
23 semester hours, or the trimester or quarter  
24 equivalent, divided by the number of hours in which  
25 the part-time student is actually enrolled.

26 3. A grant may be made annually for both the fall  
27 and spring semesters or the trimester equivalent.  
28 Payments under the grant shall be allocated equally  
29 among the semesters or trimesters and shall be paid at  
30 the beginning of each semester or trimester, upon  
31 certification by the accredited higher education  
32 institution that the student is admitted and in  
33 attendance. If the student discontinues attendance  
34 before the end of the semester or trimester after  
35 receiving payment under the grant, the entire amount  
36 of any refund due that student, up to the amount of  
37 any payments made under the annual grant, shall be  
38 paid by the accredited higher education institution to  
39 the state.

40 Sec. 105. NEW SECTION. 261.114 ADMINISTRATION BY  
41 COMMISSION — RULES.

42 The commission shall administer this program and

43 shall:

- 44 1. Provide application forms to qualified students  
 45 enrolled and attending or seeking to enroll and attend  
 46 an accredited higher education institution.  
 47 2. Adopt rules for defining tuition and mandatory  
 48 fees, defining residence for the purposes of the Iowa  
 49 military service grant program, and processing and  
 50 approving applications for grants. In determining who

Page 3

1 is a resident of Iowa, the commission's rules shall be  
 2 at least as restrictive as those of the board of  
 3 regents.

4 3. Approve and award grants to accredited higher  
 5 education institutions under the program.

6 4. Report annually to the governor and general  
 7 assembly and include in the report an evaluation of  
 8 the Iowa military service grant program for the  
 9 period. The commission may require the accredited  
 10 higher education institution to promptly furnish any  
 11 information that the commission may request in  
 12 connection with the Iowa military service grant  
 13 program.

14 5. Provide for the proration of funds among  
 15 qualified applicants if funds available are  
 16 insufficient to pay all approved grants.

17 6. Contact the appropriate officials from each  
 18 branch of the armed services of the United States and  
 19 the adjutant general of the state to determine the  
 20 number of possible eligible applicants for this  
 21 program.

22 Sec. 106. NEW SECTION. 261.115 APPLICATION FOR  
 23 GRANTS.

24 Each applicant, in accordance with the rules of the  
 25 commission, shall:

26 1. Complete and file an application for a grant on  
 27 forms provided by the commission.

28 2. Submit promptly information requested by the  
 29 commission.

30 3. File a new application annually, by which the  
 31 applicant's eligibility for a renewed grant will be  
 32 evaluated and determined.

33 Sec. 107. NEW SECTION. 261.116 APPROPRIATION.

34 There is appropriated from the general fund of the  
 35 state to the college student aid commission funds  
 36 sufficient to pay the Iowa military service tuition  
 37 grants approved pursuant to this division."

38 2. By renumbering as necessary.

Amendment H-5338 lost.

Heaton of Henry offered the following amendment H-5387 filed by Heaton, Daggett, Gries, Hammitt Barry, Teig, Hanson and Grundberg from the floor and moved its adoption:



H-5387

1 Amend House File 2477 as follows:  
 2 1. Page 34, by striking lines 24 through 33 and  
 3 inserting the following: "phase III moneys the amount  
 4 of one million ~~two hundred fifty thousand~~ dollars for  
 5 support for the operations of the new Iowa schools  
 6 development corporation and for school transformation  
 7 design and implementation projects administered by the  
 8 corporation and the sum of two hundred fifty thousand  
 9 dollars for the purposes set forth in section 279.51,  
 10 subsection 2, and section 256A.3. Of the amount  
 11 provided to the new Iowa schools development  
 12 corporation in this subsection, one hundred fifty  
 13 thousand dollars shall be used for the school and  
 14 community planning initiative. The new Iowa schools  
 15 development corporation shall develop a process to  
 16 encourage partnerships between the corporation and the  
 17 education community and other organizations interested  
 18 in school improvement in Iowa. The new Iowa schools  
 19 development corporation shall submit a progress report  
 20 on the process developed to the general assembly by  
 21 January 15, 1997. Moneys distributed to the child  
 22 development coordinating council".

Roll call was requested by Ollie of Clinton and Siegrist of Pottawat-  
 tamie.

On the question "Shall amendment H-5387 be adopted?" (H.F. 2477)

The ayes were, 41:

Arnold	Boguess	Brauns	Carroll
Cataldo	Coon	Cormack	Daggett
Doderer	Ertl	Garman	Gipp
Greig	Gries	Hahn	Hammit Barry
Hanson	Heaton	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Kreiman	Kremer	Lord	Mertz
Moreland	Mundie	Murphy	O'Brien
Osterhaus	Rants	Salton	Siegrist
Teig	Thomson	Weidman	Weigel
Welter			

The nays were, 56:

Baker	Bell	Bernau	Blodgett
Boddicker	Bradley	Brammer	Brand
Branstad	Brunkhorst	Burnett	Churchill
Cohoon	Connors	Corbett, Spkr.	Dinkla
Drake	Drees	Eddie	Fallon
Greiner	Grubbs	Grundberg	Halvorson
Harper	Harrison	Holveck	Koenigs

Lamberti	Larkin	Larson	Main
Martin	Mascher	May	Metcalf
Meyer	Millage	Myers	Nelson, B.
Nelson, L.	Nutt	Ollie	Renken
Schrader	Schulte	Shoultz	Sukup
Taylor	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Wise	Witt	Van Maanen, Presiding

Absent or not voting, 3:

Disney	McCoy	Tyrrell
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Amendment H-5387 lost.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-5337, filed by him on March 12, 1996.

Grundberg 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. 2477)

The ayes were, 62:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Eddie	Ertl	Garman
Gipp	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

The nays were, 37:

Baker	Bell	Bernau	Brammer
Brand	Brunkhorst	Burnett	Cataldo
Cohoon	Connors	Drees	Fallon
Greig	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher

May	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shultz
Taylor	Warnstadt	Weigel	Wise
Witt			

Absent or not voting, 1:

McCoy

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

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2477** 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 13, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2365, a bill for an act relating to the authority of fiduciaries under the probate code to invest in open-end or closed-end management investment companies or investment trusts.

Also: That the Senate has, on March 13, 1996, adopted the conference committee report and passed Senate File 13, a bill for an act relating to the establishment of a decision-making process for prospective minor parents, providing penalties, and providing effective dates.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2158, a bill for an act relating to textbooks.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2160, a bill for an act relating to school finance by extending budget adjustment guarantee provisions for an additional budget year and providing an effective date.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2223, a bill for an act providing for agricultural drainage regulation, and providing penalties.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2322, a bill for an act relating to a cash reserve levy for merged areas and providing for properly related matters..

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2328, a bill for an act relating to the administration and accreditation of area education agency programs and providing for properly related matters.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2381, a bill for an act relating to dependent adult abuse and providing penalties.

Also: That the Senate has on March 13, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2445, a bill for an act relating to and making appropriations to the department of general services for the fiscal year beginning July 1, 1995, and providing an effective date.

JOHN F. DWYER, Secretary

### EXPLANATIONS OF VOTE

I was temporarily absent from the House chamber on March 13, 1996. Had I been present, I would have voted "aye" on amendment H—5330 to House File 2477.

BRADLEY of Clinton

I was necessarily absent from the House chamber on March 12, 1996. Had I been present, I would have voted "aye" on House File 2472.

LORD of Dallas

I was necessarily absent from the House chamber on the morning of March 13, 1996. Had I been present, I would have voted "aye" on House Files 2255 and 2456 and Senate File 2083.

NELSON of Marshall

### 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

Senate File 13, a bill for an act relating to the establishment of a decision-making process for prospective minor parents, providing penalties, and providing effective dates.

ON THE PART OF THE HOUSE:

DAN BODDICKER, Chair  
DONNA HAMMITT BARRY  
CHARLES HURLEY

ON THE PART OF THE SENATE:

ELAINE SZYMONIAK, Chair  
MERLIN E. BARTZ  
MARY E. KRAMER  
LARRY MURPHY

## PRESENTATION OF VISITORS

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

Four Student Council students from Lyons Middle School, Clinton, accompanied by Joyce Ollie and Linda Smith. By Ollie of Clinton.

Thirty-five seventh and eighth grade students from Northwest Junior High and West Branch Middle School, Iowa City, accompanied by Dave Lewis, Dave Douglas and Hector Ibarra. By Masher, Myers, and Doderer of Johnson and Boddicker of Cedar.

High School students from Kofu First High School, Kofu, Japan, accompanied by Dennis Cumpston. By Holveck of Polk.

Eighty fifth grade students from Winterset Middle School, Winterset, accompanied by Mrs. Liechty. By Dinkla of Guthrie.

Fifty-four sixth grade students from Gladbrook-Reinbeck Middle School, Gladbrook, accompanied by Terri Luehring, April Acton and Barb Schwarck. By Brand of Benton and Renken of Grundy.

## CERTIFICATES

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\237 Erin Orozco, Keokuk – For her winning essay in the 8th and 9th grade category in the “Write Women Back Into History” contest.
- 1996\238 Roger “Smokey” Barr, Storm Lake – For being inducted into the Iowa High School Officials Hall of Fame.
- 1996\239 Jed Henry, Dubuque – For winning the fourth annual Des Moines Area Community College/Hawkeye Automotive Booster Club Automotive Skills contest.
- 1996\240 Jeff Hammel, Dubuque – For winning the fourth annual Des Moines Area Community College/Hawkeye Automotive Booster Club Automotive Skills contest.
- 1996\241 Leslie Van Hemert, Pella – For receiving a \$500 scholarship for submitting a winning essay in the Iowa’s Best Community Scholarship Program.
- 1996\242 Kelly Van Haaften, Pella – For receiving a \$500 scholarship for submitting a winning essay in the Iowa’s Best Community Scholarship Program.

- 1996\243 Wendy Pothoven, Pella – Fro receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\244 AdreAnne Barnhill, Pella – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\245 Jennifer Baethke, New Virginia – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\246 Katie Van Utrecht, New Sharon – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\247 Kari Broadway, New Sharon – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\248 Sarah Hillbert, Centerville – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\249 Valerie Greazel, Atalissa – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\250 Aaron Strumpel, West Liberty – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\251 J. D. Pugh, Columbus Junction High School – For placing 2nd in the Class 1A championship in the 112 lb. weight class of the 1996 State Wrestling Tournament.
- 1996\252 Kathleen Schnitker, Council Bluffs – For winning 1st place in the Council Bluffs All-City Spelling Bee.
- 1996\253 Clara Lemmer, Dubuque – For celebrating her One hundredth birthday.
- 1996\254 Marc Compart, Lehigh – For being selected a 1995 Iowa Master Seed Stock Producer.
- 1996\255 Janet Brinkman, Lehigh – For being selected a 1995 Iowa Master Pork Producer.
- 1996\256 Anna and Ernest Sindlinger, Ft. Dodge – For celebrating their Seventieth wedding anniversary.
- 1996\257 Mabel Behrens, Pomeroy – For celebrating her Ninety-nineth birthday.

- 1996\258 Lennice and Floyd Barnum, Callender – For celebrating their Sixtieth wedding anniversary.
- 1996\259 Carroll High School Girls Basketball Team, Carroll – For winning the class 3A division of the 1996 Girls State Basketball Tournament.
- 1996\260 Chad Winterhof, Walnut – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\261 Dean Kroll, Avoca – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\262 Nick Rold, Elkhorn – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\263 Jerod Stamp, Avoca – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\264 Mildred and Montelle Chew, Murray – For celebrating their Sixtieth wedding anniversary.
- 1996\265 Ed Hilpipre, South Clarion – For celebrating his One hundredth birthday.
- 1996\266 Robert Nielsen, Superintendent, Ar-We-Va Community School District – For his Fourty years of service as a teacher, coach and administrator.
- 1996\267 Wade Bruggeman, Principal, Charter Oak-Ute Community School – For his thirty-seven years of service as teacher, coach, and administrator.
- 1996\268 Don Brock, Boone – For his twenty-five years of dedicated service in providing leadership to the Assemblies of God Royal Ranger program.
- 1996\269 Jessica Meyer, Blairsburg-Carion-Goldfield High School – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\270 Lori Hass, Ottumwa High School – For receiving a \$500 scholarship for submitting a winning essay in the Iowa's Best Community Scholarship Program.
- 1996\271 Columbus Wildcats and Coach Bill Plein, Columbus Junction High School – For winning the Dual Title Meet championship of the 1996 State Wrestling Tournament.
- 1996\272 Lindsey Meyer, Albert City – For winning the 5th grade division in the Knights of Columbus Girls State Free Throw Contest.
- 1996\273 Iowa State Clyclones and Coach Tim Floyd, Ames – For winning the Big Eight Conference and being selected Big Eight Conference Coach of the Year.

The following certificate of condolence has been issued:

1996\1 Sincere condolences to the Pitzen family, Stacyville.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2157

Appropriations: Gipp, Chair; Garman and Ollie.

##### Senate File 2114

Judiciary: Grubbs, Chair; Kreiman and Lamberti.

##### Senate File 2126

Judiciary: Coon, Chair; Doderer and Harrison.

##### Senate File 2269

Judiciary: Greiner, Chair; Doderer and Harrison.

##### Senate File 2291

Judiciary: Lamberti, Chair; Kremer and Shultz.

##### Senate File 2299

Judiciary: Boddicker, Chair; Bell and Schulte.

##### Senate File 2302

Judiciary: Kremer, Chair; Moreland and Veenstra.

##### Senate File 2354

Judiciary: Coon, Chair; Harrison and Holveck.

#### 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

#### COMMITTEE ON TRANSPORTATION

Senate File 2140, a bill for an act increasing the speed limit on certain highways, requiring a report on safety in construction zones, and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass March 12, 1996.



## RESOLUTION FILED

**HCR 118**, by Martin, a concurrent resolution recognizing the League of Women Voters of Iowa and Cornell College for their efforts in creating in Internet-accessible system for obtaining legislative information.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—5376	S.F.	2140	Mundie of Webster
H—5378	H.F.	2449	Bernau of Story
H—5379	H.F.	2449	Renken of Grundy
			Drake of Pottawattamie
			Halvorson of Clayton
			Hanson of Black Hawk
			Houser of Pottawattamie
			Bradley of Clinton
H—5382	H.F.	2235	Weigel of Chickasaw
H—5383	H.F.	2235	Weigel of Chickasaw
H—5388	H.F.	2304	Heaton of Henry
H—5389	H.F.	2318	Sukup of Franklin
			Brunkhorst of Bremer
			Wise of Lee
H—5391	H.F.	2449	Witt of Black Hawk
H—5392	H.F.	2449	Fallon of Polk
H—5393	H.F.	2191	Carroll of Poweshiek
H—5394	H.F.	2447	Witt of Black Hawk
H—5395	H.F.	2449	Witt of Black Hawk
H—5396	H.F.	2407	Drake of Pottawattamie
			Taylor of Linn
H—5397	H.F.	2447	Burnett of Story
			Bernau of Story
			Mascher of Johnson
H—5398	S.F.	2395	Halvorson of Clayton

On motion by Siegrist of Pottawattamie, the House adjourned at 7:57 p.m., until 8:45 a.m., Thursday, March 14, 1996.

# JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day – Forty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 14, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Steve Pike, Martelle Christian Church, Martelle.

The Journal of Wednesday, March 13, 1996 was approved.

## PETITIONS FILED

By Gries of Crawford from seventy-six citizens opposing legislation which would restrict Iowa utilities from offering nonutility services such as Peoples Natural Gas Service Guard Program.

By Huseman of Cherokee from eighty-two citizens of District 9, opposing legislation which would restrict Iowa utilities from offering nonutility services such as Peoples Natural Gas Service Guard Program.

By Mundie of Webster from six-hundred fifty constituents opposing legislation which would restrict Iowa utilities from offering nonutility services such as Peoples Natural Gas Service Guard Program.

## SENATE MESSAGES CONSIDERED

**Senate File 2013**, by Judge, a bill for an act requiring the licensure of respiratory care therapists and creating a board for respiratory care practitioners.

Read first time and referred to committee on **state government**.

**Senate File 2108**, by Fink, a bill for an act requiring flashing amber lights on motor vehicles used for snow removal, requiring a safety study by the department of transportation, and making existing penalties applicable.

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

**Senate File 2158**, by committee on education, a bill for an act relating to textbooks.

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

**Senate File 2160**, by committee on education, a bill for an act relating to school finance by extending budget adjustment guarantee provisions for an additional budget year and providing an effective date.

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

**Senate File 2185**, by Flynn, a bill for an act providing for maintenance and repair of out-of-state commercial vehicles and providing an effective date.

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

**Senate File 2186**, by committee on transportation, a bill for an act relating to transportation-related sanctions by increasing penalties for certain offenses, providing for the issuance of temporary restricted licenses for certain offenses, providing scheduled fines for various violations, prohibiting certain activities of motor vehicle dealers, and allowing the issuance of a uniform citation and complaint to a corporation for certain violations.

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

**Senate File 2223**, by Iverson, a bill for an act providing for agricultural drainage regulation, and providing penalties.

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

**Senate File 2322**, by committee on education, a bill for an act relating to a cash reserve levy for merged areas and providing for properly related matters.

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

**Senate File 2328**, by committee on education, a bill for an act relating to the administration and accreditation of area education agency programs and providing for properly related matters.

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

**Senate File 2381**, by committee on human resources, a bill for an act relating to dependent adult abuse and providing penalties.

Read first time and referred to committee on **human resources**.

**Senate File 2423**, by committee on judiciary, a bill for an act prohibiting a person from soliciting another person to arrange a sex act with a child and making a penalty applicable.

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

**Senate File 2428**, by committee on judiciary, a bill for an act relating to associate juvenile judges.

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

**Senate File 2431**, by committee on judiciary, a bill for an act deleting the requirement to enter a civil judgment after an order of restitution has been entered.

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

**Senate File 2435**, by committee on judiciary, a bill for an act relating to shared jurisdiction by the juvenile and adult courts over juveniles who commit certain public offenses and making penalties applicable.

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

**Senate File 2436**, by committee on judiciary, a bill for an act increasing the penalties for certain sex crimes against persons under the age of eighteen.

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

**Senate File 2438**, by committee on human resources, a bill for an act relating to the terminology used to describe persons with certain mental and physical conditions.

Read first time and referred to committee on **human resources**.

**Senate File 2445**, by committee on appropriations, a bill for an act relating to and making appropriations to the department of general services for the fiscal year beginning July 1, 1995, and providing an effective date.

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

### ST. PATRICK'S DAY OBSERVANCE

Salton of Palo Alto presented to the House, Shauna Donovan, 1996 Miss Shamrock of the St. Patrick's Day Celebration in Emmetsburg, March 10 through March 17, 1996. Shauna is a senior at Estherville High School and is the daughter of Patrick and Patricia Donovan. Shauna addressed the House briefly.

The House rose and expressed its welcome.

The "Emmetsburg Irish Dancers" a group of elementary school girls who performed authentic Irish dances, was also present. Members of the group were: Amanda Brown, Laura Fog, Brooke Jones, Melissa Jones, Rachel Lowman, Valerie Mattice, Erin Mehan, Janelle O'Brien, Katie Orr, Denise Stafford, Erin Wentzel and Margy Jo Wentzel.

### Presentation of Irish Dignitary

Salton of Palo Alto presented to the House, John Browne T.D., from County Clare, Ireland, who is a member of the Irish Parliament. Mr. Browne is Governor of the Fine Gael Party, Group Leader of Legislation and Justice and Health. He was accompanied by his wife Nancy and is the honored guest of the Thirty-sixth Annual St. Patrick's Day Celebration in Emmetsburg.

Mr. Browne was escorted to the Speaker's station by Representatives Salton, Mertz and Connors, where he addressed the House.

The House rose and expressed its welcome.

Representatives Mertz of Kossuth, Garman of Story, Brunkhorst of Bremer and Connors of Polk danced an Irish jig, accompanied by Representative Fallon who played the tin whistle.

## CONSIDERATION OF BILLS Regular Calendar

**House File 2127**, a bill for an act relating to the exemption of certain individual property management accounts from certification and auditing requirements, with report of committee recommending passage, was taken up for consideration.

Nutt of Woodbury 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. 2127)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Hammit Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

Branstad

Halvorson

Moreland

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

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2127** be immediately messaged to the Senate.

**House File 2443**, a bill for an act relating to children's provisions involving child support, the family investment program, and related human services programs by establishing additional eligibility and assistance provisions and requiring the department of human services to apply for federal waivers and providing an applicability provision and effective dates, was taken up for consideration.

Carroll of Poweshiek in the chair at 10:16 a.m.

Speaker Corbett in the chair at 10:18 a.m.

Boddicker of Cedar 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. 2443)

The ayes were, 69:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Carroll
Cataldo	Churchill	Coon	Cormack
Daggett	Dinkla	Disney	Drake
Drees	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Hammit Barry
Hanson	Harper	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	McCoy
Mertz	Metcalf	Meyer	Millage
Mundie	Murphy	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Witt
Mr. Speaker Corbett			

The nays were, 29:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cohoon	Connors
Doderer	Fallon	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	Moreland	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Wise			

Absent or not voting, 2:

Brunkhorst	Halvorson
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2443** be immediately messaged to the Senate.

**House File 2297**, a bill for an act relating to payment of warrants drawn on levee and drainage district funds, with report of committee recommending passage, was taken up for consideration.

Carroll of Poweshiek 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. 2297)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy

Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 3:

Brammer                      Brunkhorst                      Halvorson

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2297** be immediately messaged to the Senate.

#### ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE (Senate File 13)

Boddicker of Cedar called up for consideration the report of the conference committee on Senate File 13 and the amendments contained therein as follows:

#### REPORT OF THE CONFERENCE COMMITTEE ON SENATE FILE 13

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 13, a bill for An Act relating to the establishment of a decision-making process for prospective minor parents, providing penalties, and providing effective dates, respectfully make the following report:

1. That the Senate recedes from its amendment, H-4195.
2. That the House recedes from its amendment, S-3055.
3. That Senate File 13, as amended, passed, and reprinted by the Senate, is amended as follows:
  1. By striking everything after the enacting clause and inserting the following:



“Section 1. NEW SECTION. 135L.1 DEFINITIONS.

As used in this chapter unless the context otherwise requires:

1. “Abortion” means an abortion as defined in chapter 146.
2. “Adult” means a person eighteen years of age or older.
3. “Aunt or uncle” means an aunt or uncle of the pregnant minor who is twenty-five years of age or older.
4. “Child-placing agency” means any agency, public, semipublic, or private, which represents itself as placing children, receiving children for placement, or actually engaging in placement of children and includes the department of human services.
5. “Court” means the juvenile court.
6. “Grandparent” means the parent of an individual who is the parent of the pregnant minor.
7. “Medical emergency” means a condition which, based upon a physician’s judgment, necessitates an abortion to avert the pregnant minor’s death, or for which a delay will create a risk of serious impairment of a major bodily function.
8. “Minor” means a person under eighteen years of age who has not been and is not married.
9. “Parent” means one parent or a legal guardian or custodian of a pregnant minor.
10. “Responsible adult” means an adult, who is not associated with an abortion provider, chosen by a pregnant minor to assist the minor in the decision-making process established in this chapter.

Sec. 2. NEW SECTION. 135L.2 PROSPECTIVE MINOR PARENTS DECISION-MAKING ASSISTANCE PROGRAM ESTABLISHED.

1. A decision-making assistance program is created to provide assistance to minors in making informed decisions relating to pregnancy. The program shall offer and include all of the following:

a. (1) A video, to be developed by a person selected through a request for proposals process or other contractual agreement, which provides information regarding the various options available to a pregnant minor with regard to the pregnancy, including a decision to continue the pregnancy to term and retain parental rights following the child’s birth, a decision to continue the pregnancy to term and place the child for adoption following the child’s birth, and a decision to terminate the pregnancy through abortion. The video shall provide the information in a manner and language, including but not limited to, the use of closed captioning for the hearingimpaired, which could be understood by a minor.

(2) The video shall explain that public and private agencies are available to assist a pregnant minor with any alternative chosen.

(3) The video shall explain that if the pregnant minor decides to continue the pregnancy to term, and to retain parental rights to the child, the father of the child is liable for the support of the child.

(4) The video shall explain that tendering false documents is a fraudulent practice in the fourth degree pursuant to section 135L.7.

b. Written decision-making materials which include all of the following:

(1) Information regarding the options described in the video including information regarding the agencies and programs available to provide assistance to the pregnant minor in parenting a child; information relating to adoption including but not limited to information regarding child-placing agencies; and information regarding abortion including but not limited to the legal requirements relative to the performance of an abortion on a pregnant minor. The information provided shall include information explaining that if a pregnant minor decides to continue the pregnancy to term and to retain parental rights, the father of the child is liable for the support of the child and that if the pregnant minor seeks public assistance on behalf of the child, the pregnant minor shall, and if the pregnant minor is not otherwise eligible as a public assistance recipient, the pregnant minor may, seek the assistance of the child support recovery unit in establishing the paternity of the child, and in seeking support payments for a reasonable amount of the costs associated with the pregnancy, medical support, and maintenance from the father of the child, or if the father is a minor, from the parents of the minor father. The information shall include a listing of the agencies and programs and the services available from each.

(2) A workbook which is to be used in viewing the video and which includes a questionnaire and exercises to assist a pregnant minor in viewing the video and in considering the options available regarding the minor's pregnancy.

(3) A detachable certification form to be signed by the pregnant minor certifying that the pregnant minor was offered a viewing of the video and the written decision-making materials.

2. a. The video shall be available through the state and local offices of the Iowa department of public health, the department of human services, and the judicial department and through the office of each licensed physician who performs abortions.

b. The video may be available through the office of any licensed physician who does not perform abortions, upon the request of the physician; through any non-profit agency serving minors, upon the request of the agency; and through any other person providing services to minors, upon the request of the person.

3. During the initial appointment between a licensed physician and a pregnant minor, a licensed physician, who is providing medical services to a pregnant minor, shall offer the viewing of the video and the written decision-making materials to the pregnant minor, and shall obtain the signed and dated certification form from the pregnant minor. If the pregnant minor has previously been offered the viewing of the video and the written decision-making materials by another source, the licensed physician shall obtain the completed certification form from the other source to verify that the pregnant minor has been offered the viewing of the video and the written decision-making materials. A licensed physician shall not perform an abortion on a pregnant minor prior to obtaining the completed certification form from a pregnant minor. If the pregnant minor decides to terminate parental rights following the child's birth, a copy of the completed certification form shall be attached to the petition for termination of parental rights.

4. A pregnant minor shall be encouraged to select a responsible adult, preferably a parent of the pregnant minor, to accompany the pregnant minor in viewing the video and receiving the decision-making materials.

5. To the extent possible and at the discretion of the pregnant minor, the person responsible for impregnating the pregnant minor shall also be involved in the viewing of the video and in the receipt of written decision-making materials.

6. Following the offering of the viewing of the video and of the written decision-making materials, the pregnant minor shall sign and date the certification form attached to the materials, and shall submit the completed form to the licensed physician or provide the person making the offer with information to send the completed form to the pregnant minor's attending physician. The person offering the viewing of the video and the decision-making materials shall also provide a copy of the completed certification form to the pregnant minor.

Sec. 3. NEW SECTION. 135L.3 NOTIFICATION OF PARENT OF PREGNANT MINOR PRIOR TO THE ADOPTION OF THE CHILD.

Following compliance with the provisions of section 135L.2, a pregnant minor who chooses to place the pregnant minor's child for adoption is subject to the following conditions:

1. Notification of a parent of the pregnant minor of the pregnant minor's decision to place the child for adoption. Notification shall be made at least twenty-four hours prior to the conducting of the hearing on termination of parental rights. The pregnant minor's attorney or the child-placing agency shall provide notification in person or by mailing the notification by restricted certified mail to the parent of the pregnant minor at the usual place of abode of the parent. For the purpose of delivery by restricted certified mail, the time of delivery is deemed to occur at twelve o'clock noon on the next day on which regular-mail delivery takes place, subsequent to the mailing.

2. If the pregnant minor objects to the notification of a parent, the pregnant minor may petition the court to authorize waiver of the notification requirement in accordance with the following procedures:

a. The court shall ensure that the pregnant minor is provided with assistance in preparing and filing the petition for waiver of notification and shall ensure that the pregnant minor's identity remains confidential.

b. The pregnant minor may participate in the court proceedings on the pregnant minor's own behalf. The court may appoint a guardian ad litem for the pregnant minor who may be the responsible adult and the court shall appoint a guardian ad litem for the pregnant minor if the pregnant minor is not accompanied by a responsible adult or if the pregnant minor has not viewed the video as provided pursuant to section 135L.2. In appointing a guardian ad litem for the pregnant minor, the court shall consider a person licensed to practice psychology pursuant to chapter 154B, a licensed social worker pursuant to chapter 154C, a licensed marital and family therapist pursuant to chapter 154D, or a licensed mental health counselor pursuant to chapter 154D to serve in the capacity of guardian ad litem. The court shall advise the pregnant minor of the pregnant minor's right to court-appointed legal counsel and shall, upon the pregnant minor's request, provide the pregnant minor with court-appointed legal counsel, at no cost to the pregnant minor.

c. The court proceedings shall be conducted in a manner which protects the confidentiality of the pregnant minor and all court documents pertaining to the proceedings shall remain confidential. Only the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, and persons whose presence is specifically requested by the pregnant minor or by the pregnant minor's guardian ad litem, or by the pregnant minor's legal counsel may attend the hearing on the petition.

d. Notwithstanding any law or rule to the contrary, the court proceedings under this section and section 135L.4 shall be given precedence over other pending matters to ensure that the court reaches a decision expeditiously.

e. Upon petition and following an appropriate hearing, the court shall waive the notification requirements if the court determines either of the following:

(1) That the pregnant minor is mature and capable of providing informed consent to the termination of parental rights for the purposes of adoption of the pregnant minor's child.

(2) That the pregnant minor is not mature, or does not claim to be mature, but that notification is not in the best interest of the pregnant minor.

f. The court shall issue specific factual findings and legal conclusions, in writing, to support the decision.

g. Upon conclusion of the hearing, the court shall immediately issue a written order which shall be provided immediately to the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, or any other person designated by the pregnant minor to receive the order.

h. An expedited, confidential appeal shall be available to a pregnant minor for whom the court denies a petition for waiver of notification. An order granting the pregnant minor's application for waiver of notification is not subject to appeal. Access to the appellate courts for the purpose of an appeal under this section shall be provided to a pregnant minor twenty-four hours a day, seven days a week.

i. A pregnant minor who chooses to utilize the waiver of notification procedures under this section shall not be required to pay a fee at any level of the proceedings. Fees charged and court costs taxed in connection with a proceeding under this section are waived.

j. If the court denies the petition for waiver of notification and the decision is not appealed or all appeals are exhausted, the court shall advise the pregnant minor that, upon the request of the pregnant minor, the court will appoint a licensed marital and family therapist to assist the pregnant minor in addressing any intrafamilial problems. All costs of services provided by a court-appointed licensed marital and family therapist shall be paid by the court through the expenditure of funds appropriated to the judicial department.

k. Venue for proceedings under this section is in any court in the state.

l. The supreme court shall prescribe rules to ensure that the proceedings under this section are performed in an expeditious and confidential manner.

m. The requirements of this section regarding notification of a parent of a pregnant minor who chooses to place the pregnant minor's child for adoption do not apply if any of the following applies:

(1) A parent of the pregnant minor authorizes the pregnant minor's decision, in writing, and a copy of the written authorization is attached to the termination of parental rights petition.

(2) (a) The pregnant minor declares, in a written statement submitted to the pregnant minor's legal counsel or to the child-placing agency providing services to the pregnant minor, a reason for not notifying a parent and a reason for notifying a grandparent or an aunt or uncle of the pregnant minor in lieu of the notification

of a parent. Upon receipt of the written statement from the pregnant minor, the pregnant minor's legal counsel or the child-placing agency providing services to the pregnant minor shall provide notification to a grandparent or an aunt or uncle of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent.

(b) The notification form shall be in duplicate and shall include both of the following:

(i) A declaration which informs the grandparent or the aunt or uncle of the pregnant minor that the grandparent or aunt or uncle of the pregnant minor may be subject to civil action if the grandparent or aunt or uncle accepts notification.

(ii) A provision that the grandparent or aunt or uncle of the pregnant minor may refuse acceptance of notification.

(3) The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the procedures prescribed in chapter 232, division III, part 2, or a parent of the child is named in a report of founded child abuse. The department of human services shall maintain confidentiality under chapter 232 regarding the pregnant minor's pregnancy.

(4) The pregnant minor declares that the pregnant minor is a victim of sexual abuse as defined in chapter 709 and has reported the sexual abuse to law enforcement.

n. A copy of the completed certification form pursuant to section 135L.2, and a copy of the notification document mailed to a parent, grandparent, or aunt or uncle of the pregnant minor, or a copy of the order waiving notification shall be attached to the petition for termination of parental rights, unless the pregnant minor is otherwise exempt from obtaining any of these documents under this chapter.

o. Noncompliance with the provisions of this section is not grounds for any of the following:

(1) Denial, modification, vacation, or appeal of a termination of parental rights order issued pursuant to section 600A.9.

(2) Denial, modification, vacation, or appeal of an interlocutory or final adoption decree rendered under section 600.13.

Sec. 4. **NEW SECTION.** 135L.4 NOTIFICATION OF PARENT PRIOR TO THE PERFORMANCE OF ABORTION ON A PREGNANT MINOR—REQUIREMENTS — CRIMINAL PENALTY.

1. A person shall not perform an abortion on a pregnant minor until at least forty-eight hours' prior notification is provided to a parent of the pregnant minor.

2. The person who will perform the abortion shall provide notification in person or by mailing the notification by restricted certified mail to the parent of the pregnant minor at the usual place of abode of the parent. For the purpose of delivery by restricted certified mail, the time of delivery is deemed to occur at twelve o'clock noon on the next day on which regular mail delivery takes place, subsequent to the mailing.

3. If the pregnant minor objects to the notification of a parent prior to the performance of an abortion on the pregnant minor, the pregnant minor may petition the court to authorize waiver of the notification requirement pursuant to this section in accordance with the following procedures:

a. The court shall ensure that the pregnant minor is provided with assistance in preparing and filing the petition for waiver of notification and shall ensure that the pregnant minor's identity remains confidential.

b. The pregnant minor may participate in the court proceedings on the pregnant minor's own behalf. The court may appoint a guardian ad litem for the pregnant minor and the court shall appoint a guardian ad litem for the pregnant minor if the pregnant minor is not accompanied by a responsible adult or if the pregnant minor has not viewed the video as provided pursuant to section 135L.2. In appointing a guardian ad litem for the pregnant minor, the court shall consider a person licensed to practice psychology pursuant to chapter 154B, a licensed social worker pursuant to chapter 154C, a licensed marital and family therapist pursuant to chapter 154D, or a licensed mental health counselor pursuant to chapter 154D to serve in the capacity of guardian ad litem. The court shall advise the pregnant minor of the pregnant minor's right to court-appointed legal counsel, and shall, upon the pregnant minor's request, provide the pregnant minor with court-appointed legal counsel, at no cost to the pregnant minor.

c. The court proceedings shall be conducted in a manner which protects the confidentiality of the pregnant minor and all court documents pertaining to the proceedings shall remain confidential. Only the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, and persons whose presence is specifically requested by the pregnant minor, by the pregnant minor's guardian ad litem, or by the pregnant minor's legal counsel may attend the hearing on the petition.

d. Notwithstanding any law or rule to the contrary, the court proceedings under this section and section 135L.3 shall be given precedence over other pending matters to ensure that the court reaches a decision expeditiously.

e. Upon petition and following an appropriate hearing, the court shall waive the notification requirements if the court determines either of the following:

(1) That the pregnant minor is mature and capable of providing informed consent for the performance of an abortion.

(2) That the pregnant minor is not mature, or does not claim to be mature, but that notification is not in the best interest of the pregnant minor.

f. The court shall issue specific factual findings and legal conclusions, in writing, to support the decision.

g. Upon conclusion of the hearing, the court shall immediately issue a written order which shall be provided immediately to the pregnant minor, the pregnant minor's guardian ad litem, the pregnant minor's legal counsel, or to any other person designated by the pregnant minor to receive the order.

h. An expedited, confidential appeal shall be available to a pregnant minor for whom the court denies a petition for waiver of notification. An order granting the pregnant minor's application for waiver of notification is not subject to appeal. Access to the appellate courts for the purpose of an appeal under this section shall be provided to a pregnant minor twenty-four hours a day, seven days a week.

i. A pregnant minor who chooses to utilize the waiver of notification procedures under this section shall not be required to pay a fee at any level of the proceedings. Fees charged and court costs taxed in connection with a proceeding under this section are waived.

j. If the court denies the petition for waiver of notification and if the decision is not appealed or all appeals are exhausted, the court shall advise the pregnant minor that, upon the request of the pregnant minor, the court will appoint a licensed marital and family therapist to assist the pregnant minor in addressing any intrafamilial problems. All costs of services provided by a court-appointed licensed marital and family therapist shall be paid by the court through the expenditure of funds appropriated to the judicial department.

k. Venue for proceedings under this section is in any court in the state.

l. The supreme court shall prescribe rules to ensure that the proceedings under this section are performed in an expeditious and confidential manner.

m. The requirements of this section regarding notification of a parent of a pregnant minor prior to the performance of an abortion on a pregnant minor do not apply if any of the following applies:

(1) The abortion is authorized in writing by a parent entitled to notification.

(2) (a) The pregnant minor declares, in a written statement submitted to the attending physician, a reason for not notifying a parent and a reason for notifying a grandparent or an aunt or uncle of the pregnant minor in lieu of the notification of a parent. Upon receipt of the written statement from the pregnant minor, the attending physician shall provide notification to a grandparent or an aunt or uncle of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent.

(b) The notification form shall be in duplicate and shall include both of the following:

(i) A declaration which informs the grandparent or the aunt or uncle of the pregnant minor that the grandparent or aunt or uncle of the pregnant minor may be subject to civil action if the grandparent or aunt or uncle accepts notification.

(ii) A provision that the grandparent or aunt or uncle of the pregnant minor may refuse acceptance of notification.

(3) The pregnant minor's attending physician certifies in writing that a medical emergency exists which necessitates the immediate performance of an abortion in accordance with section 135L.6.

(4) The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the procedures prescribed in chapter 232, division III, part 2, or a parent of the child is named in a report of founded child abuse. The department of human services shall maintain confidentiality under chapter 232 regarding the pregnant minor's pregnancy and abortion, if the abortion is obtained.

(5) The pregnant minor declares that the pregnant minor is a victim of sexual abuse as defined in chapter 709 and has reported the sexual abuse to law enforcement.

n. A person who performs an abortion in violation of this section is guilty of a serious misdemeanor.

Sec. 5. NEW SECTION. 135L.5 PROSPECTIVE MINOR PARENTS PROGRAM ADVISORY COMMITTEE CREATED.

1. A prospective minor parents program advisory committee is created which shall be composed of all of the following:

a. The following members appointed by the governor:

- (1) A health care professional.
- (2) A counselor, who has expertise in sexual abuse counseling.
- (3) A representative of a child-placing agency other than a child-placing agency under the management or control of any division of the department of human services or any administrator of the department of human services.
- (4) A juvenile court judge.
- (5) A representative of a crisis pregnancy center.
- (6) A representative of an abortion provider.
- (7) A representative of an adolescent treatment program.
- (8) A school nurse.
- (9) A secondary school teacher.
- (10) A parent.
- (11) A person ordained or designated as a regular leader of a religious community.
- (12) The director of public health, or the director's designee.

b. The following nonvoting members:

- (1) Two members of the senate appointed by the majority leader of the senate after consultation with the minority leader of the senate.
- (2) Two members of the house of representatives appointed by the speaker of the house after consultation with the majority leader and the minority leader of the house.
- (3) The director of human services, or the director's designee.
- (4) The director of the department of education, or the director's designee.
- (5) A minor who is at least fourteen but less than eighteen years of age at the time of the appointment, appointed by the governor.

2. Representative associations of professionals and providers who are to be appointed to the advisory committee may submit a listing of nominees to the governor. The governor may consider the listings in appointing members to the advisory committee. The governor shall appoint members who represent a variety of philosophical views.

3. Members shall serve terms beginning on the date on which all members are initially appointed. Appointments shall comply with sections 69.16 and 69.16A.



Vacancies shall be filled by the original appointing authority and in the manner of the original appointments.

4. Nonlegislative members shall receive actual expenses incurred while serving in their official capacity and may also be eligible to receive compensation as provided in section 7E.6. Legislative members shall receive compensation pursuant to section 2.10.

5. The committee shall select a chairperson, annually, from its membership. A majority of the voting members of the committee constitutes a quorum.

6. The advisory committee shall do all of the following:

a. Develop criteria for the selection of a person, through a request for proposals process or other contractual agreement, to develop the video described in this chapter. Following receipt of applications, or upon agreement of a simple majority of the voting members to a contractual agreement, the advisory committee shall also select the recipient of the contract for development of the video.

b. Develop criteria for information to be included in the video. The criteria shall, at a minimum, require that the person developing the video request input from a variety of interest groups and perspectives which have an interest in pregnancy-related issues and that the video present the various perspectives in an unbiased manner.

c. Develop a process for and provide for the distribution of the video and develop confidentiality requirements relating to the persons involved in viewing the video.

d. Promote use of the video and written decision-making materials through public service announcements and other media formats.

e. Provide ongoing evaluation of the prospective minor parents decision-making assistance program including evaluation of the video and written document and of the notification and waiver system, and make recommendations for improvement.

f. Receive input from the public regarding the program through the use of public hearings, focus groups, surveys, and other formats.

7. The committee, upon the advice of the Iowa department of public health, may receive gifts, grants, or donations for the purpose of implementing and continuing the program.

8. The advisory committee and the producer of the video shall attempt to complete and distribute the video for use not later than January 1, 1997.

9. The advisory committee shall submit a report to the general assembly on or before January 8, 1997, regarding the progress of the committee in completing the committee's duties regarding the development and distribution of the video.

10. The Iowa department of public health shall provide administrative support to the advisory committee.

**Sec. 6. NEW SECTION. 135L.6 MEDICAL EMERGENCY EXCEPTION — ALTERNATIVE PROCEDURE.**

If a pregnant minor's attending physician certifies in writing that a medical emergency exists which necessitates the immediate performance of an abortion on

the pregnant minor, and which results in the inapplicability of section 135L.2 with regard to the required offering of the viewing of the video, of section 135L.3 with regard to notification of a parent prior to the termination of parental rights of a pregnant minor for the purposes of placing the child for adoption, or of section 135L.4 with regard to notification of a parent prior to the performance of an abortion on a pregnant minor, the attending physician shall do the following:

1. Certify in writing the basis for the medical judgment that a medical emergency exists and make the written certification available to a parent of the pregnant minor prior to performance of the abortion, if possible.

2. If it is not possible to provide a parent of the pregnant minor with written certification prior to performance of the abortion under subsection 1, the physician shall provide the written certification to a parent of the pregnant minor within twelve hours following the performance of the abortion unless one of the following applies:

a. The abortion is authorized in writing by a parent entitled to notification.

b. (1) The pregnant minor declares, in a written statement submitted to the attending physician, a reason for not notifying a parent and a reason for notifying a grandparent or an aunt or uncle of the pregnant minor in lieu of the notification of a parent. Upon receipt of the written statement from the pregnant minor, the attending physician shall provide notification to a grandparent or an aunt or uncle of the pregnant minor, specified by the pregnant minor, in the manner in which notification is provided to a parent.

(2) The notification form shall be in duplicate and shall include both of the following:

(a) A declaration which informs the grandparent or the aunt or uncle of the pregnant minor that the grandparent or aunt or uncle of the pregnant minor may be subject to civil action if the grandparent or aunt or uncle accepts notification.

(b) A provision that the grandparent or aunt or uncle of the pregnant minor may refuse acceptance of notification.

c. The pregnant minor declares that the pregnant minor is a victim of child abuse pursuant to section 232.68, the person responsible for the care of the child is a parent of the child, and either the abuse has been reported pursuant to the procedures prescribed in chapter 232, division III, part 2, or a parent of the child is named in a report of founded child abuse. The department of human services shall maintain confidentiality under chapter 232 regarding the pregnant minor's pregnancy and abortion, if an abortion is obtained.

d. The pregnant minor declares that the pregnant minor is a victim of sexual abuse as defined in chapter 709 and has reported the sexual abuse to law enforcement.

e. The pregnant minor elects not to allow notification of the pregnant minor's parent and a court authorizes waiver of the notification requirement following completion of the proceedings prescribed under section 135L.3 or 135L.4.

#### Sec. 7. NEW SECTION. 135L.7 FRAUDULENT PRACTICE.

A person who does any of the following is guilty of a fraudulent practice in the fourth degree pursuant to section 714.12:

1. Knowingly tenders a false original or copy of the signed and dated certification form described in section 135L.2, to be retained by the licensed physician, to be sent to the pregnant minor's attending physician, or to be attached to the termination of parental rights petition pursuant to section 135L.3.

2. Knowingly tenders a false original or copy of the notification document mailed to a parent, grandparent, or aunt or uncle of the pregnant minor under this chapter, a false original or copy of the written certification to be provided to a parent of a pregnant minor pursuant to section 135L.6, or a false original or copy of the order waiving notification relative to the performance of an abortion on a pregnant minor or relative to the termination of parental rights of a pregnant minor.

Sec. 8. NEW SECTION. 135L.8 IMMUNITIES.

1. With the exception of the civil liability which may apply to a grandparent or aunt or uncle of a pregnant minor who accepts notification under this chapter, a person is immune from any liability, civil or criminal, for any act, omission, or decision made in connection with a good faith effort to comply with the provisions of this chapter.

2. This section shall not be construed to limit civil or criminal liability of a person for any act, omission, or decision made in relation to the performance of a medical procedure on a pregnant minor.

Sec. 9. NEW SECTION. 135L.9 ADOPTION OF RULES — IMPLEMENTATION AND DOCUMENTS.

The Iowa department of public health shall adopt rules to implement the notification procedures pursuant to this chapter including but not limited to rules regarding the documents necessary for notification of a parent, grandparent, or aunt or uncle of a pregnant minor who is designated to receive notification under this chapter.

Sec. 10. NEW SECTION. 232.5 ADOPTION OF CHILD BORN TO A MINOR OR ABORTION PERFORMED ON A MINOR — WAIVER OF NOTIFICATION PROCEEDINGS.

The court shall have exclusive jurisdiction over the proceedings for the granting of an order for waiver of the notification requirements relating to the adoption of a child born to a minor or to the performance of an abortion on a minor pursuant to sections 135L.3 and 135L.4.

Sec. 11. Section 600.13, Code 1995, is amended by adding the following new subsection:

NEW SUBSECTION. 7. Noncompliance with the provisions of section 135L.2 or 135L.3 is not grounds for denial, modification, vacation, or appeal of an interlocutory or final adoption decree.

Sec. 12. Section 600A.4, subsection 4, Code 1995, is amended to read as follows:

4. Either a parent who has signed a release of custody, or a nonsigning parent, may, at any time prior to the entry of an order terminating parental rights, request the juvenile court designated in section 600A.5 to order the revocation of any release of custody previously executed by either parent. If such request is by a signing parent, and is within ninety-six hours of the time such parent signed a

release of custody, the juvenile court shall order the release revoked. Otherwise, the juvenile court shall order the release or releases revoked only upon clear and convincing evidence that good cause exists for revocation. Good cause for revocation includes but is not limited to a showing that the release was obtained by fraud, coercion, or misrepresentation of law or fact which was material to its execution. Noncompliance by a pregnant minor with the provisions of section 135L.2 or 135L.3 does not constitute good cause for revocation. In determining whether good cause exists for revocation, the juvenile court shall give paramount consideration to the best interests of the child including avoidance of a disruption of an existing relationship between a parent and child. The juvenile court shall also give due consideration to the interests of the parents of the child and of any person standing in the place of the parents.

Sec. 13. Section 600A.9, Code 1995, is amended by adding the following new subsection:

**NEW SUBSECTION.** 5. Noncompliance with the provisions of section 135L.2 or 135L.3 is not grounds for denial, modification, vacation, or appeal of a termination of parental rights order.

Sec. 14. **EFFECTIVE DATE.** The section of this Act which creates section 135L.5 relating to the establishment of the advisory committee, being deemed of immediate importance, takes effect upon enactment. The advisory committee shall be appointed within sixty days of the enactment of this Act and may begin performing committee duties prior to the beginning of the official commencement of the terms of the committee members as provided in section 135L.5 as created in this Act.

If the advisory committee created pursuant to section 135L.5 has completed its duties regarding the development and distribution of the video pursuant to section 135L.2 prior to January 1, 1997, the remainder of this Act takes effect January 1, 1997. However, even if the advisory committee has not completed its duties prior to January 1, 1997, and the video is not developed and distributed prior to January 1, 1997, the remaining sections of this Act, exclusive of the section which creates section 135L.5, and exclusive of the section and provisions which relate to development, distribution, and offering of the video and the written decision-making materials, take effect January 1, 1997.

Sec. 15. **REPEAL — ADVISORY COMMITTEE.** Section 135L.5 is repealed effective January 1, 1999, or two years following the distribution date of the video as determined by the advisory committee, whichever is later."

2. Title page, by striking lines 1 through 3, and inserting the following: "An Act relating to the establishment of a prospective minor parents decision-making assistance program, providing penalties, providing a repeal, and providing effective dates."

ON THE PART OF THE HOUSE

DAN BODDICKER, Chair  
DONNA HAMMITT BARRY  
CHARLES HURLEY

ON THE PART OF THE SENATE

ELAINE SZYMONIAK, Chair  
MERLIN E. BARTZ  
MARY E. KRAMER  
LARRY MURPHY

The House stood at ease at 11:03 a.m., until the fall of the gavel.

The House resumed session at 12:07 p.m., Speaker Corbett in the chair.

Grundberg of Polk rose on a point of order that the Conference Committee Report on Senate File 13 was not in order, pursuant to House Rule 39A.

The Speaker ruled the point not well taken.

Siegrist of Pottawattamie asked and received unanimous consent to defer action on Senate File 13.

(Conference Committee Report pending.)

### 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 14, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2171, a bill for an act relating to public health administration, including the duties of the director of public health, primary care recruitment and retention, professional licensure, and health data.

Also: That the Senate has on March 14, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2201, a bill for an act relating to the open enrollment application and implementation process.

Also: That the Senate has on March 14, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2265, a bill for an act relating to the required participation of parents of minor children in a seminar prior to the granting of a dissolution of marriage decree and certain contested modification of custody orders.

Also: That the Senate has on March 14, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2301, a bill for an act relating to lead abatement and inspection, training and certification requirements, and providing penalties.

Also: That the Senate has on March 14, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2315, a bill for an act requiring the posting of notice of par sheet theoretical payout averages for slot machines in racetrack enclosures and excursion gambling boats.

Also: That the Senate has on March 14, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2387, a bill for an act relating to the department of general services, by providing for the sale or disposal of unwanted state personal property and by establishing a monument maintenance account.

Also: That the Senate has on March 14, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2409, a bill for an act relating to workforce development by establishing a workforce development department, by eliminating the department of employment services, and including workforce development programs in the new department, by providing for state privatization contracts, and by establishing a workforce development board and regional advisory boards.

Also: That the Senate has on March 14, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2412, a bill for an act relating to the registration of postsecondary schools and increasing fees.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 12:58 p.m., until 2:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 2:05 p.m., Speaker Corbett in the chair.

#### QUORUM CALL

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

#### CONSIDERATION OF BILLS

##### Regular Calendar

The House resumed consideration of **Senate File 13**, a bill for an act relating to the establishment of a decision-making process for prospective minor parents, providing penalties, and providing effective dates, previously deferred and the conference committee report pending.

Speaker pro tempore Van Maanen of Marion in the chair at 2:18 p.m.

Speaker Corbett in the chair at 2:37 p.m.

Boddicker of Cedar moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 49, nays 45.

The motion prevailed and the conference committee report was adopted.

Boddicker of Cedar 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. 13)

The ayes were, 53:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Brauns	Brunkhorst	Coon
Cormack	Daggett	Disney	Drees
Eddie	Gipp	Greig	Gries
Hahn	Halvorson	Hamitt Barry	Hanson
Heaton	Hurley	Jochum	Koenigs
Kreiman	Kremer	Lamberti	Larson
Lord	Main	May	McCoy
Mertz	Mundie	Murphy	Nutt
O'Brien	Osterhaus	Renken	Salton
Schulte	Siegrist	Teig	Thomson
Tyrrell	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Welter	Wise
Mr. Speaker			
Corbett			

The nays were, 46:

Baker	Bell	Bernau	Brammer
Brand	Branstad	Burnett	Carroll
Cataldo	Churchill	Cphoon	Connors
Dinkla	Doderer	Drake	Ertl
Fallon	Garman	Greiner	Grubbs
Grundberg	Harper	Harrison	Holveck
Huseman	Jacobs	Klemme	Larkin
Martin	Mascher	Metcalf	Meyer
Millage	Moreland	Myers	Nelson, B.
Nelson, L.	Ollie	Rants	Schrader
Shoultz	Sukup	Taylor	Van Fossen
Weigel	Witt		

Absent or not voting, 1:

Houser

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 13** be immediately messaged to the Senate.

**House File 2449**, a bill for an act setting campaign contribution limits by persons and political committees, addressing independent expenditures on behalf of candidates, employee and member contributions, making penalties applicable, and providing an effective date, was taken up for consideration.

The House stood at ease at 3:48 p.m., until the fall of the gavel.

The House resumed session at 4:48 p.m., Speaker Corbett in the chair.

Bernau of Story asked and received unanimous consent to withdraw amendment H-5258 filed by him on March 7, 1996.

Jochum of Dubuque offered amendment H-5327 filed by Jochum et. al. as follows:

H-5327

1 Amend House File 2449 as follows:

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

4 "Section 1. Sections 2 through 8 of this Act are  
5 created as a new division of chapter 56.

6 Sec. 2. NEW SECTION. 56.31 DEFINITIONS.

7 As used in this division, unless the context  
8 requires otherwise:

9 1. "Advocacy information" is material published or  
10 broadcast which discusses public issues, candidates,  
11 or voting records from which a reasonable person could  
12 draw a fair inference that the material recommends the  
13 defeat or election of an identifiable candidate in a  
14 restricted campaign.

15 2. "Benefited candidate" means a candidate in a  
16 restricted campaign whose election is recommended or  
17 whose opponent's defeat is recommended by advocacy  
18 information or by the fair inferences drawn from the  
19 advocacy information by a reasonable person as  
20 determined by the board.

21 3. "Eligible office" means the offices of state  
22 representative, state senator, secretary of  
23 agriculture, secretary of state, treasurer of state,  
24 auditor of state, attorney general, and governor. The  
25 office of lieutenant governor shall not be considered  
26 a separate eligible office but shall be considered  
27 with the office of governor for purposes of this  
28 division.

29 4. "Political action committee" means any  
30 political committee except a county statutory  
31 political committee, a state statutory political  
32 committee, a national political party, or a nonparty  
33 political organization under chapter 44.



34 5. "Qualifying nomination" means a nomination by a  
35 political party as defined by section 43.2, or a  
36 nomination under chapter 44 or 45.

37 6. "Restricted campaign" means a campaign for an  
38 eligible office in which there are two or more  
39 candidates with qualifying nominations and all of  
40 those candidates have registered with the board and  
41 voluntarily agreed to limit campaign expenditures and  
42 contributions pursuant to section 56.33.

43 Sec. 3. NEW SECTION. 56.32 REGISTRATION FOR A  
44 RESTRICTED CAMPAIGN.

45 Each candidate for an eligible office shall  
46 register with the board and shall indicate whether the  
47 candidate voluntarily agrees to limit campaign  
48 expenditures and contributions in a restricted  
49 campaign prior to or with the filing of nomination  
50 papers pursuant to chapter 43, 44, or 45.

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1 Notwithstanding section 43.20, the nomination  
2 petition of a candidate who does not agree to a  
3 restricted campaign must contain signatures of at  
4 least fifteen percent of the total number of votes  
5 cast in the last general election for that office. A  
6 candidate nominated pursuant to section 43.66 who does  
7 not agree to a restricted campaign must file a  
8 nomination petition within fifteen days of nomination  
9 containing signatures of at least fifteen percent of  
10 the total number of votes cast in the last general  
11 election for that office in order to be placed on the  
12 general election ballot. A candidate who agrees to a  
13 restricted campaign and whose opponent does not agree  
14 to a restricted campaign is not required to obtain  
15 signatures under this section, is not subject to the  
16 limitations on campaign expenditures or contributions  
17 imposed in this division, and shall be considered as a  
18 candidate who agreed to a restricted campaign for  
19 purposes of this section.

20 Notwithstanding the dates required for filing  
21 disclosure reports pursuant to section 56.6, a  
22 candidate who does not agree to a restricted campaign  
23 pursuant to this section shall file a disclosure  
24 report each month until June 30 of the year of the  
25 election. Beginning July 1 of the year of the  
26 election, the candidate shall file a disclosure report  
27 every fourteen days until the date of the general  
28 election. After the date of election, the candidate  
29 shall file a disclosure report each month until the  
30 candidate files nomination papers for the same or  
31 another public office, or closes the candidate's  
32 campaign account.

33 The commissioner required to publish notice of the

34 election and the ballot pursuant to section 49.53  
35 shall, simultaneously with such publication, publish  
36 the names of candidates who agree and do not agree to  
37 a restricted campaign using the following language  
38 where applicable: "These candidates refused to limit  
39 their campaign spending."; or "These candidates  
40 voluntarily agreed to limit their campaign spending."

41 Sec. 4. NEW SECTION. 56.33 RESTRICTED CAMPAIGNS  
42 — LIMITS ON EXPENDITURES.

43 If a restricted campaign exists, the candidate's  
44 committees of those candidates with qualifying  
45 nominations to that eligible office are subject to the  
46 following limits on expenditures:

47 1. Governor. Total expenditure limit, five  
48 hundred thousand dollars in a primary election if  
49 there is no primary opponent, one million dollars in a  
50 primary election if there is a primary opponent, and

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1 one million five hundred thousand dollars in a general  
2 election.

3 2. Attorney general, secretary of agriculture,  
4 secretary of state, treasurer of state, and auditor of  
5 state. Total expenditure limit, fifty thousand  
6 dollars in a primary election if there is no primary  
7 opponent, one hundred thousand dollars in a primary  
8 election if there is a primary opponent, and one  
9 hundred thousand dollars in a general election.

10 3. State senator. Total expenditure limit, ten  
11 thousand dollars in a primary election if there is no  
12 primary opponent, twenty-five thousand dollars in a  
13 primary election if there is a primary opponent, and  
14 twenty-five thousand dollars in a general election.

15 4. State representative. Total expenditure limit,  
16 five thousand dollars in a primary election if there  
17 is no primary opponent, fifteen thousand dollars in a  
18 primary election if there is a primary opponent, and  
19 fifteen thousand dollars in a general election.

20 For purposes of this division, an expenditure  
21 occurs at the time of performance and not at the time  
22 of payment.

23 Actions involving an expenditure taken on behalf of  
24 a candidate in a restricted campaign shall be  
25 accepted, reported, and credited against the limits of  
26 this section, or disavowed pursuant to section 56.13.  
27 Actions taken by a county or state statutory political  
28 committee or a national political party which benefit  
29 the political party generally and which benefit more  
30 than one candidate shall not be considered as  
31 expenditures under this division.

32 The board shall, by July 1 in each odd-numbered  
33 year, adjust the limitations on expenditures to

34 reflect any increase in the consumer price index as  
35 released by the federal government.

36 Sec. 5. NEW SECTION. 56.34 PERIODS THE  
37 EXPENDITURE LIMITS ARE IN EFFECT.

38 If a restricted campaign exists, the limitations of  
39 section 56.33 apply to expenses incurred during the  
40 following periods:

41 1. During an even-numbered year, from the date the  
42 candidate or the candidate's treasurer files a  
43 statement of organization as required by section 56.5,  
44 or from the date the candidate or the candidate's  
45 designee files an affidavit of candidacy with the  
46 state commissioner of elections, whichever date is  
47 earlier, through the date of the general election for  
48 that office.

49 2. During a special election, from the date the  
50 candidate or the candidate's treasurer files a

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1 statement of organization as required by section 56.5,  
2 or from the date the candidate or the candidate's  
3 designee files an affidavit of candidacy with the  
4 state commissioner of elections, whichever date is  
5 earlier, through the date of the special election for  
6 that office.

7 Sec. 6. NEW SECTION. 56.35 ADJUSTMENTS FOR  
8 BENEFITED CANDIDATES AND OPPONENTS.

9 1. A person or political committee which causes  
10 the publication, mass mailing, or broadcast of  
11 advocacy information in a restricted campaign shall  
12 give notice to the board and to the benefited  
13 candidate. The notice shall be given by certified  
14 restricted mail within twenty-four hours after the  
15 publication, mailing, or broadcast of the advocacy  
16 information and be accompanied by the text of the  
17 advocacy information and the amount of the  
18 publication, mailing, or broadcasting expenditures.

19 2. The benefited candidate shall notify the board  
20 within seventy-two hours of receipt of notice given  
21 pursuant to subsection 1 whether the candidate accepts  
22 or disavows the expenditure. If the candidate accepts  
23 the expenditure, the anticipated expenditure shall be  
24 credited against the candidate's expenditure limit.  
25 If the candidate files a statement of disavowal, the  
26 commissioner or board shall forward a copy of the  
27 statement to the candidate's opponent.

28 3. For the purposes of this section, the board  
29 shall disregard the first five hundred dollars of  
30 aggregate disavowed expenditures regarding a benefited  
31 candidate for the general assembly, the first one  
32 thousand dollars of aggregate disavowed expenditures  
33 regarding a benefited candidate for a statewide office

34 other than governor, and the first five thousand  
35 dollars of aggregate disavowed expenditures regarding  
36 a benefited candidate for governor. If the aggregate  
37 disavowed expenditures regarding a benefited candidate  
38 exceed the amounts provided in this section, the board  
39 shall determine if a reasonable person would or would  
40 not draw a fair inference that the material assists  
41 the election of the benefited candidate or the defeat  
42 of an opposing candidate. If the board determines  
43 that a candidate is benefited, the board shall  
44 attribute the disavowed expenditure to the expenditure  
45 limits of the benefited candidate and shall do one of  
46 the following: increase the benefited candidate's  
47 opponent's expenditure limits by the amount of the  
48 disavowed expenditures attributed to the benefited  
49 candidate or eliminate the expenditure limit of the  
50 benefited candidate's opponent for that election

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1 period.  
2 4. The board by rule may delegate decisions under  
3 subsection 3 to a panel of three members of the board.  
4 If delegated, the decisions of the panel constitute  
5 final agency action for the purposes of chapter 17A.  
6 Notwithstanding section 17A.19, a petition for  
7 judicial review of a decision under this section shall  
8 be filed only in Polk county district court, the court  
9 shall not stay the increase or elimination of the  
10 limits for the candidates opposing the benefited  
11 candidate pending the outcome of the judicial review  
12 proceeding, the petitioner has only two days after  
13 filing to provide notice or copies to the other  
14 parties, and the proceeding shall receive the highest  
15 priority among the cases before the district court.  
16 The decisions under subsection 3 shall be made  
17 within two days of the board's receipt of the  
18 benefited candidate's disavowal and the benefited  
19 candidate and opponents shall be promptly notified.  
20 Advocacy information caused by a county or state  
21 statutory political committee or a national political  
22 party which benefit the political party generally and  
23 which benefit more than one candidate are not subject  
24 to the requirements of this section.  
25 Sec. 7. NEW SECTION. 56.36 RESTRICTED CAMPAIGNS  
26 — LIMITS ON ACCEPTANCE OF CONTRIBUTIONS.  
27 If a restricted campaign exists, the acceptance of  
28 contributions by candidates for the following offices  
29 from political action committees and individuals is  
30 subject to the following limitations:  
31 1. Governor.  
32 a. Total political action committee contributions,  
33 thirty-five percent of the candidate's applicable

- 34 expenditure limit in a primary election, and thirty-  
35 five percent of the candidate's expenditure limit in a  
36 general election.
- 37 b. Largest political action committee  
38 contribution, five thousand dollars.
- 39 c. Largest individual contribution, excluding  
40 contributions made by a candidate to the candidate's  
41 own campaign, one thousand dollars.
- 42 2. Attorney general, secretary of agriculture,  
43 secretary of state, treasurer of state, and auditor of  
44 state.
- 45 a. Total political action committee contributions,  
46 thirty-five percent of the candidate's applicable  
47 expenditure limit in a primary election, and thirty-  
48 five percent of the candidate's expenditure limit in a  
49 general election.
- 50 b. Largest political action committee

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- 1 contribution, five thousand dollars.
- 2 c. Largest individual contribution, excluding  
3 contributions made by a candidate to the candidate's  
4 own campaign, one thousand dollars.
- 5 3. State senator.
- 6 a. Total political action committee contributions,  
7 thirty-five percent of the candidate's applicable  
8 expenditure limit in a primary election, and thirty-  
9 five percent of the candidate's expenditure limit in a  
10 general election.
- 11 b. Largest political action committee  
12 contribution, one thousand dollars.
- 13 c. Largest individual contribution, excluding  
14 contributions made by a candidate to the candidate's  
15 own campaign, five hundred dollars.
- 16 4. State representative.
- 17 a. Total political action committee contributions,  
18 thirty-five percent of the candidate's applicable  
19 expenditure limit in a primary election, and thirty-  
20 five percent of the candidate's expenditure limit in a  
21 general election.
- 22 b. Largest political action committee  
23 contribution, one thousand dollars.
- 24 c. Largest individual contribution, excluding  
25 contributions made by the candidate to the candidate's  
26 own campaign, five hundred dollars.
- 27 5. Individual contributions to the candidate or  
28 candidate's committee made by one individual of a  
29 cumulative value of one hundred dollars or more shall  
30 be reported, including the name, address, occupation,  
31 and place of business of the contributor.
- 32 Sec. 8. **NEW SECTION. 56.37 PENALTIES.**
- 33 1. A candidate who voluntarily agrees to a

34 restricted campaign, and who exceeds the expenditure  
35 or contribution limitations in this division, shall be  
36 subject to a fine which is based on the percentage by  
37 which the candidate exceeds permitted expenditures or  
38 contributions, so that the candidate shall pay a  
39 percentage of the excess campaign expenditures or  
40 contributions as follows:

41 a. Governor. For excess campaign expenditures or  
42 contributions of under two thousand dollars, one  
43 percent; for excess campaign expenditures or  
44 contributions of two thousand to ten thousand dollars,  
45 ten percent; for excess campaign expenditures or  
46 contributions of ten thousand one to twenty thousand  
47 dollars, twenty-five percent; for excess campaign  
48 expenditures or contributions of over twenty thousand  
49 dollars, fifty percent.

50 b. Attorney general, secretary of agriculture,

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1 secretary of state, treasurer of state, and auditor of  
2 state. For excess campaign expenditures or  
3 contributions under one thousand dollars, one percent;  
4 for excess expenditures or contributions of one  
5 thousand to five thousand dollars, ten percent; for  
6 excess expenditures or contributions of five thousand  
7 one to ten thousand dollars, twenty-five percent; for  
8 excess expenditures or contributions of over ten  
9 thousand dollars, fifty percent.

10 c. State senator. For excess campaign  
11 expenditures or contributions of under five hundred  
12 dollars, one percent; for excess expenditures or  
13 contributions of five hundred to one thousand dollars,  
14 ten percent; for excess expenditures or contributions  
15 of one thousand one to five thousand dollars, twenty-  
16 five percent; for excess expenditures or contributions  
17 of over five thousand dollars, fifty percent.

18 d. State representative. For excess campaign  
19 expenditures or contributions of under two hundred  
20 fifty dollars, one percent; for excess expenditures or  
21 contributions of two hundred fifty to five hundred  
22 dollars, ten percent; for excess expenditures or  
23 contributions of five hundred one to two thousand five  
24 hundred dollars, twenty-five percent; for excess  
25 expenditures or contributions of over two thousand  
26 five hundred dollars, fifty percent.

27 Fines collected pursuant to this section shall be  
28 paid to the state political party of the violating  
29 candidate's opponent.

30 2. Mileage expenses of the candidate, at a rate  
31 determined pursuant to section 2.10, are not subject  
32 to the expenditure limits of section 56.33.

33 3. The criminal penalty of section 56.16 applies

34 to violations of this division.

35 4. A candidate who knowingly and intentionally  
36 violates the expenditure or contribution limits of  
37 section 56.33 or section 56.36 is, upon conviction,  
38 guilty of a class "D" felony, but is only subject to a  
39 fine and is not subject to imprisonment,  
40 notwithstanding the provisions of section 902.9. A  
41 candidate shall not take the oath of office pending  
42 conviction or acquittal, following trial, on charges  
43 brought under this subsection, and a candidate is  
44 disqualified from holding office upon conviction  
45 obtained pursuant to this subsection.

46 Sec. 9. Section 56.13, subsection 1, unnumbered  
47 paragraph 1, Code Supplement 1995, is amended to read  
48 as follows:

49 Action involving a contribution or expenditure  
50 which must be reported under this chapter and which is

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1 taken by any person, candidate's committee or  
2 political committee on behalf of a candidate, if known  
3 and approved by the candidate, shall be deemed action  
4 by the candidate and reported by the candidate's  
5 committee. If a restricted campaign exists, the  
6 action involving an expenditure or contribution which  
7 must be reported under this chapter and which is taken  
8 by any person, candidate's committee, or political  
9 committee on behalf of a candidate, if known and  
10 approved by the candidate, shall be reported by the  
11 candidate's committee, and shall be credited against  
12 the candidate's expenditure or contribution limits  
13 pursuant to section 56.33 or 56.36. It shall be  
14 presumed that a candidate approves the action if the  
15 candidate had knowledge of it and failed to file a  
16 statement of disavowal with the commissioner or board  
17 and take corrective action within seventy-two hours of  
18 the action. A person, candidate's committee or  
19 political committee taking such action independently  
20 of that candidate's committee shall notify that  
21 candidate's committee in writing within twenty-four  
22 hours of taking the action. The notification shall  
23 provide that candidate's committee with the cost of  
24 the promotion at fair market value. A copy of the  
25 notification shall be sent to the board. If a  
26 candidate files a statement of disavowal, the  
27 commissioner or board shall forward a copy of the  
28 statement to the candidate's opponent.

29 Sec. 10. Section 56.14, Code Supplement 1995, is  
30 amended by adding the following new unnumbered  
31 paragraph:

32 NEW UNNUMBERED PARAGRAPH. In addition to the  
33 identification required in this section, a candidate's

34 committee of a candidate who is not registered for a  
 35 restricted campaign pursuant to section 56.32, shall  
 36 include, on all printed material, a statement, equal  
 37 in size to the identification information, that the  
 38 candidate is not registered for a restricted campaign.  
 39 A similar disclaimer shall also be included, vocally,  
 40 in all radio and television commercials purchased on  
 41 behalf of the candidate. Candidates who have not  
 42 registered for a restricted campaign shall state the  
 43 following: "(name of candidate) refused to limit  
 44 campaign spending." The information required under  
 45 this paragraph may be included on materials and  
 46 commercials by a candidate who is registered for a  
 47 restricted campaign.  
 48 Sec. 11. ANTISEVERABILITY CLAUSE. Notwithstanding  
 49 section 4.12, if section 56.35, subsection 3 or 4, or  
 50 section 56.37, subsection 3, or the application

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1 thereof is invalid, this Act shall be invalid.  
 2 Sec. 12. EFFECTIVE DATE. This Act takes effect  
 3 January 1, 1997."  
 4 2. Title page, by striking lines 1 through 4 and  
 5 inserting the following: "An Act providing for  
 6 voluntary limitation of campaign expenditures and  
 7 contributions for certain elective officers, for  
 8 disclosure by candidates who do not elect to limit  
 9 campaign expenditures and contributions, for  
 10 penalties, and providing an effective date."

Metcalf of Polk in the chair at 5:15 p.m.

Jochum of Dubuque moved the adoption of amendment H-5327.

Roll call was requested by Gipp of Winneshiek and Witt of Black Hawk.

On the question "Shall amendment H-5327 be adopted?" (H.F. 2449)

The ayes were, 39:

Baker	Bell	Bernau	Brand
Branstad	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Ertl
Fallon	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Tyrrell	Warnstadt
Weigel	Wise	Witt	



The nays were, 58:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Garman	Gipp	Greiner
Gries	Grubbs	Grundberg	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Metcalf, Presiding		

Absent or not voting, 3:

Brammer	Greig	Hahn
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Amendment H-5327 lost.

Witt of Black Hawk offered the following amendment H-5395 filed by him and moved its adoption:

H-5395

- 1 Amend House File 2449 as follows:
- 2 1. Page 1, by inserting after line 9 the
- 3 following:
- 4 "Sec. \_\_\_\_ Section 56.2, subsection 9, Code
- 5 Supplement 1995, is amended to read as follows:
- 6 9. a. "Contribution" means any or any combination
- 7 of the following:
- 8 a. (1) A gift, loan, advance, deposit, rebate,
- 9 refund, or other transfer of money or a gift to a
- 10 candidate's committee, political committee, state
- 11 statutory political committee, county statutory
- 12 political committee, or city statutory political
- 13 committee.
- 14 (2) The in kind provision of goods or services
- 15 which is intended to or actually does benefit a
- 16 candidate's committee, political committee, state
- 17 statutory political committee, county statutory
- 18 political committee, or city statutory political
- 19 committee.
- 20 b. (3) The payment, by any person other than a
- 21 candidate or political committee, of compensation for

22 the personal services of another person which are  
 23 rendered to a candidate, ~~or~~ political committee, state  
 24 statutory political committee, county statutory  
 25 political committee, or city statutory political  
 26 committee, for any such purpose.

27 b. "Contribution" shall not be construed to  
 28 include any of the following:

29 (1) Any services provided without compensation by  
 30 individuals volunteering their time on behalf of a  
 31 candidate's committee, ~~or~~ political committee, ~~or a~~  
 32 state ~~or~~ county statutory political committee, except  
 33 when organized or provided on a collective basis by a  
 34 business, trade association, labor union, or any other  
 35 organized group or association county statutory  
 36 political committee, or city statutory political  
 37 committee, provided that such time is not spent  
 38 performing services for which, in the previous twelve  
 39 months, the individual has been compensated as part of  
 40 that individual's profession or other employment.

41 (2) Any goods or services provided directly by a  
 42 state statutory political committee, county statutory  
 43 political committee, city statutory political  
 44 committee, or national political party, or by the paid  
 45 staff of any such committee or party.

46 (3) "Contribution" shall not include refreshments  
 47 Refreshments served at a campaign function so long as  
 48 such refreshments do not exceed fifty dollars in value  
 49 or transportation provided to a candidate so long as  
 50 its value computed at a rate of twenty cents per mile

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1 does not exceed one hundred dollars in value in any  
 2 one reporting period.

3 (4) "Contribution" shall not include something An  
 4 item or items provided to a candidate for the  
 5 candidate's personal consumption or use and not  
 6 intended for or on behalf of the candidate's  
 7 committee."

8 2. Page 4, by inserting after line 20 the  
 9 following:

10 "8A. For purposes of this section, all  
 11 contributions of goods or services provided in kind  
 12 shall be reported at the usual and customary rate of  
 13 the contributor. If the goods or services are  
 14 provided for an amount less than the usual and  
 15 customary rate of the contributor, the contribution  
 16 amount shall be the difference between the amount  
 17 actually paid and the usual and customary rate of the  
 18 contributor."

19 3. By renumbering as necessary.

Amendment H-5395 was adopted.

Churchill of Polk asked and received unanimous consent to withdraw amendment H-5230, filed by him on March 6, 1996, placing out of order amendment H-5340, to amendment H-5230, filed by Fallon of Polk on March 12, 1996.

Bernau of Story asked and received unanimous consent to defer action on amendment H-5378.

Fallon of Polk offered the following amendment H-5392 filed by him and moved its adoption:

H-5392

- 1 Amend House File 2449 as follows:
- 2 1. Page 3, line 3, by striking the words "One
- 3 thousand" and inserting the following: "Five
- 4 hundred".
- 5 2. Page 3, line 5, by striking the words "Five
- 6 hundred" and inserting the following: "Two hundred
- 7 fifty".
- 8 3. Page 3, line 12, by striking the words "Five
- 9 thousand" and inserting the following: "Two thousand
- 10 five hundred".
- 11 4. Page 3, line 14, by striking the words "One
- 12 thousand" and inserting the following: "Five
- 13 hundred".
- 14 5. Page 3, line 18, by striking the words "Five
- 15 hundred" and inserting the following: "Two hundred
- 16 fifty".
- 17 6. Page 3, line 20, by striking the words "Five
- 18 hundred" and inserting the following: "Two hundred
- 19 fifty".
- 20 7. Page 3, line 22, by striking the words "Five
- 21 hundred" and inserting the following: "Two hundred
- 22 fifty".
- 23 8. Page 3, line 27, by striking the words "Two
- 24 thousand five hundred" and inserting the following:
- 25 "One thousand seven hundred fifty".
- 26 9. Page 3, line 29, by striking the words "Two
- 27 thousand five hundred" and inserting the following:
- 28 "One thousand seven hundred fifty".
- 29 10. Page 3, line 31, by striking the words "Two
- 30 thousand five hundred" and inserting the following:
- 31 "One thousand seven hundred fifty".
- 32 11. Page 3, line 34, by striking the words "Five
- 33 thousand" and inserting the following: "Two thousand
- 34 five hundred".
- 35 12. Page 4, line 2, by striking the words "Two
- 36 thousand five hundred" and inserting the following:
- 37 "One thousand seven hundred fifty".

Amendment H-5392 lost.

Kremer of Buchanan offered amendment H-5228 filed by him and requested division as follows:

H-5228

- 1 Amend House File 2449 as follows:

H-5228A

- 2 1. By striking page 3, line 33, through page 4,  
3 line 3.

H-5228B

- 4 2. Page 5, line 8, by inserting after the word  
5 "committee" the following: "that previously has been  
6 approved by the candidate or a designee of the  
7 candidate".
- 8 3. Page 5, line 29, by inserting after the word  
9 "writing" the following: "by forwardable mail".
- 10 4. Page 6, line 3, by inserting after the word  
11 "board" the following: "by forwardable mail within  
12 twenty-four hours of taking the action".
- 13 5. Page 6, lines 14 and 15, by striking the words  
14 "candidate, any candidate's committee, or other" and  
15 inserting the following: "candidate or".
- 16 6. Page 6, line 23, by striking the word  
17 "candidate" and inserting the following: "candidate,  
18 provided that the authorization is in writing and has  
19 been signed by the candidate or candidate's designee".
- 20 7. Page 6, line 32, by striking the word  
21 "candidate" and inserting the following: "candidate,  
22 provided that the authorization is in writing and has  
23 been signed by the candidate or candidate's designee".
- 24 8. Page 6, lines 34 and 35, by striking the words  
25 "candidate, the candidate's committee, or other" and  
26 inserting the following: "candidate or".
- 27 9. Page 7, line 6, by striking the word  
28 "candidate" and inserting the following: "candidate,  
29 provided that the authorization is in writing and has  
30 been signed by the candidate or candidate's designee".

On motion by Kremer of Buchanan, amendment H-5228A was adopted.

On motion by Kremer of Buchanan, amendment H-5228B was adopted.

Renken of Grundy offered amendment H-5379 filed by Renken et. al. as follows:

H-5379

- 1 Amend House File 2449 as follows:
- 2 1. Page 7, by striking lines 18 through 25 and
- 3 inserting the following:
- 4 "NEW SUBSECTION. 4A. It shall be unlawful for any
- 5 person to utilize, with regard to employees or
- 6 members, a payroll deduction, partial donation of
- 7 member dues or fees, or any other automatic means of
- 8 contribution intended for support of political
- 9 purposes. A person who seeks financial support for
- 10 any political purpose must affirmatively solicit and
- 11 receive individual contributions from employees or
- 12 members in a method separate from any regular monetary
- 13 transfer between the person and the employee or
- 14 member."

Gipp of Winneshiek offered the following amendment H-5408, to amendment H-5379, filed by him from the floor and moved its adoption:

H-5408

- 1 Amend the amendment, H-5379, to House File 2449 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "\_. Page 2, by striking lines 25 through 29."
- 6 2. Page 1, line 9, by striking the word
- 7 "purposes." and inserting the following: "purposes or
- 8 for the pursuit of any legislative objectives."
- 9 3. Page 1, line 10, by inserting after the word
- 10 "purpose" the following: "or for the pursuit of any
- 11 legislative objective".
- 12 4. By renumbering as necessary.

Amendment H-5408 was adopted.

On motion by Renken of Grundy, amendment H-5379, as amended, was adopted.

Tyrrell of Iowa offered the following amendment H-5226 filed by him and moved its adoption:

H-5226

- 1 Amend House File 2449 as follows:
- 2 1. Page 7, by inserting after line 25 the
- 3 following:
- 4 "Sec. 100. NEW SECTION. 56.42A DISGORGEMENT OF
- 5 CAMPAIGN FUNDS.
- 6 On December 31 following a general election for a
- 7 statewide office or for a position in the general
- 8 assembly sought by a candidate, the candidate's

9 committee shall withdraw all moneys in the candidate's  
10 campaign account that are in excess of any amount  
11 necessary to defray the campaign expenses of the  
12 candidate's committee, and shall transfer the funds  
13 according to the provisions of section 56.42.

14 Sec. 200. DISGORGEMENT OF CANDIDATE'S ACCOUNTS.

15 Within five days after enactment of this Act, each  
16 candidate's committees registered with the Iowa  
17 election and campaign disclosure board shall withdraw  
18 all moneys in the candidate's campaign account, and  
19 shall transfer the funds according to the provisions  
20 of section 56.42. Each candidate shall file an  
21 affidavit of compliance with this section with the  
22 board within five days after such funds are withdrawn  
23 and transferred."

24 2. Page 7, by inserting after line 27 the  
25 following: "However, sections 100 and 200 of this  
26 Act, being deemed of immediate importance, take effect  
27 upon enactment."

28 3. By renumbering as necessary.

Amendment H-5226 lost.

Rants of Woodbury asked and received unanimous consent to with-  
draw amendment H-5229, filed by him on March 6, 1996.

Witt of Black Hawk offered the following amendment H-5391 filed  
by him and moved its adoption:

H-5391

1 Amend House File 2449 as follows:

2 1. Page 7, by inserting after line 25 the  
3 following:

4 "Sec. \_\_\_\_ Section 56.18, Code 1995, is amended to  
5 read as follows:

6 56.18 CHECKOFF — INCOME TAX.

7 A person whose state income tax liability for any  
8 taxable year is ~~one dollar and fifty cents~~ five  
9 dollars or more may direct that ~~one dollar and fifty~~  
10 cents five dollars of that liability be paid over to  
11 the Iowa election campaign fund when submitting the  
12 person's state income tax return to the department of  
13 revenue and finance. In the case of a joint return of  
14 husband and wife having a state income tax liability  
15 of ~~three ten~~ three dollars or more, each spouse may direct  
16 that ~~one dollar and fifty cents~~ five dollars be paid  
17 to the fund. The director of revenue and finance  
18 shall draft the income tax form to provide spaces on  
19 the tax return which the taxpayer may use to designate  
20 that contributions made under this section be credited  
21 to a specified political party as defined by section  
22 43.2, or to the Iowa election campaign fund as a

- 23 contribution to be shared by all such political  
24 parties in the manner prescribed by section 56.19.  
25 The form shall inform the taxpayer of the consequences  
26 of the choices provided under this section, but this  
27 information may be contained in a footnote or other  
28 suitable form if the director of revenue and finance  
29 finds it is not feasible to place the information  
30 immediately above the signature line. The action  
31 taken by a person for the checkoff is irrevocable.”  
32 2. By renumbering as necessary.

Amendment H-5391 was adopted.

Bernau of Story offered the following amendment H-5378, previously deferred, filed by him and moved its adoption:

H-5378

- 1 Amend House File 2449 as follows:  
2 1. Page 2, line 35, by striking the words “or  
3 political committee”.  
4 2. Page 3, line 5, by striking the words “Five  
5 hundred” and inserting the following: “Two hundred  
6 fifty”.  
7 3. Page 3, by inserting after line 6 the  
8 following:  
9 “1A. A political committee shall not make  
10 contributions that, during any election campaign  
11 cycle, in the aggregate, exceed the following:  
12 a. Five thousand dollars to any candidate or  
13 candidate’s committee for a statewide office.  
14 b. One thousand dollars to any other candidate or  
15 candidate’s committee.”  
16 4. Page 3, line 12, by striking the word “Five”  
17 and inserting the following: “Twenty-five”.  
18 5. Page 3, line 14, by striking the word “One”  
19 and inserting the following: “Five”.  
20 6. By striking page 3, line 16, through page 4,  
21 line 3.  
22 7. By renumbering as necessary.

Amendment H-5378 lost.

Pursuant to House Rule 31.8, relating to the timely filing of amendments, amendment H-5409, filed by Gipp of Winneshiek from the floor was out of order.

The House stood at ease at 6:42 p.m., until the fall of the gavel.

The House resumed session at 6:50 p.m., Metcalf of Polk in the chair.

Gipp 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?" (H.F. 2449)

The ayes were, 62:

Arnold	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Cataldo
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Metcalf, Presiding		

The nays were, 35:

Baker	Bell	Bernau	Boddicker
Brand	Burnett	Cohoon	Connors
Doderer	Drees	Harper	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Schulte	Shoultz	Taylor	Warnstadt
Weigel	Wise	Witt	

Absent or not voting, 3:

Blodgett	Brammer	Greig
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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

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2449** be immediately messaged to the Senate.

## INTRODUCTION OF BILLS

**House File 2478**, by committee on ways and means, a bill for an act providing a livestock production credit for state income tax purposes, providing a refund for the credit and an appropriation, and providing effective and retroactive applicability dates.

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



**House File 2479**, by committee on ways and means, a bill for an act relating to housing development, including tax increment financing, making an appropriation for housing programs, and establishing effective dates.

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

**House File 2480**, by committee on ways and means, a bill for an act relating to property taxation of property given to the state or a political subdivision upon which a life estate is retained.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 2037**, by Kibbie and Husak, a bill for an act relating to animal feeding operations by providing for county zoning and siting of certain operations, and imposing requirements relating to construction permits.

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

**Senate File 2171**, by committee on human resources, a bill for an act relating to public health administration, including the duties of the director of public health, primary care recruitment and retention, professional licensure, and health data.

Read first time and referred to committee on **human resources**.

**Senate File 2201**, by committee on education, a bill for an act relating to the open enrollment application and implementation process.

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

**Senate File 2265**, by committee on judiciary, a bill for an act relating to the required participation of parents in a mandatory course prior to the granting of a dissolution of marriage decree and certain other orders, and providing an effective date.

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

**Senate File 2315**, by Black, a bill for an act requiring the posting of notice of par sheet theoretical payout averages for slot machines in racetrack enclosures and excursion gambling boats.

Read first time and referred to committee on **state government**.

**Senate File 2343**, by committee on agriculture, a bill for an act relating to price discrimination in the purchase of livestock and providing criminal penalties and civil remedies.

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

**Senate File 2387**, by committee on state government, a bill for an act relating to the department of general services, by providing for the sale or disposal of unwanted state personal property and by establishing a monument maintenance account.

Read first time and referred to committee on **state government**.

**Senate File 2412**, by committee on education, a bill for an act relating to the registration of postsecondary schools and increasing fees.

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

### 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 14, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2247, a bill for an act relating to permissible fees and commission to be paid to certified public accountants and accounting practitioners.

Also: That the Senate has on March 14, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2419, a bill for an act relating to the activities of the department of education, vocational education, community colleges, to special area education programs, dual enrollment, payment of claims for nonpublic school pupil transportation, the school budget review committee, the enrollment of certain students, annual audits of school districts, and providing effective and retroactive applicability dates.

Also: That the Senate has on March 14, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2448, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date.

JOHN F. DWYER, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Monday, March 11 and the morning of March 14, 1996. Had I been present, I would have voted "aye" on House Files 61, 2050, 2150, 2258, 2297, 2355, 2365, 2383, 2443 and Senate File 376.

BRUNKHORST of Bremer

I was necessarily absent from the House chamber on the morning of Thursday, March 14, 1996. Had I been present, I would have voted "aye" on House File 2127.

**MORELAND** of Wapello

I was necessarily absent from the House chamber on March 4, 5, 6, 7, 11, 12 and 13, 1996. Had I been present, I would have voted "aye" on House Files 523, 2050, 2081, 2140, 2150, 2187, 2190, 2201, 2229, 2247, 2258, 2303, 2308, 2314, 2315, 2316, 2324, 2351, 2355, 2363, 2365, 2366, 2383, 2387, 2390, 2399, 2400, 2408, 2409 and Senate Files 376 and 2135; and "nay" on House Files 61, 2166, 2302, 2306, 2397, 2416, 2421 and 2458.

**OSTERHAUS** of Jackson

### CERTIFICATES OF RECOGNITION

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

**ELIZABETH A. ISAACSON**

Chief Clerk of the House

- 1996\274 Cedar Falls High School Girls Basketball Team and Coach Dan List, Cedar Falls – For placing 2nd in the class 4A division of the 1996 Girls State Basketball Tournament.
- 1996\275 Jessica Sandvold, Cedar Falls High School – For being named captain of the class 4A 1996 Girls State Basketball All-Tournament Team.
- 1996\276 Francisse and Samuel Buckingham, Prairie City – For celebrating their Fiftieth wedding anniversary.
- 1996\277 Dowling High School Girls Basketball Team Coaches Sharon and Bob Hanson, Des Moines – For winning the class 4A division of the 1996 Girls State Basketball Tournament.

### SUBCOMMITTEE ASSIGNMENTS

#### **Senate File 2013**

State Government: Thomson, Chair; Bradley and Cataldo.

#### **Senate File 2158**

Education: Grubbs, Chair; Brunkhorst and Wise.

#### **Senate File 2160**

Education: Gries, Chair; Cohoon and Lord.

**Senate File 2282**

Commerce-Regulation: Van Fossen, Chair; Brunkhorst and Cataldo.

**Senate File 2322**

Education: Daggett, Chair; Cohoon and Rants.

**Senate File 2323**

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

**Senate File 2328**

Education: Nelson of Marshall, Chair; Garman and Mascher.

**Senate File 2334**

Education: Grubbs, Chair; Gries and Ollie.

**Senate File 2352**

Local Government: Vande Hoef, Chair; Larkin and Welter.

**Senate File 2391**

Education: Garman, Chair; Kreiman and Veenstra.

**Senate File 2394**

Commerce-Regulation: Cormack, Chair; Churchill and Wise.

**Senate File 2403**

Education: Nelson of Marshall, Chair; Grundberg and Warnstadt.

**Senate File 2410**

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

**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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Senate File 2443**, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5419 March 13, 1996.

## COMMITTEE ON ENVIRONMENTAL PROTECTION

**Senate File 2035**, a bill for an act relating to the control and eradication of ecologically harmful exotic species and Eurasian milfoil and establishing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5402** March 12, 1996.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 2254), relating to eligibility criteria and benefits, including tax benefits to businesses under the new jobs and income program and establishing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 1996.

**Committee Bill** (Formerly House File 2278), relating to property taxation of property given to the state or a political subdivision upon which a life estate is retained.

Fiscal Note is not required.

Recommended **Do Pass** March 13, 1996.

**Committee Bill** (Formerly House File 2466), relating to housing development, including tax increment financing, making an appropriation for housing programs, and establishing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1996.

**Committee Bill** (Formerly House Study Bill 500), providing a livestock production credit for state income tax purposes, repealing the agricultural land and family farm property tax credits, and providing applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 13, 1996.

## RESOLUTION FILED

**H.C.R. 119**, by Koenigs, a concurrent resolution expressing the sympathy of the Iowa General Assembly to the family of Captain John R. Pitzen, United States Navy.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H—5399	H.F.	2191	Boddicker of Cedar
H—5400	H.F.	2317	Van Fossen of Scott
H—5401	S.F.	2287	Van Fossen of Scott

H—5402	S.F.	2035	Committee on Environmental Protection
H—5403	H.F.	2182	Blodgett of Cerro Gordo
H—5404	H.F.	2419	Koenigs of Mitchell
H—5405	H.F.	2447	Witt of Black Hawk Vande Hoef of Osceola Klemme of Plymouth
H—5406	H.F.	2447	Huseman of Cherokee Witt of Black Hawk Vande Hoef of Osceola Klemme of Plymouth
H—5407	H.F.	2191	Carroll of Poweshiek
H—5410	H.F.	2475	Nutt of Woodbury
H—5411	H.F.	2419	Heaton of Henry
H—5412	H.F.	2433	Gipp of Winneshiek Shoultz of Black Hawk Bradley of Clinton
H—5413	H.F.	2447	Holveck of Polk Shoultz of Black Hawk Vande Hoef of Osceola Klemme of Plymouth
H—5414	H.F.	2447	Holveck of Polk Vande Hoef of Osceola Burnett of Story
H—5415	H.F.	2447	Bernau of Story Burnett of Story
H—5416	H.F.	2182	Blodgett of Cerro Gordo
H—5417	H.F.	2370	Weigel of Chickasaw
H—5418	H.F.	2447	Fallon of Polk
H—5419	S.F.	2443	Committee on Appropriations

On motion by Siegrist of Pottawattamie, the House adjourned at 6:55 p.m., until 9:30 a.m., Friday, March 15, 1996.

# JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day – Forty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 15, 1996

The House met pursuant to adjournment at 9:30 a.m., Holveck of Polk in the chair.

Prayer was offered by the Honorable Dan Boddicker, state representative from Cedar County.

The Journal of Thursday, March 14, 1996 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Branstad of Winnebago from seventeen citizens opposing legislation which would restrict Iowa utilities from offering nonutility services.

## SENATE MESSAGES CONSIDERED

**Senate File 2301**, by committee on human resources, a bill for an act relating to lead abatement and inspection, training and certification requirements, and providing penalties.

Read first time and referred to committee on **environmental protection**.

**Senate File 2409**, by committee on small business, economic development, and tourism, a bill for an act relating to workforce development by establishing a workforce development department, by eliminating the department of employment services, and including workforce development programs in the new department, by providing for state privatization contracts, and by establishing a workforce development board and regional advisory boards.

Read first time and referred to committee on **economic development**.

**Senate File 2419**, by committee on education, a bill for an act relating to the activities of the department of education, vocational education, community colleges, to special area education programs, dual enrollment, payment of claims for nonpublic school pupil transportation, the school budget review committee, the enrollment of certain students, annual audits of school districts, tax certification filing dates for special levies, and providing effective and retroactive applicability dates.

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

**Senate File 2448**, by committee on appropriations, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date.

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

**BILL 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 bill 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 fifteenth day of March, 1996: House File 2114.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

Report adopted.

#### **SUBCOMMITTEE ASSIGNMENTS**

##### **Senate File 2204**

Education: Warnstadt, Chair; Hanson and Nelson of Marshall.

##### **Senate File 2387**

State Government: Disney, Chair; Renken and Taylor.

On motion by Siegrist of Pottawattamie, the House adjourned at 9:34 a.m., until 1:00 p.m., Monday, March 18, 1996.



# JOURNAL OF THE HOUSE

Seventy-first Calendar Day – Forty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 18, 1996

The House met pursuant to adjournment at 1:03 p.m., Garman of Story in the chair.

Prayer was offered by Reverend Robert L. Sauser, First Baptist Church, Creston.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the S.O.D.A. group (Students O.K. Without Drugs and Alcohol) from Linn-Mar High School, Marion.

The Journal of Friday, March 15, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk and Drees of Carroll, both on request of Schrader of Marion.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2370**, a bill for an act relating to limited liability companies and corporations, including the period within which a limited liability company subject to dissolution may be continued, use of trade names by corporations and limited liability companies, and providing an exemption from the real estate transfer tax for certain transfers involving limited liability companies, was taken up for consideration.

Weigel of Chickasaw offered the following amendment H-5417 filed by him and moved its adoption:

H-5417

- 1 Amend House File 2370 as follows:
- 2 1. By striking page 1, line 22, through page 2,
- 3 line 3.
- 4 2. Title page, by striking lines 3 and 4 and
- 5 inserting the following: "subject to dissolution may
- 6 be continued, and providing an".

Amendment H-5417 was adopted.

Nutt of Woodbury 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. 2370)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Coon	Corbett, Spkr.
Cormack	Dinkla	Disney	Doderer
Drake	Eddie	Ertl	Fallon
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Garman, Presiding

The nays were, 2:

Daggett                      Tyrrell

Absent or not voting, 2:

Connors                      Drees

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2370** be immediately messaged to the Senate.

Speaker pro tempore Van Maanen of Marion in the chair at 1:23 p.m.

**House File 2407**, a bill for an act relating to legal publications and related products prepared and distributed under the authority of the general assembly, was taken up for consideration.

Drake of Pottawattamie offered the following amendment H-5396 filed by him and Taylor and moved its adoption:

H-5396

- 1 Amend House File 2407 as follows:
- 2 1. Page 1, by inserting after line 5, the
- 3 following:
- 4 "11A. To establish policies for the distribution
- 5 of information which is stored by the general assembly
- 6 in an electronic format, including the contents of
- 7 statutes or rules, other than electronic publications
- 8 as provided in section 7A.22. The legislative council
- 9 shall establish payment rates that encourage the
- 10 distribution of such information to the public,
- 11 including private vendors reselling that information.
- 12 The legislative council shall not establish a price
- 13 that attempts to recover more than is attributable to
- 14 costs related to producing and delivering the
- 15 information."
- 16 2. Page 1, line 6, by striking the figure:
- 17 "11A." and inserting the following: "11B."
- 18 3. By striking page 3, line 24 through page 4,
- 19 line 30, and inserting the following:
- 20 "Sec. \_\_\_\_ Section 7A.22, subsection 3, Code 1995,
- 21 is amended by striking the subsection.
- 22 Sec. \_\_\_\_ Section 7A.22, Code 1995, is amended by
- 23 adding the following new unnumbered paragraph:
- 24 NEW UNNUMBERED PARAGRAPH. The legislative council
- 25 may establish policies for producing, editing,
- 26 distributing, and pricing electronic publications
- 27 which contain information stored by the general
- 28 assembly in an electronic format, including
- 29 information contained in publications described in
- 30 this section together with programming not originally
- 31 part of the stored information. As part of those
- 32 policies, the council may provide for electronic
- 33 publications containing specialized search and
- 34 retrieval functions, and shall ensure the widest
- 35 possible dissemination of versions of electronic
- 36 publications containing search and retrieval functions
- 37 at the lowest price practicable which shall not be
- 38 more than costs attributable to producing, editing,
- 39 and disseminating those versions."
- 40 4. Page 6, by striking lines 8 and 9 and
- 41 inserting the following: "be more than established
- 42 pursuant to section 7A.22 for the same publication.
- 43 For the Iowa".
- 44 5. Page 6, line 17, by inserting after the word

45 "ON" the following: "FREE".  
 46 6. Page 6, by striking lines 24 through 35 and  
 47 inserting the following: "bureau. In order to  
 48 distribute these legal publications in the most  
 49 efficient manner possible to persons entitled to  
 50 receive these publications pursuant to section 18.97,

**Page 2**

1 the superintendent of printing and the legislative  
 2 council may establish policies requiring payment from  
 3 such persons. The payment amount shall not be more  
 4 than established pursuant to section 7A.22 for the  
 5 same publication."  
 6 7. Page 8, line 22, by inserting after the word  
 7 "software." the following: "A public record shall not  
 8 be withheld from the public because it is combined  
 9 with data processing software. A government body  
 10 shall not acquire any electronic data processing  
 11 system for the storage, manipulation, or retrieval of  
 12 public records that would impair the government body's  
 13 ability to permit the examination of a public record  
 14 and the copying of a public record in either written  
 15 or electronic form. If it is necessary to separate a  
 16 public record from data processing software in order  
 17 to permit the examination or copying of the public  
 18 record, the government body shall bear the cost of  
 19 separation of the public record from the data  
 20 processing software. The electronic public record  
 21 shall be made available in a format useable with  
 22 commonly available data processing or data base  
 23 management software. The cost chargeable to a person  
 24 receiving a public record separated from data  
 25 processing software under this subsection shall not be  
 26 in excess of the charge under this chapter unless the  
 27 person receiving the public record requests that the  
 28 public record be specially processed."  
 29 8. Page 9, line 8, by striking the figure "2.42"  
 30 and inserting the following: "7A.22".

Amendment H-5396 was adopted.

Drake 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. 2407)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo

Churchill	Cohoon	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammit Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Connors                      Drees

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

**House File 2448**, a bill for an act relating to public access to criminal history data maintained by the department of public safety, was taken up for consideration.

Fallon of Polk offered the following amendment H-5358 filed by him and moved its adoption:

H-5358

- 1 Amend House File 2448 as follows:
- 2 1. Page 3, line 3, by inserting after the figure
- 3 "~~692.3~~" the following: "However, the fee for
- 4 conducting a criminal history data check for a person
- 5 seeking release of a certified copy of the person's
- 6 own criminal history data to a potential employer, if
- 7 that employer requests the release in writing, shall
- 8 not be paid by the person but shall be paid by the
- 9 employer."

Amendment H-5358 was adopted.

Coon of Warren 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. 2448)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veestra	Wernstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Connors                      Drees                      Hanson

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2407 and 2448.**

**House File 2413**, a bill for an act relating to foreign and domestic business corporations by amending certain reporting and filing requirements and procedures and establishing fees, was taken up for consideration.

Cormack 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?" (H.F. 2413)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammit Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Connors                      Drees                      Teig

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

**House File 2462**, a bill for an act relating to public access to motor vehicle records and providing a conditional repeal and an effective date, was taken up for consideration.

Nelson of Marshall offered the following amendment H-5225 filed by her and moved its adoption:

H-5225

- 1 Amend House File 2462 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "information" the following: "to the general public".
- 4 2. Page 1, line 19, by inserting after the word
- 5 "information" the following: "to the general public".

Amendment H-5225 was adopted.

Nelson 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?" (H.F. 2462)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cphoon	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 4:

Doderer	Fallon	Jochum	Taylor
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Absent or not voting, 2:

Connors	Drees
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2413 and 2462.**

**House File 2419**, a bill for an act relating to transportation by granting the state department of transportation condemnation rights for utility facility replacement, requiring sixty day property payments, requiring certain criteria be adopted by administrative rule, modifying certain damage disclosure statement requirements, providing for entry onto private property for sounding and drilling, exempting operators of trucks hauling cement from certain regulations, and relating to the disposal of abandoned vehicles, and providing for release of retained funds for public improvements, was taken up for consideration.

Heaton of Henry offered the following amendment H-5411 filed by him and moved its adoption:

H-5411

- 1 Amend House File 2419 as follows:
- 2 1. Page 2, by striking line 7 and inserting the
- 3 following: "annual rate equal to the coupon issue
- 4 yield equivalent, as determined by the United States
- 5 secretary of the treasury, of the average accepted
- 6 auction price for the last auction of fifty-two-week
- 7 United States treasury bills settled immediately
- 8 before the date of the award. However, interest shall
- 9 not begin to accrue after the sixty-first day, until
- 10 such time as the department obtains a clear title and
- 11 an abstract for the property."
- 12 2. Page 3, line 7, by striking the word "thirty"
- 13 inserting the following: "fifty".

Amendment H-5411 was adopted.

Koenigs of Mitchell offered the following amendment H-5404 filed by him and moved its adoption:

H-5404

- 1 Amend House File 2419 as follows:
- 2 1. Page 2, by striking lines 8 through 16.
- 3 2. Title page, by striking line 4.
- 4 3. By renumbering as necessary.

Roll call was requested by Rants of Woodbury and Gipp of Winneshiek.

## On the question "Shall amendment H-5404 be adopted?" (H.F. 2419)

The ayes were, 34:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Doderer	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Vande Hoef	Warnstadt
Weigel	Witt		

The nays were, 64:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nutt
O'Brien	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Veenstra
Weidman	Welter	Wise	Van Maanen, Presiding

Absent or not voting, 2:

Connors                      Drees

Amendment H-5404 lost.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-5237 filed by him on March 7, 1996.

Brauns of Muscatine 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. 2419)

The ayes were, 76:

Arnold	Bell	Blodgett	Bogges
Bradley	Branstad	Brauns	Brunkhorst

Burnett	Carroll	Cataldo	Churchill
Cohoon	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Grios	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Metcalf
Meyer	Millage	Nelson, B.	Nelson, L.
Nutt	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Welter	Wise	Van Maanen, Presiding

The nays were, 21:

Baker	Bernau	Brammer	Brand
Doderer	Fallon	Harper	Jochum
Koenigs	Kreiman	Mertz	Moreland
Mundie	Murphy	Myers	O'Brien
Ollie	Shoultz	Taylor	Weigel
Witt			

Absent or not voting, 3:

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

**House File 2437**, a bill for an act relating to a restriction for special minors' licenses for persons ages fourteen and fifteen and making a penalty applicable, was taken up for consideration.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2437** be deferred and that the bill be placed on the **unfinished business calendar**.

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2419** be immediately messaged to the Senate.

**House File 2433**, a bill for an act relating to the management of waste tires by providing for the establishment of a waste tire management fund, allocation of moneys to facilitate elimination of waste tires and the establishment of future markets for waste tires, providing for

the redirection of the existing fee on certificates of title of motor vehicles, and providing a repeal, was taken up for consideration.

Gipp of Winneshiek offered amendment H-5412 filed by Gipp et. al. as follows:

H-5412

1 Amend House File 2433 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 321.52A, Code Supplement 1995,  
5 is amended to read as follows:  
6 321.52A CERTIFICATE OF TITLE SURCHARGE.  
7 1. In addition to the fee required for the  
8 issuance of a certificate of title under section  
9 321.20, 321.20A, 321.23, 321.42, 321.46, 321.47,  
10 321.48, 321.50, or 321.52, a surcharge of five dollars  
11 shall be required. Of each surcharge collected under  
12 those sections, the county treasurer shall remit five  
13 dollars to the office of treasurer of state for  
14 deposit in the general fund of the state as set forth  
15 in subsection 2.  
16 2. For the fiscal year beginning July 1, 1996, the  
17 treasurer of state shall deposit one million five  
18 hundred thousand dollars of moneys received under  
19 subsection 1 in the waste tire management fund created  
20 in section 455D.11C, and deposit the remainder in the  
21 general fund of the state. For the fiscal year  
22 beginning July 1, 1997, the treasurer of state shall  
23 deposit two million five hundred thousand dollars of  
24 moneys received under subsection 1 in the waste tire  
25 management fund, and deposit the remainder in the  
26 general fund of the state. For the fiscal year  
27 beginning July 1, 1998, and the fiscal year beginning  
28 July 1, 1999, the treasurer of state shall deposit  
29 three million five hundred thousand dollars of moneys  
30 received under subsection 1 in the waste tire  
31 management fund, and deposit the remainder in the  
32 general fund of the state. For the fiscal year  
33 beginning July 1, 2000, the treasurer of state shall  
34 deposit two million five hundred thousand dollars of  
35 the moneys received under subsection 1 in the waste  
36 tire management fund, and one million dollars in the  
37 road use tax fund, with the remainder deposited in the  
38 general fund of the state. For the fiscal year  
39 beginning July 1, 2001, the treasurer of state shall  
40 deposit one million five hundred thousand dollars of  
41 moneys received under subsection 1 in the waste tire  
42 management fund, and three million dollars in the road  
43 use tax fund, with the remainder deposited in the  
44 general fund of the state. For the fiscal year  
45 beginning July 1, 2002, and each subsequent fiscal  
46 year, the treasurer of state shall deposit the entire

47 amount of moneys received under subsection 1 in the  
48 road use tax fund.  
49 Sec. 2. NEW SECTION. 455D.11C WASTE TIRE  
50 MANAGEMENT FUND.

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1 1. A waste tire management fund is created within  
2 the state treasury. Moneys received from each five  
3 dollar surcharge on the issuance of a certificate of  
4 title shall be deposited as provided in section  
5 321.52A, subsection 2. Notwithstanding section 8.33,  
6 any unexpended balance in the fund at the end of each  
7 fiscal year shall be retained in the fund.  
8 Notwithstanding section 12C.7, any interest or  
9 earnings on investments from moneys in the fund shall  
10 be credited to the fund. Moneys from the fund that  
11 are expended by the department in closing or bringing  
12 into compliance a waste tire collection site pursuant  
13 to section 455D.11A and later recouped by the  
14 department shall be credited to the fund.

15 2. Moneys in the waste tire management fund are  
16 appropriated and shall be used for the following  
17 purposes:

18 a. Fifty thousand dollars shall be allocated each  
19 fiscal year to the department to administer the waste  
20 tire management fund. This amount shall be allocated  
21 to the department each fiscal year before other moneys  
22 from the waste tire management fund are awarded  
23 pursuant to this subsection.

24 b. The awarding of contracts by the department for  
25 bringing waste tire collection sites or existing  
26 stockpiles of waste tires into compliance with section  
27 455D.11, or processing waste tires from existing waste  
28 tire collection sites or existing stockpiles of waste  
29 tires.

30 c. The awarding of moneys to boards of supervisors  
31 of counties or to a designee of each board pursuant to  
32 section 455D.11D.

33 d. The awarding of moneys to state board of  
34 regents institutions pursuant to section 455D.11E.

35 e. The awarding of moneys to tire processors  
36 pursuant to section 455D.11F.

37 3. Notwithstanding any other provision of law,  
38 three hundred thousand dollars shall be transferred on  
39 August 1, 1996, from the hazardous substance remedial  
40 fund created in section 455B.423 to the waste tire  
41 management fund. Moneys received in the waste tire  
42 management fund pursuant to section 321.52A shall be  
43 paid quarterly beginning on July 1, 1997, to the  
44 hazardous substance remedial fund until the amount of  
45 three hundred thousand dollars has been paid to the  
46 hazardous substance remedial fund.

47 Sec. 3. NEW SECTION. 455D.11D WASTE TIRE

## 48 MANAGEMENT — GRANT PROGRAM.

49 1. The department shall establish a waste tire  
50 management grant program to promote the safe

## Page 3

1 collection and disposal of waste tires at the local  
2 community level. The program shall consist of all of  
3 the following:

4 a. Evaluation and approval or denial of grant  
5 applications in accordance with the criteria developed  
6 by the department for grants for local waste tire  
7 management programs.

8 b. Allocation of grant moneys from the waste tire  
9 management fund created in section 455D.11C to boards  
10 of supervisors of participating counties or to  
11 designees of each board including, but not limited to,  
12 public or private entities for which a grant is  
13 approved for use in establishing and administering  
14 local waste tire management programs.

15 2. Moneys, if available from the waste tire  
16 management fund shall be used in the waste tire  
17 management program in the following amounts: for the  
18 fiscal year beginning July 1, 1996, seven hundred  
19 thousand dollars; for each fiscal year during the  
20 fiscal period beginning July 1, 1997, and ending July  
21 1, 2000, one million dollars; and for the fiscal year  
22 beginning July 1, 2001, seven hundred thousand  
23 dollars.

24 3. The department shall approve or deny grant  
25 applications submitted by boards of supervisors of  
26 participating counties.

27 a. Grant moneys shall be allocated to a  
28 participating county based upon the population of the  
29 county as documented in the 1990 census as follows:

30 (1) Participating counties with populations of  
31 less than sixty thousand shall each be allocated grant  
32 moneys not to exceed fifteen thousand dollars.

33 (2) Participating counties with populations of  
34 sixty thousand but less than one hundred ten thousand  
35 shall each be allocated grant moneys not to exceed  
36 thirty thousand dollars.

37 (3) Participating counties with populations of one  
38 hundred ten thousand one but less than two hundred  
39 thousand shall each be allocated grant moneys not to  
40 exceed fifty thousand dollars.

41 (4) Participating counties with populations of two  
42 hundred thousand or more shall each be allocated grant  
43 moneys not to exceed sixty-five thousand dollars.

44 The department may award additional grant moneys to  
45 a county with special waste tire concerns or problems.

46 b. The program shall require that boards of  
47 supervisors of participating counties submit an annual  
48 application for participation by August 14.

49 Applications shall be approved or denied by October 1,  
50 in accordance with the criteria developed by the

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1 department, and moneys shall be allocated by January 1  
2 of the subsequent year.

3 c. Grant moneys shall be allocated to the board of  
4 supervisors of a participating county for which an  
5 application has been approved for the establishment  
6 and implementation of local waste tire management  
7 programs.

8 d. Each county participating in the grant program  
9 shall designate a site or sites for the collection of  
10 waste tires, which shall accept waste tires without  
11 charge in accordance with local waste tire management  
12 programs.

13 e. Each county participating in the grant program  
14 is encouraged to promote local waste tire management  
15 programs, to encourage nonprofit organization and  
16 private entity participation, and to generate local  
17 funding for supplementation of the grant moneys  
18 awarded. The board of supervisors of a participating  
19 county or designees of the board may establish  
20 limitations regarding the numbers and types of waste  
21 tires collected and the entities from which a site is  
22 required to accept waste tires.

23 f. Each board of supervisors of a participating  
24 county shall submit an annual report to the department  
25 which shall include an itemization of expenditures, a  
26 report of the volume of waste tires collected, and  
27 recommendations for improvement in the grant program  
28 and other information requested by the department in  
29 the grant application form.

30 g. Moneys which are not expended but which are  
31 encumbered at the end of each year may be retained by  
32 the county if the county submits an application for  
33 continued grant approval. If a county does not  
34 receive continued approval of local waste tire  
35 management programs and unexpended and unencumbered  
36 moneys remain, the county shall remit the moneys to  
37 the treasurer of state for deposit in the waste tire  
38 management fund.

39 Sec. 4. NEW SECTION. 455D.11E USE BY REGENTS  
40 INSTITUTIONS OF WASTE TIRES TO PRODUCE TIRE-DERIVED  
41 FUELS AND FOR OTHER BENEFICIAL USES.

42 State board of regents institutions of higher  
43 education, defined in section 262.7, are encouraged to  
44 use, to the fullest extent practicable, waste tires  
45 for beneficial uses, such as, but not limited to,  
46 producing tire-derived fuels. Moneys shall be awarded  
47 from the waste tire management fund, pursuant to  
48 section 455D.11C, subsection 2, to such an institution  
49 by the department pursuant to section 455D.11C to  
50 offset additional fuel costs incurred in generating

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1 heat, electricity, or power on a British thermal unit  
2 equivalent basis. Moneys of not more than one hundred  
3 thousand dollars may be awarded in the aggregate in a  
4 fiscal year to such institutions to offset any  
5 increased fuel costs associated with assisting the  
6 state's program to dispose of waste tires in an  
7 environmentally sound manner, and shall be available  
8 only to the extent that such moneys help to reduce the  
9 number of waste tires in the state.

10 Sec. 5. NEW SECTION. 455D.11F TIRE PROCESSORS  
11 AWARDED MONEYS FOR PROCESSING WASTE TIRES.

12 1. As used in this section:

13 a. "Passenger tire equivalent" means the physical  
14 dimensions of a tire which has a rim diameter of  
15 sixteen and one-half inches or less.

16 b. "Site of end use" means a site where whole or  
17 processed waste tires are permanently legally disposed  
18 of, recycled, or reused.

19 c. "Tire processor" means a person who reduces  
20 waste tires into a processed form suitable for  
21 recycling or producing fuel for energy or heat, or  
22 uses whole waste tires in any other beneficial use as  
23 authorized by the department. "Tire processor" does  
24 not mean a person who retreads tires or processes and  
25 stores tires.

26 2. A tire processor who annually processes more  
27 than two hundred fifty thousand waste tires, as  
28 defined in section 455D.11, or the equivalent, at a  
29 processing site as defined in section 455D.11 located  
30 within the state may be awarded moneys pursuant to  
31 section 455D.11C, subsection 2, from the waste tire  
32 management fund of not more than twenty cents per  
33 passenger tire equivalent processed and delivered to  
34 the site of end use. Moneys of not more than three  
35 hundred thousand dollars for such tire processors  
36 shall be available in the aggregate in a fiscal year  
37 and shall be disbursed by the department upon  
38 application and approval to such tire processors. A  
39 tire processor shall not receive more than twenty  
40 thousand dollars from the waste tire management fund  
41 in a fiscal year. A tire processor with a pending  
42 enforcement action against the tire processor by the  
43 department is ineligible to receive moneys while the  
44 enforcement action is pending. A tire processor is  
45 encouraged to use moneys awarded under this subsection  
46 to lower the rates at which the tire processor sells  
47 processed materials.

48 Sec. 6. NEW SECTION. 455D.11G DISPOSAL FEE  
49 CHARGED BY RETAIL TIRE DEALER.

50 A retail tire dealer who currently charges a fee



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- 1 relating to disposal of used tires is encouraged to
- 2 include the fee within the sales price of new tires.
- 3 The practice by retail tire dealers of adding the fee
- 4 as a separate charge on sales invoices is discouraged.
- 5 Sec. 7. NEW SECTION. 455D.11H REPEAL.
- 6 Sections 455D.11C, 455D.11D, 455D.11E, 455D.11F,
- 7 455D.11G, and this section are repealed effective July
- 8 1, 2002."
- 9 2. By renumbering as necessary.

The House stood at ease at 3:08 p.m., until the fall of the gavel.

The House resumed session at 4:08 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

The following amendment H-5445, to amendment H-5412, filed by Gipp of Winneshiek, from the floor was adopted by unanimous consent.

## H-5445

- 1 Amend amendment H-5412, to House File 2433 as
- 2 follows:
- 3 1. Page 2, line 31, by striking the words "or to
- 4 a designee of each board".

Cormack of Webster asked and received unanimous consent to withdraw amendment H-5420, to amendment H-5412, filed by him from the floor.

Cormack of Webster offered the following amendment H-5421, to amendment H-5412, filed by him from the floor and moved its adoption:

## H-5421

- 1 Amend the amendment, H-5412, to House File 2433, as
- 2 follows:
- 3 1. Page 1, by inserting after line 48 the
- 4 following:
- 5 "Sec. \_\_\_\_ Section 455D.11, subsection 1,
- 6 paragraph f, Code 1995, is amended to read as follows:
- 7 f. (1) "Waste tire" means a tire that is no
- 8 longer suitable for its originally intended purpose
- 9 due to wear, damage, or defect.
- 10 (2) "Waste tire" does not include a any of the
- 11 following:
- 12 (a) A nonpneumatic tire.
- 13 (b) A processed tire which is used in part or in
- 14 whole for the construction of erosion control
- 15 structures, French drains, leachate beds, septic

16 system drain fields, road base, culverts, field  
 17 crossings, intakes, or other uses where the intended  
 18 purpose is to produce a beneficial product.

19 (3) For the purposes of this section and sections  
 20 455D.11A and 455D.11B, a nonpneumatic tire and a  
 21 processed tire are not solid waste as defined in  
 22 section 455B.301."

23 2. Page 6, by inserting after line 8 the  
 24 following:

25 "\_. Title page, line 6, by inserting after the  
 26 word "vehicles," the following: "excluding certain  
 27 waste tires from disposal, collection, processing, and  
 28 transportation requirements,"."

A non-record roll call was requested.

The ayes were 46, nays 47.

Amendment H-5421 lost.

On motion by Gipp of Winneshiek, amendment H-5412, as amended, was adopted, placing the following amendments filed by Cormack of Webster out of order:

H-5238 filed on March 7, 1996. \*

H-5254 filed on March 7, 1996.

H-5261 filed on March 11, 1996.

Gipp 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?" (H.F. 2433)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cphoon	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Hammit Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage

Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

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

**House File 2362**, a bill for an act relating to occupational hearing loss, concerning the definitions, apportionment of hearing loss, and measurement of hearing loss, was taken up for consideration.

Sukup of Franklin 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. 2362)

The ayes were, 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carrroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Hammit Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

The nays were, 36:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohon

Doderer	Fallon	Gipp	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

Absent or not voting, 3:

Connors                      Drees                      Halvorson

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2362 and 2433.**

### INTRODUCTION OF BILL

**House File 2481**, by committee on ways and means, a bill for an act relating to eligibility criteria and benefits, including tax benefits to businesses under the new jobs and income program and establishing a penalty.

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

### SENATE FILE 2108 REREFERRED

The Speaker announced that Senate File 2108, previously referred to committee on **transportation**, was rereferred to committee on **local government.**

### BILL 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 bill 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 eighteenth day of March, 1996: House File 2365.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

Report adopted.

### PRESENTATION OF VISITORS

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

Sixty-three students from Denison Community School, accompanied by Steve Schlatter, Larry Peterson, John Held and Jason Amdor. By Gries of Crawford.

Seventeen 4H members from Jackson and Muscatine, accompanied by Dave Tabor, Mrs. Cornelius and Mrs. Connoly. By Osterhaus of Jackson.

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

#### DEPARTMENT OF EMPLOYMENT SERVICES

The Annual Status Report on the unemployment compensation fund, pursuant to Chapter 96.35, Code of Iowa.

#### JOB TRAINING PARTNERSHIP ACT

The following Substate Area has submitted Proposed Local Training Plans, for Program Years, 1996-1997, pursuant to Chapter 7B, Code of Iowa:

Service Delivery Area 6, Hardin, Marshall, Poweshiek and Tama Counties.

### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\278 Florence Mennen, Cedar Falls – For celebrating her One hundred and first birthday.
- 1996\279 Eric Niedergeses, Sioux City – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\280 Daniel Wilson, Cedar Falls – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\281 Mr. and Mrs. Darrell Gilkyson, Sioux City – For celebrating their Fiftieth wedding anniversary.
- 1996\282 Mr. and Mrs. Hartley Parker, Sioux City – For celebrating their Fiftieth wedding anniversary.
- 1996\283 Leta Kerber, Council Bluffs – For celebrating her Ninetieth birthday.
- 1996\284 Millie Herman, Council Bluffs – For celebrating her Eightieth birthday.

## SUBCOMMITTEE ASSIGNMENTS

## House File 2479

Appropriations: Metcalf, Chair; Hanson and Wise.

## Senate File 2147

Technology: Brunkhorst, Chair; Baker and Lamberti.

## Senate File 2201

Education: Gries, Chair; Grubbs and Ollie.

## Senate File 2419

Education: Gries, Chair; Grubbs and Ollie.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

## H.S.B. 749 Ways and Means

Relating to county and state provisions involving mental health, disabilities, health care, and substance abuse by amending associated service, payment, and tax provisions, making an appropriation, and providing an effective date.

## AMENDMENTS FILED

H—5422	H.F.	2454	Heaton of Henry
H—5423	H.F.	2350	Heaton of Henry
H—5424	H.F.	2447	Nutt of Woodbury
H—5425	H.F.	2447	Nutt of Woodbury Metcalf of Polk Baker of Polk
H—5426	H.F.	2309	Doderer of Johnson Metcalf of Polk
H—5427	H.F.	2087	Shoultz of Black Hawk Vande Hoef of Osceola Mascher of Johnson
H—5428	H.F.	2087	Burnett of Story Shoultz of Black Hawk Mascher of Johnson Witt of Black Hawk Holveck of Polk
H—5429	H.F.	2087	Vande Hoef of Osceola Witt of Black Hawk Burnett of Story Holveck of Polk

H—5430	H.F.	2087	Witt of Black Hawk Vande Hoef of Osceola Shoultz of Black Hawk
	Burnett of Story Mascher of Johnson Holveck of Polk		
H—5431	H.F.	2087	Vande Hoef of Osceola Burnett of Story Holveck of Polk
	Mascher of Johnson Shoultz of Black Hawk Witt of Black Hawk		
H—5432	H.F.	2087	Jochum of Dubuque Vande Hoef of Osceola Witt of Black Hawk
	Burnett of Story Mascher of Johnson Holveck of Polk		
H—5433	H.F.	2087	Holveck of Polk Witt of Black Hawk Shoultz of Black Hawk
	Mascher of Johnson Burnett of Story Vande Hoef of Osceola		
H—5434	H.F.	2087	Witt of Black Hawk Vande Hoef of Osceola Shoultz of Black Hawk
	Burnett of Story Mascher of Johnson Holveck of Polk		
H—5435	H.F.	2087	Mascher of Johnson Shoultz of Black Hawk Vande Hoef of Osceola
	Burnett of Story Witt of Black Hawk Holveck of Polk		
H—5436	H.F.	2087	Shoultz of Black Hawk Vande Hoef of Osceola Witt of Black Hawk
	Burnett of Story Mascher of Johnson Holveck of Polk		
H—5437	H.F.	2087	Holveck of Polk Shoultz of Black Hawk Doderer of Johnson
	Vande Hoef of Osceola Burnett of Story Witt of Black Hawk		
H—5438	H.F.	2422	Disney of Polk
H—5439	H.F.	2436	Brunkhorst of Bremer
H—5440	S.F.	2443	Eddie of Buena Vista
H—5441	H.F.	2445	Metcalf of Polk
H—5442	H.F.	2087	Shoultz of Black Hawk
H—5443	H.F.	2087	Fallon of Polk Burnett of Story Shoultz of Black Hawk Doderer of Johnson
	Mascher of Johnson Witt of Black Hawk Vande Hoef of Osceola Holveck of Polk		
H—5444	H.F.	2235	Weigel of Chickasaw

H—5446	H.F.	2304	Brauns of Muscatine
H—5447	S.F.	2443	Baker of Polk
			Mertz of Kossuth
			Harper of Black Hawk
H—5448	S.F.	2443	Baker of Polk
			Mertz of Kossuth
			O'Brien of Boone
			Myers of Johnson
H—5449	H.F.	2182	Millage of Scott
H—5450	S.F.	2443	Wise of Lee
			Moreland of Wapello
			McCoy of Polk
			Cohon of Des Moines
			Nelson of Pottawattamie
			Burnett of Story
H—5451	S.F.	2443	Murphy of Dubuque
			Moreland of Wapello
			McCoy of Polk
			Witt of Black Hawk
			Doderer of Johnson
			Bell of Jasper
			Wise of Lee
			Harper of Black Hawk
			Holveck of Polk
			O'Brien of Boone
			Nelson of Pottawattamie
			Taylor of Linn

On motion by Siegrist of Pottawattamie, the House adjourned at 4:53 p.m., until 8:45 a.m., Tuesday, March 19, 1996.



# JOURNAL OF THE HOUSE

Seventy-second Calendar Day – Forty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 19, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Dr. Myron L. Albertson, St. Timothy Lutheran Church, Hudson.

The Journal of Monday, March 18, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Drees of Carroll and Mundie of Webster, until their arrival; Connors of Polk, all on request of Schrader of Marion; Teig of Hamilton, until his arrival, on request of Arnold of Lucas.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2426**, a bill for an act relating to certain certification requirements of a city or county urban renewal area, was taken up for consideration.

Huseman of Cherokee 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. 2426)

The ayes were, 93:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	Mertz

Metcalf	Meyer	Millage	Moreland
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 7:

Brammer	Brand	Connors	Grubbs
McCoy	Mundie	Teig	

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

**House File 2331**, a bill for an act expanding the factors that a court and the state department of transportation may consider in ordering the issuance of a temporary restricted license, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Lamberti 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. 2331)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohon	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer

Millage	Moreland	Murphy	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 6:

Brammer	Connors	Grubbs	Mundie
Myers	Teig		

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

**House File 2445**, a bill for an act providing for notification of certain members of the committees of the general assembly having jurisdiction over the environment, before the environmental protection commission or natural resource commission adopts a rule, and establishing an effective date, was taken up for consideration.

Gipp of Winneshiek asked and received unanimous consent that **House File 2445** be deferred and that the bill be placed on the **unfinished business calendar**.

**House File 2436**, a bill for an act providing that a court order the revocation or suspension of a driver's license at the time of conviction for certain drug-related offenses, and providing an effective date, was taken up for consideration.

Brunkhorst of Bremer asked and received unanimous consent to withdraw amendment H-5439, filed by him on March 18, 1996.

Thomson of Linn offered amendment H-5262 filed by her as follows:

H-5262

- 1 Amend House File 2436 as follows:
- 2 1. Page 5, line 6, by striking the word
- 3 "subsection" and inserting the following:
- 4 "subsections".
- 5 2. Page 5, line 11, by inserting after the word
- 6 "days," the following: "or to delay the issuance of a
- 7 motor vehicle license for one hundred eighty days
- 8 after the person is first eligible if the defendant
- 9 has not been issued a motor vehicle license."

10 3. Page 5, by inserting after line 19 the  
11 following:  
12 "If the person's operating privileges are suspended  
13 or revoked at the time of sentencing, the order shall  
14 provide that the one hundred eighty-day revocation  
15 period shall not begin until all other suspensions or  
16 revocations have terminated. Any order under this  
17 section shall also provide that the department shall  
18 not issue a temporary restricted license to the  
19 defendant during the revocation period, without  
20 further order by the court.  
21 NEW SUBSECTION. 11. In addition to any sentence  
22 or other penalty imposed against the defendant for an  
23 offense under chapter 124, the court shall consider  
24 the provisions of 21 U.S.C. § 862, regarding the  
25 denial of federal benefits to drug traffickers and  
26 possessors, and may enter an order specifying the  
27 range and scope of federal benefits to be denied to  
28 the defendant, according to the provisions of 21  
29 U.S.C. § 862. For the purposes of this subsection,  
30 "federal benefit" means the issuance of any grant,  
31 contract, loan, professional license, or commercial  
32 license provided by an agency of the United States or  
33 through the appropriation of funds of the United  
34 States, but does not include any retirement, welfare,  
35 social security, health, disability, veterans benefit,  
36 public housing, or other similar benefit for which  
37 payments or services are required for eligibility.  
38 The court shall send a copy of any order issued under  
39 this subsection to the denial of federal benefits  
40 project, along with any other forms and information  
41 required by the project."

Ollie of Clinton rose on a point of order that amendment H-5262 was not germane.

The Speaker ruled the point well taken and amendment H-5262 not germane.

Thomson of Linn asked for unanimous consent to suspend the rules to consider amendment H-5262.

Objection was raised.

Thomson of Linn moved to suspend the rules to consider amendment H-5262.

Roll call was requested by Rants of Woodbury and Larson of Linn.

On the question "Shall the rules be suspended to consider amendment H-5262?" (H.F. 2436)

The ayes were, 57:

Arnold	Bell	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Daggett	Dinkla	Disney	Drake
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Sukup	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

The nays were, 36:

Baker	Bernau	Brammer	Brand
Burnett	Cataldo	Cohoon	Doderer
Drees	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Schulte	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

Absent or not voting, 7:

Blodgett	Connors	Corbett, Spkr.	Eddie
Grubbs	Siegrist	Teig	

The motion prevailed and the rules were suspended.

Speaker Corbett in the chair at 10:20 a.m.

Schrader of Marion offered the following amendment H-5454, to amendment H-5262, filed by him from the floor and moved its adoption:

H-5454

- 1 Amend amendment H-5262 to House File 2436 as follows:
- 2 1. Page 1, lines 25 and 26, by striking the words
- 3 "and possessors".

Roll call was requested by Grubbs of Scott and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall amendment H-5454, to amendment H-5262, be adopted?" (H.F. 2436)

The ayes were, 38:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Millage	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Schulte
Shoultz	Taylor	Warnstadt	Weigel
Wise	Witt		

The nays were, 59:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Daggett	Dinkla	Disney	Drake
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Hammit Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Nelson, B.	Nutt
Rants	Renken	Salton	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 3:

Connors	Eddie	Halvorson
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Amendment H-5454 lost.

Speaker pro tempore Van Maanen of Marion in the chair at 11:48 a.m.

Thomson of Linn moved the adoption of amendment H-5262.

Roll call was requested by Schrader of Marion and Grubbs of Scott.

Rule 75 was invoked.

On the question "Shall amendment H-5262 be adopted?" (H.F. 2436)

The ayes were, 65:

Arnold	Bell	Blodgett	Boddicker
Boggess	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Churchill	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Mundie	Nelson, B.
Nutt	Rants	Renken	Salton
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Welter	Wise
Van Maanen, Presiding			

The nays were, 33:

Baker	Bernau	Brammer	Brand
Burnett	Cataldo	Cohoon	Doderer
Drees	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Millage
Moreland	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Schulte	Shoultz	Taylor	Weigel
Witt			

Absent or not voting, 2:

Connors                      Fallon

Amendment H-5262 was adopted.

Schrader of Marion asked for unanimous consent that House File 2436 be deferred.

Objection was raised.

Schrader of Marion moved that House File 2436 be deferred and placed on the unfinished business calendar.

Roll call was requested by Schrader of Marion and Siegrist of Pottawattamie.

On the question "Shall the motion to defer House File 2436 prevail?" (H.F. 2436)

The ayes were, 35:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Doderer	Drees	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Wise	Witt	

The nays were, 62:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 3:

Connors	Fallon	Grubbs
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The motion to defer lost.

Brammer of Linn moved that House File 2436 be rereferred to committee on transportation.

The motion to rerefer lost.

Welter of Jones 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?" (H.F. 2436)



The ayes were, 86:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohon
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammit Barry	Hanson
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Klemme
Koenigs	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Nelson, B.	Nelson, L.
Nutt	O'Brien	Osterhaus	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 11:

Baker	Bernau	Doderer	Harper
Jochum	Kreiman	Myers	Ollie
Schrader	Shoultz	Taylor	

Absent or not voting, 3:

Connors	Fallon	Grubbs
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2331, 2426 and 2436.**

### 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 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2003, a bill for an act relating to the maximum value of a prize for jackpot bingo conducted by qualified organizations.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2012, a bill for an act relating to the conduct of raffles.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2085, a bill for an act relating to handicapped parking and providing a penalty.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2167, a bill for an act relating to prohibiting the assault of a health care provider and providing penalties.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2195, a bill for an act relating to the Iowa communications network by providing for state ownership of a Part III connection and for the connection and support of certain Part III users, making appropriations, and providing effective dates.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2217, a bill for an act exempting the seller of a portable water system from the requirements and the penalties of the consumer fraud law.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2278, a bill for an act repealing the prohibition on political activity by a member, officer, or employee of the natural resource commission.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2289, a bill for an act relating to the department of corrections, including operating while intoxicated violator facilities, reimbursement by parole violators, tort claims protection for certain persons, and inmate accounts.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2324, a bill for an act relating to public assistance and certain associated state tax provisions involving the family investment program, family development and self-sufficiency council, individual development accounts, and fraudulent practices involving the food stamp program, making penalties applicable, and providing applicability provisions and effective dates.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2341, a bill for an act relating to the components of the unemployment insurance system concerning the job service advisory council, voluntary

income tax withholding from unemployment benefits, relieving certain employers from certain unemployment insurance charges, collection of unemployment compensation benefits through misrepresentation, definitions of employment and wages for members of limited liability companies, and unemployment insurance tax liability for corporate officers, and providing an effective and applicability date.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2348, a bill for an act relating to agricultural limestone, and providing penalties, fees, and an effective date.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2351, a bill for an act relating to department of economic development programs, including the workforce development fund program and the Iowa small business new jobs training Act, providing a supplemental new jobs credit from withholding, establishing a rural microbusiness assistance program, increasing the funds available for the value-added agricultural products and processes program, making an annual allocation from an appropriation, and establishing an effective date.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2365, a bill for an act relating to state government personnel procedures including deferred compensation, longevity pay, the phased retirement program, job classifications, pay plans, recall from layoff, the personnel commission, and compensation for certain election officials.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2366, a bill for an act relating to lease-purchase agreements.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2406, a bill for an act relating to school attendance and safety by providing for notification to schools by peace officers of the possession of alcohol or controlled substances by juveniles, providing that certain identifying information regarding juveniles involved in delinquent acts is a public record, relating to an extension of the compulsory school attendance age, relating to immunity from assault charges for the use of force by a person to stop a fight or disturbance at a school or school function, establishing a penalty for a violation of chapter 299 in certain circumstances, establishing a penalty for providing aid, support, or shelter to a runaway or truant, and providing for civil penalties for truancy and the loss of a driver's license for truancy.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2417, a bill for an act relating to juvenile justice including notice requirements for juvenile court actions, custody of and access to a child designated a child in need of assistance, and associate juvenile judge jurisdiction.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2430, a bill for an act requiring the juvenile court to provide certain information to a victim of a delinquent act committed by a juvenile.

JOHN F. DWYER, Secretary

### SENATE MESSAGES CONSIDERED

**Senate File 2003**, by Kibbie, a bill for an act relating to the maximum value of a prize for jackpot bingo conducted by qualified organizations.

Read first time and referred to committee on **state government**.

**Senate File 2012**, by Szymoniak and Kramer, a bill for an act relating to the conduct of raffles.

Read first time and referred to committee on **state government**.

**Senate File 2085**, by Murphy, a bill for an act relating to handicapped parking and providing a penalty.

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

**Senate File 2167**, by committee on judiciary, a bill for an act relating to prohibiting the assault of a health care provider and providing penalties.

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

**Senate File 2195**, by committee on communications and information policy, a bill for an act relating to the Iowa communications network by providing for state ownership of a Part III connection and for the connection and support of certain Part III users, making appropriations, and providing effective dates.

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

**Senate File 2217**, by committee on judiciary, a bill for an act exempting the seller of a portable water system from the requirements and the penalties of the consumer fraud law.

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

**Senate File 2278**, by committee on state government, a bill for an act repealing the prohibition on political activity by a member, officer, or employee of the natural resource commission.

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

**Senate File 2289**, by committee on judiciary, a bill for an act relating to the department of corrections, including operating while intoxicated violator facilities, reimbursement by parole violators, tort claims protection for certain persons, and inmate accounts.

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

**Senate File 2324**, by committee on human resources, a bill for an act relating to public assistance and certain associated state tax provisions involving the family investment program, family development and self-sufficiency council, individual development accounts, and fraudulent practices involving the food stamp program, making penalties applicable, and providing applicability provisions and effective dates.

Read first time and referred to committee on **human resources**.

**Senate File 2341**, by committee on business and labor relations, a bill for an act relating to the components of the unemployment insurance system concerning the job service advisory council, voluntary income tax withholding from unemployment benefits, relieving certain employers from certain unemployment insurance charges, collection of unemployment compensation benefits through misrepresentation, definitions of employment and wages for members of limited liability companies, and unemployment insurance tax liability for corporate officers, and providing an effective and applicability date.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 2348**, by committee on agriculture, a bill for an act relating to agricultural limestone, and providing penalties, fees, and an effective date.

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

**Senate File 2351**, by committee on small business, economic development and tourism, a bill for an act relating to department of economic development programs, including the workforce development fund program and the Iowa small business new jobs training Act, providing a supplemental new jobs credit from withholding, establishing a rural microbusiness assistance program, increasing the funds available for the value-added agricultural products and processes program, making an annual allocation from an appropriation, and establishing an effective date.

Read first time and referred to committee on **economic development**.

**Senate File 2365**, by committee on state government, a bill for an act relating to state government personnel procedures including deferred compensation, longevity pay, the phased retirement program, job classifications, pay plans, recall from layoff, the personnel commission, and compensation for certain election officials.

Read first time and referred to committee on **state government**.

**Senate File 2366**, by committee on state government, a bill for an act relating to lease-purchase agreements.

Read first time and referred to committee on **state government**.

**Senate File 2406**, by committee on education, a bill for an act relating to school attendance and safety by providing for notification to schools by peace officers of the possession of alcohol or controlled substances by juveniles, providing that certain identifying information regarding juveniles involved in delinquent acts is a public record, relating to an extension of the compulsory school attendance age, relating to immunity from assault charges for the use of force by a person to stop a fight or disturbance at a school or school function, establishing a penalty for a violation of chapter 299 in certain circumstances, establishing a penalty for providing aid, support, or shelter to a runaway or truant, and providing for civil penalties for truancy and the loss of a driver's license for truancy.

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

**Senate File 2417**, by committee on judiciary, a bill for an act relating to juvenile justice including notice requirements for juvenile court actions, custody of and access to a child designated a child in need of assistance, and associate juvenile judge jurisdiction.

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

**Senate File 2430**, by committee on judiciary, a bill for an act requiring the juvenile court to provide certain information to a victim of a delinquent act committed by a juvenile.

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

On motion by Siegrist of Pottawattamie, the House was recessed at 12:58 p.m., until 2:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 2:30 p.m., Speaker pro tempore Van Maanen of Marion 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 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2236, a bill for an act relating to regional and statewide targets for foster care placements.

Also: That the Senate has on March 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2266, a bill for an act making transportation-related Code changes including providing for a temporary registration permit, increasing registration fees for certain trailers, and providing an effective date.

Also: That the Senate has on March 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2281, a bill for an act providing for access by the division of criminal and juvenile justice planning of the department of human rights to confidential records held by other state agencies.

Also: That the Senate has on March 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2385, a bill for an act relating to appointment and election of state judicial nominating commissioners and providing effective and applicability dates and transition provisions.

Also: That the Senate has on March 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2396, a bill for an act adding certain residential security deposits and prepaid rent to the list of exempt property which a debtor may claim.

Also: That the Senate has on March 19, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 110, a concurrent resolution designating March 1996 as Iowa Women's History Month.

Also: That the Senate has on March 19, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 114, a concurrent resolution recognizing the League of Women Voters of Iowa and Cornell College for their efforts in creating an Internet-accessible system for obtaining legislative information.

Also: That the Senate has on March 19, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 115, a concurrent resolution requesting that Iowa's congressional delegation support guaranteed state legislative involvement in the reorganization, implementation, and funding of federal workforce development and job training programs in the states.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2271**, a bill for an act directing the department of education to conduct a study relating to driver education and instruction, with report of committee recommending amendment and passage, was taken up for consideration.

Grundberg of Polk offered the following amendment H-5131 filed by the committee on education and moved its adoption:

H-5131

- 1 Amend House File 2271 as follows:
- 2 1. Page 1, line 18, by inserting after the word
- 3 "age" the following: "and other".

The committee amendment H-5131 was adopted.

Grundberg 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. 2271)

The ayes were, 97:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boggess	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nutt	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen,			
Presiding			

The nays were, none.

Absent or not voting, 3:

Baker

Bradley

Connors



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

**House File 2153**, a bill for an act relating to the reinstatement to active service of members of the statewide fire and police retirement system and the public safety peace officers' retirement, accident, and disability system upon denial of disability benefits, with report of committee recommending passage, was taken up for consideration.

Lord 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. 2153)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Connors

Vande Hoef

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

**House File 2207**, a bill for an act relating to the state transportation commission's planning process and federal funding, with report of committee recommending passage, was taken up for consideration.

Nelson 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?" (H.F. 2207)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boggett	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammit Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Boddicker	Connors	Drees
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2153, 2207 and 2271.**

## EXPLANATION OF VOTE

I was temporarily absent from the House chamber on the morning of March 19, 1996. Had I been present, I would have voted "aye" on House Files 2331 and 2426.

TEIG of Hamilton

## BILL 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 bill 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 nineteenth day of March, 1996: House File 2247.

ELIZABETH A. ISAACSON  
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 19, 1996

The Honorable Ron Corbett  
Speaker of the House of Representatives  
State Capital Building  
LOCAL

Dear Mr. Speaker:

I hereby transmit House File 2114, an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1995, and providing an effective date.

House File 2114, the supplemental appropriations bill, is the first budget bill of the 1996 session. It is disappointing to me that so early in the session the legislature has succumbed to the temptation of excessive spending. Even in times of a budget surplus we must remain vigilant in our resolve to spend responsibly. If an area of the budget is out of control, action should be taken to bring it under control before additional funding is provided. If spending for a particular item would establish a dangerous precedent, funds should not be spent for that purpose.

The amount of spending in House File 2114 is substantially over the budget recommendations I submitted to the legislature in January. The bill provides approximately \$10.3 million to pay claims barred by the statute of limitations which I believe would set bad precedent. It also contains \$6.4 million in additional spending for court appointed attorneys that cannot be approved without accompanying reforms. Failure to adopt the reforms recommended by the state public defender and me in the past has contributed to the present deficit in this area.

House File 2114 is therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as section 3, in its entirety. This item would provide \$6.4 million to address a shortfall in funding to pay for costs of indigent defense. In the past year alone, the costs for this program have increased by 31 percent. While I recommend this additional funding to the legislature, it cannot be approved until the reforms proposed to contain these costs have been passed and presented for my signature. Failing to adequately control these costs has led to continued abuses and unnecessary costs to the taxpayers. This area of the budget must be brought under control.

I am unable to approve the items designated as sections 10 and 11, in their entirety. These items would create a standing unlimited appropriation, estimated at \$10.3 million, to provide refunds to certain federal retirees. This action would supersede the state's statute of limitations for filing claims, thereby setting a precedent that could create untold future financial exposure. It is unfortunate that these claims were not filed timely. However, there is no compelling reason why they should be treated different than claims filed by any other group or individual. Allowing the filing of claims after the statute of limitations has run out is bad public policy.

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 2114 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:

Thirteen members of Girl Scout Troops 112 and 215 from Spirit Lake, accompanied by Barbara Mendenhall. By Greig of Emmet.

Fourth grade Girl Scout Troop from Coralville, accompanied by Colleen Meng. By Myers of Johnson.

Fifty-six third grade students from Williamsburg Elementary School, Williamsburg, accompanied by Mrs. Donna Kirkpatrick, Mr. Don Kirkpatrick, Mrs. Joyce Sandersfeld, Mrs. Barb Maas, Ms. Sara Kluger, Ms. Faye Gerig, Mrs. Mary Sue Lindhart and Mr. Doyle Geyer. By Tyrrell of Iowa.

### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

## DEPARTMENT OF HUMAN SERVICES

The Plan for Community Development relating to Conner vs. Branstad Consent Decree, pursuant to Chapter 225C.6(l), Code of Iowa.

## DEPARTMENT OF TRANSPORTATION

A Report on the number of habitual offender contested cases, pursuant to Chapter 143.14, 1995 Acts of the Seventy-sixth General Assembly.

The Annual Report, pursuant to Chapter 307.12(14), Code of Iowa.

## CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON

Chief Clerk of the House

- 1996\285 Coach Bob Horner, Mason City High School, Mason City – For coaching the Mason City High School Mohawks to the Class 4A championship of the 1996 Boys State Basketball Tournament.
- 1996\286 Dan Delaney, Mason City High School Athletic Director, Mason City – For the Mason City High School Mohawks being awarded the Sportsmanship Trophy at the 1996 Boys State Basketball Tournament.
- 1996\287 Dean Oliver, Mason City High School, Mason City – For being named to the 4A All-Tournament Team of the 1996 Boys State Basketball Tournament.
- 1996\288 Brant Harriman, Mason City High School, Mason City – For being named to the 4A All-Tournament Team of the 1996 Boys State Basketball Tournament.
- 1996\289 Steve Locher, Mason City High School, Mason City – For being named the Outstanding Citizen Athlete at the 1996 Boys State Basketball Tournament.
- 1996\290 Betty and Fred Anderson, Camanche – For celebrating their Fiftieth wedding anniversary.
- 1996\291 Caroline and Ray Rannfeldt, Camanche – For celebrating their Fiftieth wedding anniversary.
- 1996\292 Dagny and David Kinkaid, Camanche – For celebrating their Seventieth wedding anniversary.
- 1996\293 Roberta and David McLaughlin, Princeton – For celebrating their Fiftieth wedding anniversary.

- 1996\294 Lois and Eugene Skow, Clinton – For celebrating their Fiftieth wedding anniversary.
- 1996\295 Aaron Kennedy, Red Oak – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\296 Dick Legg, Griswold – For being inducted into the Iowa High School Officials Hall of Fame.
- 1996\297 Vern Olson, Red Oak – For receiving a News Media Award from the Iowa High School Athletic Association.
- 1996\298 Lucille Lane, Missouri Valley – For celebrating her Eighty-fifth birthday.
- 1996\299 Tyler Barcus, Eldora – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\300 Peggy Watson, Cardinal Stritch High School, Keokuk – For being named to the Class 1A 2nd All-State Womens Basketball Team.
- 1996\301 Kathleen Hickey, Cardinal Stritch High School, Keokuk – For being named to the Southeast Iowa Superconference South Division 2nd Team for Womens Basketball.
- 1996\302 Stacy Stanley, Keokuk High School, Keokuk – For being named to the State Class 3A Front Line Honorable Mention List for Womens Basketball.
- 1996\303 Marigene and Arnold Stamp, Maquoketa – For celebrating thier Fiftieth wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2478

Appropriations: Meyer, Chair; Garman and Koenigs.

##### Senate File 2085

Transportation: Salton, Chair; Ollie and Weidman.

##### Senate File 2171

Human Resources: Blodgett, Chair; Harper, Myers, Schulte and Veenstra.

##### Senate File 2185

Transportation: May, Chair; Carroll and Welter.

##### Senate File 2186

Transportation: Welter, Chair; Heaton and May.

**Senate File 2223**

Agriculture: Greig, Chair; Eddie and Koenigs.

**Senate File 2265**

Judiciary: Hurley, Chair; Boddicker, Doderer, Kreiman and Lamberti.

**Senate File 2380**

Judiciary: Coon, Chair; Harrison and Moreland.

**Senate File 2381**

Human Resources: Boddicker, Chair; Blodgett, Ertl, Moreland and Witt.

**Senate File 2390**

Judiciary: Harrison, Chair; Coon and Kreiman.

**Senate File 2392**

Judiciary: Kremer, Chair; Kreiman and Veenstra.

**Senate File 2402**

Judiciary: Dinkla, Chair; Holveck and Millage.

**Senate File 2409**

Economic Development: Nelson of Marshall, Chair; Bradley, Brand, Heaton and McCoy.

**Senate File 2413**

Judiciary: Dinkla, Chair; Nutt and Shoultz.

**Senate File 2420**

Judiciary: Lamberti, Chair; Grubbs and Kreiman.

**Senate File 2428**

Judiciary: Dinkla, Chair; Bell and Nutt.

**Senate File 2431**

Judiciary: Dinkla, Chair; Nutt and Shoultz.

**Senate File 2435**

Judiciary: Harrison, Chair; Coon and Kreiman.

**Senate File 2436**

Judiciary: Millage, Chair; Kreiman and Nutt.

**Senate File 2438**

Human Resources: Carroll, Chair; Hammitt Barry, Lord, Myers and Witt.

**Senate File 2445**

Appropriations: Hanson, Chair; Cataldo and Gipp.

**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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Committee Resolution** (Formerly House Concurrent Resolution 115), to request that the President of the United States and the Congress of the United States remove current obstacles which prevent the transfer of agricultural land between family members participating in Iowa's Beginning Farmer Loan Program supported by small issue private activity bonds exempt from federal income taxation.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1996.

**COMMITTEE ON EDUCATION**

**Senate File 2157**, a bill for an act relating to the duties of the college student aid commission in administering the Iowa guaranteed loan program, creating a chiropractic loan revolving fund, and providing for matters related to the chiropractic graduate student forgivable loan program.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1996.

**Senate File 2158**, a bill for an act relating to textbooks.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1996.

**Senate File 2159**, a bill for an act relating to evaluator licensing of educators.

Fiscal Note is not required.

Recommended **Do Pass** March 29, 1996.

**Senate File 2201**, a bill for an act relating to the open enrollment application and implementation process.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1996.



**Senate File 2331**, a bill for an act prohibiting certain uses and false representations relating to academic degrees, grades, or honors, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1996.

**Senate File 2403**, a bill for an act establishing a community college funding formula, providing for properly related matters, and an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1996.

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 2013**, a bill for an act requiring the licensure of respiratory care therapists and creating a board for respiratory care practitioners.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1996.

**Senate File 2121**, a bill for an act providing for auditing practices by the Iowa state fair board.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1996.

**Senate File 2122**, a bill for an act relating to unclaimed property held by the state, fraudulent practices to obtain the property, and establishing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1996.

**Senate File 2127**, a bill for an act relating to the confidentiality of social security numbers of the owners of unclaimed property.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1996.

**Senate File 2367**, a bill for an act providing for the payment of outdated invoices by the agency to which the goods or services were provided, and by the department of revenue and finance, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1996.

#### RESOLUTIONS FILED

**HCR 120**, by committee on agriculture, a concurrent resolution to request that the President of the United States and the Congress of the United States remove current obstacles which prevent the transfer of agricultural land between family members participating in Iowa's Beginning Farmer Loan Program supported by small issue private activity bonds exempt from federal income taxation.

Laid over under **Rule 25**.

**SCR 110**, by Szymoniak and Redfern, a concurrent resolution designating March 1996 as Iowa Women's History Month.

Referred to committee on **state government**.

**SCR 114**, by committee on communications and information policy, a concurrent resolution recognizing the League of Women Voters of Iowa and Cornell College for their efforts in creating an Internet-accessible system for obtaining legislative information.

Laid over under **Rule 25**.

**SCR 115**, by committee on small business, economic development and tourism, a concurrent resolution requesting that Iowa's congressional delegation support guaranteed state legislative involvement in the reorganization, implementation, and funding of federal workforce development and job training programs in the states.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H—5452	S.F.	2443	Wise of Lee
			Witt of Black Hawk
			Nelson of Pottawattamie
			Shoultz of Black Hawk
			Jochum of Dubuque
			Doderer of Johnson
			Cohoon of Des Moines
			Murphy of Dubuque
H—5453	S.F.	2443	Wise of Lee
			Moreland of Wapello
			Myers of Johnson
			Bell of Jasper
			Burnett of Story
			Ollie of Clinton
			O'Brien of Boone
			Doderer of Johnson
H—5455	S.F.	2443	Weigel of Chickasaw
H—5456	H.F.	2182	Millage of Scott
H—5457	S.F.	2443	Wise of Lee
			Moreland of Wapello
			Myers of Johnson
			Bell of Jasper
			Burnett of Story

	Murphy of Dubuque		Ollie of Clinton
	Shoultz of Black Hawk		O'Brien of Boone
	Holveck of Polk		Doderer of Johnson
	Warnstadt of Woodbury		
H—5458	S.F.	2443	Grubbs of Scott
H—5459	H.F.	2087	Holveck of Polk
			Mascher of Johnson
H—5460	H.F.	2087	Shoultz of Black Hawk
	Mascher of Johnson		Burnett of Story
	Vande Hoef of Osceola		Witt of Black Hawk
H—5461	H.F.	2087	Holveck of Polk
	Shoultz of Black Hawk		Mascher of Johnson
	Vande Hoef of Osceola		Burnett of Story
H—5462	H.F.	2087	Witt of Black Hawk
			Holveck of Polk
H—5463	H.F.	2087	Shoultz of Black Hawk
	Mascher of Johnson		Vande Hoef of Osceola
	Burnett of Story		
H—5464	H.F.	2087	Shoultz of Black Hawk
	Burnett of Story		Mascher of Johnson
	Vande Hoef of Osceola		Holveck of Polk
H—5465	H.F.	2298	Metcalf of Polk
H—5466	H.F.	2435	Harrison of Scott
H—5467	S.F.	2419	Grubbs of Scott
H—5468	S.F.	2443	Greig of Emmet
	Salton of Palo Alto		Klemme of Plymouth
	Meyer of Sac		Mertz of Kossuth
	Mundie of Webster		Wise of Lee
	Hahn of Muscatine		Eddie of Buena Vista
	Vande Hoef of Osceola		Drake of Pottawattamie
H—5469	S.F.	2443	Murphy of Dubuque
H—5470	H.F.	2369	Blodgett of Cerro Gordo
H—5471	H.F.	2427	Houser of Pottawattamie
H—5472	S.F.	2162	Blodgett of Cerro Gordo

On motion by Siegrist of Pottawattamie, the House adjourned at 2:47 p.m., until 8:45 a.m., Wednesday, March 20, 1996.

# JOURNAL OF THE HOUSE

Seventy-third Calendar Day – Forty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 20, 1996

The House met pursuant to adjournment 8:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Lanny Carlson, United Methodist Church, Odebolt.

The Journal of Tuesday, March 19, 1996 was approved.

## PETITIONS FILED

The following petitions have been received and placed on file:

By Koenigs of Mitchell and Weigel of Chickasaw from three hundred eighty constituents of Districts 29 and 30 favoring increasing the deer season to all year for 5 years, any sex, and without license for Iowa land owners and tenants.

By Warnstadt of Woodbury from two hundred forty-eight Sioux City residents, opposing Senate file 2140, raising the speed limit on Iowa highways.

## SENATE MESSAGES CONSIDERED

**Senate File 2236**, by committee on human resources, a bill for an act relating to regional and statewide targets for foster care placements.

Read first time and referred to committee on **human resources**.

**Senate File 2266**, by committee on transportation, a bill for an act making transportation-related Code changes including providing for a temporary registration permit, increasing registration fees for certain trailers, and providing an effective date.

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

**Senate File 2281**, by committee on state government, a bill for an act providing for access by the division of criminal and juvenile justice planning of the department of human rights to confidential records held by other state agencies.

Read first time and referred to committee on **state government**.

**Senate File 2385**, by committee on judiciary, a bill for an act relating to appointment and election of state judicial nominating

commissioners and providing effective and applicability dates and transition provisions.

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

**Senate File 2396**, by committee on judiciary, a bill for an act adding certain residential security deposits and prepaid rent to the list of exempt property which a debtor may claim.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2318**, a bill for an act relating to the licensure and practice of land surveying, to the unlawful practice of land surveying, architecture, and professional engineering, and establishing a civil penalty, was taken up for consideration.

Sukup of Franklin offered the following amendment H-5389 filed by Sukup, et. al., and moved its adoption:

H-5389

- 1 Amend House File 2318 as follows:
- 2 1. By striking page 1, line 1, through page 4,
- 3 line 32.
- 4 2. By renumbering as necessary.

Amendment H-5389 was adopted.

Sukup of Franklin 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. 2318)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman

Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Grubbs                      Meyer

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

**House File 2212**, a bill for an act relating to the appointment of the director of the department of commerce, was taken up for consideration.

Brunkhorst of Bremer 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. 2212)

The ayes were, 85:

Arnold	Baker	Bell	Blodgett
Boddicker	Boguess	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Klemme
Kreiman	Kremer	Lamberti	Larson
Lord	Main	Martin	Mascher

May	Metcalf	Meyer	Moreland
Myers	Nelson, B.	Nelson, L.	Nutt
Ollie	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Welter	Wise
Van Maanen, Presiding			

The nays were, 15:

Bernau	Brammer	Fallon	Jochum
Koenigs	Larkin	McCoy	Mertz
Millage	Mundie	Murphy	O'Brien
Osterhaus	Weigel	Witt	

Absent or not voting, none.

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

**House File 2427**, a bill for an act relating to mental health, mental retardation, developmental disabilities, and other services paid for in whole or in part by counties or the state, and including an applicability provision and an effective date, was taken up for consideration.

Houser of Pottawattamie offered the following amendment H-5471 filed by him and moved its adoption:

H-5471

1 Amend House File 2427 as follows:  
 2 1. Page 1, line 4, by striking the word  
 3 "subsection" and inserting the following:  
 4 "subsections".  
 5 2. Page 1, by inserting after line 8 the  
 6 following:  
 7 **"NEW SUBSECTION. 3A. "Single entry point process"**  
 8 means the same as defined in section 331.440."  
 9 3. By striking page 3, line 19, through page 4,  
 10 line 7 and inserting the following:  
 11 "Sec. \_\_\_\_ Section 222.31, subsection 1, Code.  
 12 1995, is amended to read as follows:  
 13 1. Commit the person to the single entry point  
 14 process of the person's county of residence for  
 15 placement in any public or private facility within or  
 16 without the state, approved by the director of the  
 17 department of human services. If the person has not  
 18 been examined by a commission as appointed in section  
 19 222.28, the court ~~shall~~ may, prior to issuing an order

20 of commitment, appoint such a commission to examine  
 21 the person for the purpose of determining the mental  
 22 condition of the person. ~~No~~ If a commission is  
 23 appointed, an order of commitment shall not be issued  
 24 unless the commission ~~shall recommend~~ recommends that  
 25 such the order be issued and the private institution  
 26 to which the person is to be committed ~~shall advise~~  
 27 advises the court and the single entry point process  
 28 that ~~it~~ the private institution is willing to receive  
 29 the person.

30 Sec. \_\_\_\_ Section 222.31, subsection 2, unnumbered  
 31 paragraph 1, Code 1995, is amended to read as follows:

32 Commit the person to the single entry point process  
 33 of the person's county of residence for a diagnostic  
 34 evaluation and referral to an appropriate placement or  
 35 service. The placement may be in the state hospital-  
 36 school designated by the administrator to serve the  
 37 county in which the hearing is being held, or to a  
 38 special unit. ~~The court shall prior~~ Prior to issuing  
 39 an order of commitment, ~~the court may~~ request that a  
 40 diagnostic evaluation of the person be made by the  
 41 superintendent of the hospital-school or the special  
 42 unit, or the superintendent's qualified designee. ~~The~~  
 43 If requested, the evaluation shall be conducted at a  
 44 place as the superintendent may direct. The cost of  
 45 the evaluation shall be defrayed by the county of  
 46 legal settlement unless otherwise ordered by the  
 47 court. The cost may be equal to but shall not exceed  
 48 the actual cost of the evaluation. Persons referred  
 49 by a court to a hospital-school or the special unit  
 50 for diagnostic evaluation shall be considered as

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1 outpatients of the institution. ~~No~~ If an evaluation  
 2 is requested, an order of commitment shall not be  
 3 issued unless the superintendent of the institution  
 4 recommends that the order be issued, and advises the  
 5 court that adequate facilities for the care of the  
 6 person are available."

7 4. Page 5, by striking lines 19 through 23 and  
 8 inserting the following: "made in the manner  
 9 prescribed by section 225.13. An order under this  
 10 section shall be for referral to the single entry  
 11 point process of the respondent's county of residence  
 12 for an evaluation and referral of the respondent to an  
 13 appropriate placement or service, which may include  
 14 the state psychiatric hospital for additional  
 15 evaluation or treatment. For purposes of this  
 16 chapter, "single entry point process" means the same  
 17 as defined in section 331.440."

18 5. Page 6, by striking lines 9 through 11 and  
 19 inserting the following: "provided as determined by



20 the single entry point process of the respondent's  
21 county of residence."

22 6. Page 6, by striking lines 31 through 33 and  
23 inserting the following: "county shall only be  
24 provided as determined by the single entry point  
25 process of the respondent's county of residence."

26 7. Page 11, by striking lines 1 through 18.

27 8. Page 12, line 7, by striking the word  
28 "subsection" and inserting the following:  
29 "subsections".

30 9. Page 12, by inserting after line 11 the  
31 following:

32 "NEW SUBSECTION. 15. "Single entry point process"  
33 means the same as defined in section 331.440."

34 10. Page 13, by striking lines 19 through 23 and  
35 inserting the following: "under the care of the  
36 facility. However, for a respondent whose expenses  
37 are payable in whole or in part by a county, an order  
38 under this section shall commit the respondent to the  
39 single entry point process of the person's county of  
40 residence for a diagnostic evaluation and referral for  
41 appropriate treatment, placement, or service."

42 11. Page 13, by striking lines 28 through 30 and  
43 inserting the following: "section shall commit the  
44 respondent to the single entry point process of the  
45 respondent's county of residence for a diagnostic  
46 evaluation and referral for appropriate treatment,  
47 placement, or service."

48 12. Page 14, line 26, by striking the words  
49 "county board of supervisors" and inserting the  
50 following: "county board of supervisors single entry

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1 point process of the person's county of legal  
2 settlement".

3 13. Page 16, by striking lines 11 and 12 and  
4 inserting the following:

5 "Release of information, in accordance with  
6 administrative rules adopted for this purpose by the  
7 council on human services pursuant to a recommendation  
8 of the state-county management committee, which would  
9 identify an individual who is".

10 14. By striking page 17, line 31, through page  
11 18, line 20, and inserting the following:

12 "NEW SUBSECTION. 5. a. The department shall take  
13 the actions necessary to assist in the transition of  
14 individuals being served as of June 30, 1996, in a  
15 residential or intermediate care facility for the  
16 mentally retarded to services funded under a medical  
17 assistance waiver for home and community-based  
18 services for persons with mental retardation. The  
19 actions shall include but are not limited to both of

20 the following:

21 (1) Requesting a revision of the medical  
22 assistance waiver for home and community-based  
23 services for persons with mental retardation in effect  
24 as of June 30, 1996, or applying for a new waiver to  
25 allow for the conversion of residential and  
26 intermediate care facilities for the mentally retarded  
27 licensed under chapter 135C as of June 30, 1996, to  
28 services funded under a medical assistance waiver for  
29 home and community-based services for persons with  
30 mental retardation. The waiver revision request or  
31 new waiver shall provide that the waiver requirements  
32 applicable to the number of persons served under the  
33 waiver as of June 30, 1996, shall continue to apply to  
34 the same number of persons under a revised or new  
35 waiver so that the number of persons served by  
36 converted facilities is an additional amount.

37 (2) Requesting a revision of the medical  
38 assistance waiver for home and community-based  
39 services for persons with mental retardation in effect  
40 as of June 30, 1996, to allow for reimbursement under  
41 the waiver for day program costs, including but not  
42 limited to, activity, work activity, and supported  
43 employment.

44 b. In implementing the provisions of this  
45 subsection, the department of human services shall  
46 consult with the department of inspections and appeals  
47 and representatives of providers of residential and  
48 intermediate care facility for the mentally retarded  
49 services, service consumers, families of service  
50 consumers, advocates, counties, and other

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1 knowledgeable persons in developing the waiver  
2 revision request or other action necessary to assist  
3 in the transition of service provision from  
4 residential and intermediate care facilities for the  
5 mentally retarded to alternative programs that can  
6 appropriately meet the needs of individuals at an  
7 overall lower cost. The department shall work with  
8 the same group in adopting rules for oversight of  
9 facilities converted pursuant to this subsection. A  
10 waiver revision request and the other actions  
11 developed pursuant to this subsection shall be  
12 completed on or before September 16, 1996. The  
13 department shall report on September 16, 1996, to the  
14 general assembly regarding its actions under this  
15 subsection and any federal response, and shall submit  
16 an update upon receiving a federal response to the  
17 waiver request or other action taken which requires a  
18 federal response. If implementation of the  
19 requirements of this subsection does not require a

- 20 federal waiver, the department shall implement the  
 21 requirements on July 1, 1996.”
- 22 15. Page 18, line 25, by inserting before the  
 23 word “The” the following: “1”
- 24 16. Page 18, line 26; by striking the words “cost,  
 25 of services provided” and inserting the following:  
 26 “services paid for”.
- 27 17. Page 18, line 28, by striking the word “The”.
- 28 18. Page 18, by inserting after line 28 the  
 29 following:  
 30 “2. The”.
- 31 19. Page 19, line 2, by striking the word  
 32 “section” and inserting the following: “subsection”.
- 33 20. Page 20, line 9, by inserting after the word  
 34 “developed” the following: “for the state and  
 35 county”.
- 36 21. Page 20, line 17, by striking the words  
 37 “council on human services” and inserting the  
 38 following: “mental health and developmental  
 39 disabilities commission”.
- 40 22. Page 20, line 23, by striking the words  
 41 “council on human services” and inserting the  
 42 following: “mental health and developmental  
 43 disabilities commission”.
- 44 23. Page 20, by striking lines 27 through 35.
- 45 24. Page 21, by striking line 1 and inserting the  
 46 following:  
 47 “NEW SUBPARAGRAPH. (17) Make recommendations to  
 48 the mental health and developmental disabilities  
 49 commission and counties for measuring”.
- 50 25. By renumbering as necessary.

Amendment H-5471 was adopted.

Houser 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. 2427)

The ayes were, 100:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison

Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

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

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2212, 2318 and 2427.**

**House File 2350**, a bill for an act relating to motor vehicle dimensional and weight requirements and certificates of title for commercial vehicles, was taken up for consideration.

Heaton of Henry offered the following amendment H-5423 filed by him and moved its adoption:

H-5423

- 1 Amend House File 2350 as follows:
- 2 1. Page 2, line 5, by striking the words "and i"
- 3 and inserting the following: ", i, and j".
- 4 2. Page 2, by inserting after line 27 the
- 5 following:
- 6 "j. A stinger-steered automobile transporter shall
- 7 not have an overall length exceeding seventy-five
- 8 feet, exclusive of retractable extensions used to
- 9 support the load and all other devices or
- 10 appurtenances related to the safe and efficient
- 11 operation of the vehicle, except that the load may
- 12 extend up to three feet beyond the front bumper and up
- 13 to four feet beyond the rear bumper."
- 14 3. By striking page 2, line 28, through page 6,
- 15 line 12, and inserting the following:
- 16 "Sec. \_\_\_\_ Section 321.463, Code Supplement 1995,

- 17 is amended by adding the following new unnumbered  
 18 paragraph after unnumbered paragraph 7:  
 19 NEW UNNUMBERED PARAGRAPH. A vehicle or combination  
 20 of vehicles transporting materials to or from a  
 21 construction project or commercial plant site shall  
 22 comply with the formula under this section which is  
 23 used for travel on highways that are part of the  
 24 interstate system. This paragraph applies only to a  
 25 vehicle or combination of vehicles operating along a  
 26 route of travel approved by the department.”  
 27 4. By striking page 6, line 13, through page 7,  
 28 line 8.  
 29 5. By striking page 7, line 28, through page 8,  
 30 line 2.  
 31 6. By renumbering as necessary.

Amendment H-5423 was adopted.

Heaton of Henry 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. 2350)

The ayes were, 100:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

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

**House File 2452**, a bill for an act providing for the establishment of a lien by licensed professionals against damages collected by an injured patient, was taken up for consideration.

Lamberti 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. 2452)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 2:

Drees                      Holveck

Absent or not voting, none.

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

**House File 2401**, a bill for an act relating to the issuance of deer and wild turkey nonresident hunting licenses to certain official guests and dignitaries, was taken up for consideration.

Ertl of Dubuque asked and received unanimous consent to withdraw amendment H-5169 filed by him and Kremer on March 4, 1996.

Kreiman of Davis offered the following amendment H-5153 filed by him and moved its adoption:

H-5153

- 1 Amend House File 2401 as follows:
- 2 1. Page 1, line 3, by striking the word "ten" and
- 3 inserting the following: "one hundred".
- 4 2. Page 1, line 8, by inserting after the word
- 5 "designees." the following: "The licenses reserved
- 6 pursuant to this subsection shall be in addition to
- 7 the number of nonresident licenses authorized pursuant
- 8 to subsection 3."
- 9 3. Page 1, line 12, by striking the word "upon"
- 10 and inserting the following: "and without".
- 11 4. Page 1, line 24, by striking the word "ten"
- 12 and inserting the following: "one hundred".
- 13 5. Page 1, line 29, by inserting after the word
- 14 "designees." the following: "The licenses reserved
- 15 pursuant to this subsection shall be in addition to
- 16 the number of nonresident licenses authorized pursuant
- 17 to subsection 3."
- 18 6. Page 1, line 32, by striking the word "upon"
- 19 and inserting the following: "and without".

Amendment H-5153 lost.

Arnold of Lucas offered the following amendment H-5141 filed by him and moved its adoption:

H-5141

- 1 Amend House File 2401 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "designees." the following: "The licenses reserved
- 4 pursuant to this subsection shall be in addition to
- 5 the number of nonresident licenses authorized pursuant
- 6 to subsection 3."
- 7 2. Page 1, line 29, by inserting after the word
- 8 "designees." the following: "The licenses reserved
- 9 pursuant to this subsection shall be in addition to
- 10 the number of nonresident licenses authorized pursuant
- 11 to subsection 3."

Amendment H-5141 was adopted.

Arnold of Lucas 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. 2401)

The ayes were, 88:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Cohoon	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Drees	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Osterhaus	Rants	Renken	Salton
Schulte	Shoultz	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Van Maanen, Presiding

The nays were, 12:

Baker	Brammer	Brunkhorst	Connors
Doderer	Fallon	Harper	Holveck
Ollie	Schrader	Taylor	Witt

Absent or not voting, none.

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2350, 2401 and 2452.**

**House File 455**, a bill for an act relating to the filing of complaints concerning child abuse or crimes with the board of educational examiners, with report of committee recommending amendment and passage, was taken up for consideration.



Nelson of Pottawattamie offered the following amendment H-5150 filed by the committee on education and moved its adoption:

H-5150

- 1 Amend House File 455 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 272.2, Code 1995, is amended
- 5 by adding the following new subsection:
- 6 NEW SUBSECTION. 15. Adopt rules that require
- 7 specificity in written complaints that are filed and
- 8 accepted by the board, provide for an adequate
- 9 interval between the receipt of a complaint and public
- 10 notice of the complaint, permit parties to a complaint
- 11 to mutually agree to a resolution of the complaint,
- 12 allow the respondent the right to review any
- 13 investigative report for accuracy with its author
- 14 prior to the submission of the report to the board,
- 15 require that the conduct providing the basis for the
- 16 complaint occurred within three years of the filing of
- 17 the complaint unless good cause can be shown for an
- 18 extension of this limitation, and require complaints
- 19 to be resolved within one hundred eighty days."
- 20 2. Title page, lines 1 and 2, by striking the
- 21 words "concerning child abuse or crimes".

The committee amendment H-5150 was adopted.

Nelson 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. 455)

The ayes were, 100:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main

Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

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.

**House File 308**, a bill for an act relating to the election of workers' compensation coverage by a limited liability company member, with report of committee recommending amendment and passage, was taken up for consideration.

Metcalf of Polk offered the following amendment H-5071 filed by the committee on labor and industrial relations and moved its adoption:

H-5071

- 1 Amend House File 308 as follows:
- 2 1. Page 1, line 20, by striking the word and
- 3 figure "11, Code" and inserting the following: "10,
- 4 Code Supplement".
- 5 2. Page 1, line 22, by striking the figure "11"
- 6 and inserting the following: "10".
- 7 3. Page 1, line 31, by inserting after the word
- 8 "Code" the following: "Supplement".
- 9 4. Page 2, line 11, by inserting after the word
- 10 "Code" the following: "Supplement".

The committee amendment H-5071 was adopted.

Metcalf of Polk offered the following amendment H-5303 filed by her and moved its adoption:

H-5303

- 1 Amend House File 308 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 85.1, subsection 3, paragraph
- 5 b, subparagraph (3), Code 1995, is amended to read as

6 follows:

7 (3) Officers of a family farm corporation or  
 8 members of a limited liability company, spouses of the  
 9 officers or members, the parents, brothers, sisters,  
 10 children and stepchildren of either the officers or  
 11 members, or the spouses of the officers or members,  
 12 and the spouses of the brothers, sisters, children,  
 13 and stepchildren of either the officers or members, or  
 14 the spouses of the officers or members who are  
 15 employed by the corporation or limited liability  
 16 company, the primary purpose of which, although not  
 17 necessarily the stated purpose, is farming or  
 18 ownership of agricultural land, and who are actually  
 19 engaged in agricultural pursuits or operations  
 20 immediately connected with the agricultural pursuits  
 21 either on or off the premises of the corporation or  
 22 limited liability company."  
 23 2. By renumbering as necessary.

Amendment H-5303 was adopted.

O'Brien of Boone asked and received unanimous consent to withdraw amendment H-5246 filed by him on March 7, 1996.

Metcalfe 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. 308)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalfe
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader

Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Cataldo                      Holveck

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

**House File 2435**, a bill for an act relating to the establishment of a problem gambling treatment program, creating an advisory committee, providing for other properly related matters, and applying a penalty, was taken up for consideration.

Harrison of Scott offered amendment H-5466 filed by him. Division was requested as follows:

H-5466

1 Amend House File 2435 as follows:

H-5466A

2 1. Page 2, by striking lines 1 and 2.

H-5466B

3 2. Page 3, line 10, by inserting after the word  
 4 "A" the following: "nonlegislative".  
 5 3. Page 3, line 29, by inserting after the word  
 6 "officers," the following: "psychiatrists licensed  
 7 under chapter 147 or 150A,".  
 8 4. Page 3, line 30, by inserting after the word  
 9 "programs," the following: "consumer credit  
 10 counseling and financial management agencies,".

Witt of Black Hawk asked and received unanimous consent to defer action on amendment H-5466A.

On motion by Harrison of Scott, amendment H-5466B was adopted.

Sukup of Franklin asked and received unanimous consent to withdraw amendment H-5217 filed by Fallon of Polk and him on March 6, 1996.

Fallon of Polk asked and received unanimous consent to withdraw amendment H-5218 filed by him and Sukup on March 6, 1996.

Harrison of Scott moved the adoption of amendment H-5466A, previously deferred.

A non-record roll call was requested.

The ayes were 47, nays 12.

Amendment H-5466A was adopted.

Harrison 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?" (H.F. 2435)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Hurley

Murphy

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

**Senate File 2087**, a bill for an act providing that appeal of certain sentences be by writ of certiorari, with report of committee recommending passage, was taken up for consideration.

Nutt of Woodbury 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. 2087)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammier	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Grundberg                      Harrison

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

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 308, 455, 2435 and Senate File 2087.**

**House File 2191**, a bill for an act relating to the expansion of the membership of the advisory council to the director of human services regarding medical assistance, with report of committee recommending amendment and passage, was taken up for consideration.

Carroll of Poweshiek offered the following amendment H-5127 filed by the committee on human resources and moved its adoption:

H-5127

- 1 Amend House File 2191 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "practitioners." the following: "the Iowa academy of
- 4 family physicians."

The committee amendment H-5127 was adopted.

Carroll of Poweshiek offered the following amendment H-5393 filed by him and moved its adoption:

H-5393

- 1 Amend House File 2191 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "practitioners." the following: "the Iowa society of
- 4 anesthesiologists."

Amendment H-5393 was adopted.

Boddicker of Cedar offered the following amendment H-5399 filed by him and moved its adoption:

H-5399

- 1 Amend House File 2191 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "practitioners." the following: "the Iowa
- 4 occupational therapy association, the Iowa physical
- 5 therapy association."

Amendment H-5399 was adopted.

Carroll of Poweshiek offered the following amendment H-5407 filed by him and moved its adoption:

H-5407

- 1 Amend House File 2191 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "practitioners." the following: "the Iowa association
- 4 of nurse anesthetists."

Amendment H-5407 was adopted.

Carroll of Poweshiek 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. 2191)

The ayes were, 99:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

Grundberg

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

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that House File 2191 be immediately messaged to the Senate.

### Appropriations Calendar

Senate File 2443, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, certain



board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes, was taken up for consideration.

On motion by Siegrist of Pottawattamie, the House was recessed at 10:59 a.m., until 1:00 p.m.

(Senate File 2443 pending)

#### AFTERNOON SESSION

The House reconvened at 1:00 p.m., Cormack of Webster in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Cataldo of Polk and Shoultz of Black Hawk, until their return, on request of Schrader of Marion; O'Brien of Boone, until his arrival, on request of Fallon of Polk.

#### QUORUM CALL

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

#### BUSINESS PENDING AT RECESS

##### Appropriations Calendar

The House resumed consideration of **Senate File 2443**, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes, pending at recess.

Churchill of Polk offered amendment H-5419 filed by the committee on appropriations as follows:

H-5419

- 1 Amend Senate File 2443, 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. There is appropriated from the general
- 6 fund of the state and other designated funds to the
- 7 department of economic development for the fiscal year
- 8 beginning July 1, 1996, and ending June 30, 1997, the
- 9 following amounts, or so much thereof as is necessary,
- 10 to be used for the purposes designated:

11 1. ADMINISTRATIVE SERVICES DIVISION

12 a. General administration

13 For salaries, support, maintenance, miscellaneous  
14 purposes, for providing that a business receiving  
15 moneys from the department for the purpose of job  
16 creation shall make available ten percent of the new  
17 jobs created for PROMISE JOBS program participants who  
18 are qualified for the jobs created, and for not more  
19 than the following full-time equivalent positions:

20 .....	\$ 1,405,687
21 .....	FTEs 23.75

22 The director shall coordinate efforts with the  
23 workforce coordinator and the department of workforce  
24 development, if established by Senate File 2409 or  
25 House File 2463, to implement the intent of the  
26 general assembly regarding businesses receiving job  
27 creation moneys and shall report to the joint economic  
28 development appropriations subcommittee regarding the  
29 number of jobs to be created by each business, the  
30 number of qualified PROMISE JOBS participants applying  
31 with the business, and the number of PROMISE JOBS  
32 participants hired.

33 b. Film office

34 For salaries, support, maintenance, miscellaneous  
35 purposes, and for not more than the following full-  
36 time equivalent positions:

37 .....	\$ 199,341
38 .....	FTEs 2.00

39 2. BUSINESS DEVELOPMENT DIVISION

40 a. Business development operations

41 For salaries, support, maintenance, miscellaneous  
42 purposes, for allocating \$150,000 to the graphic arts  
43 technology center, allocating \$50,000 to the plastics  
44 technology center, and for not more than the following  
45 full-time equivalent positions:

46 .....	\$ 3,709,775
47 .....	FTEs 17.75

48 The department may use up to \$60,000 of any funds  
49 remaining unobligated on June 30, 1996, in the Wallace  
50 technology transfer foundation fund, notwithstanding

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1 section 8.33, and add up to a 0.50 full-time  
2 equivalent position to administer the heartland  
3 technology network, the graphic arts technology  
4 center, and the plastics technology center.

5 The department may use up to \$75,000 of the funds  
6 remaining unobligated in the Wallace technology  
7 transfer foundation fund on June 30, 1996,  
8 notwithstanding section 8.33, for the purposes of the  
9 regulatory assistance program.

10 The department shall allocate \$100,000, or so much

11 thereof as may be necessary, of the funds remaining  
 12 unobligated in the Wallace technology transfer  
 13 foundation fund on June 30, 1996, notwithstanding  
 14 section 8.33, to the workforce development division  
 15 for business consortia and supplier network training.  
 16 Unobligated funds remaining in the Wallace  
 17 technology transfer foundation fund after making the  
 18 allocations under this paragraph shall be transferred  
 19 to the strategic investment fund for use in the  
 20 community economic betterment program.

21 b. Small business programs

22 For salaries, support, maintenance, miscellaneous  
 23 purposes, for the small business program, the small  
 24 business advisory council, targeted small business  
 25 program and the targeted small business compliance  
 26 officer, and for not more than the following full-time  
 27 equivalent positions:

28 ..... \$ 448,756  
 29 ..... FTEs 6.00

30 c. Federal procurement office

31 For salaries, support, maintenance, miscellaneous  
 32 purposes, and for not more than the following full-  
 33 time equivalent positions:

34 ..... \$ 96,492  
 35 ..... FTEs 3.00

36 Notwithstanding section 8.33, moneys remaining  
 37 unencumbered or unobligated on June 30, 1997, shall  
 38 not revert and shall be available for expenditure  
 39 during the fiscal year beginning July 1, 1997, for the  
 40 same purposes.

41 d. Strategic investment fund

42 For deposit in the strategic investment fund for  
 43 salaries, support, and for not more than the following  
 44 full-time equivalent positions:

45 ..... \$ 7,731,151  
 46 ..... FTEs 10.50

47 e. Targeted small business incubator

48 Moneys appropriated for fiscal year 1995-1996 and  
 49 not expended by June 30, 1996, shall not revert but  
 50 shall be held by the department for funding, with

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1 local matching funds, the targeted small business  
 2 incubator in Des Moines for the fiscal year beginning  
 3 July 1, 1996, and ending June 30, 1997.

4 f. Insurance economic development

5 There is appropriated from moneys collected by the  
 6 division of insurance in excess of the anticipated  
 7 gross revenues under section 505.7, subsection 3, to  
 8 the department for the fiscal year beginning July 1,  
 9 1996, and ending June 30, 1997, the following amount,  
 10 or so much thereof as is necessary, for insurance

11 economic development and international insurance  
 12 economic development:  
 13 ..... \$ 200,000

14 g. Value-added agriculture  
 15 There is appropriated from the moneys available to  
 16 support value-added agricultural products and  
 17 processes, four percent, or so much thereof as is  
 18 necessary, of the total moneys available to support  
 19 value-added agricultural products and processes  
 20 pursuant to section 423.24 each quarter for  
 21 administration of the value-added agricultural  
 22 products and processes financial assistance program as  
 23 provided in section 15E.111, including salaries,  
 24 support, maintenance, miscellaneous purposes, and for  
 25 not more than 2.00 FTEs.

26 3. COMMUNITY DEVELOPMENT DIVISION

27 a. Community assistance  
 28 For salaries, support, maintenance, and  
 29 miscellaneous purposes for administration of the  
 30 community economic preparedness program, the Iowa  
 31 community betterment program, and the city development  
 32 boards, and for not more than the following full-time  
 33 equivalent positions:

34 ..... \$ 578,943  
 35 ..... FTEs 8.50

36 There is also appropriated from the rural community  
 37 2000 program revolving fund established in section  
 38 15.287 to the community assistance program for the  
 39 purposes of the community economic preparedness  
 40 program:

41 ..... \$ 50,000

42 b. Main street/rural main street program  
 43 For salaries, support, and for not more than the  
 44 following full-time equivalent positions:

45 ..... \$ 413,530  
 46 ..... FTEs 3.00

47 Notwithstanding section 8.33, moneys committed to  
 48 grantees under contract from the general fund of the  
 49 state that remain unexpended on June 30 of the fiscal  
 50 year shall not revert to any fund but shall be

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1 available for expenditure for purposes of the contract  
 2 during the succeeding fiscal year.

3 c. Rural development program

4 For salaries, support, maintenance, and  
 5 miscellaneous purposes for rural resource  
 6 coordination, rural community leadership, the rural  
 7 enterprise fund, and for the rural innovations grants  
 8 program, and for not more than the following full-time  
 9 equivalent positions:

10 ..... \$ 611,181  
 11 ..... FTEs 4.50

12 There is also appropriated from the rural community  
 13 2000 program revolving fund established in section  
 14 15.287 to the rural development program for the  
 15 purposes of the program including the rural enterprise  
 16 fund and collaborative skills development training:  
 17 ..... \$ 351,000

18 Notwithstanding section 8.33, moneys committed to  
 19 grantees under contract from the general fund of the  
 20 state or through transfers from the Iowa community  
 21 development loan fund or from the rural community 2000  
 22 program revolving fund that remain unexpended at the  
 23 end of the fiscal year shall not revert but shall be  
 24 available for expenditure for purposes of the contract  
 25 during the succeeding fiscal year.

26 d. Community development block grant and HOME  
 27 For administration and related federal housing and  
 28 urban development grant administration for salaries,  
 29 support, maintenance, miscellaneous purposes, and for  
 30 not more than the following full-time equivalent  
 31 positions:  
 32 ..... \$ 403,974  
 33 ..... FTEs 18.75

34 e. Councils of governments  
 35 There is appropriated from the rural community 2000  
 36 program revolving fund established in section 15.287  
 37 to provide to Iowa's councils of governments funds for  
 38 planning and technical assistance funds to assist  
 39 local governments to develop community development  
 40 strategies for addressing long-term and short-term  
 41 community needs:  
 42 ..... \$ 178,000

43 f. Housing development fund  
 44 For providing technical assistance to communities  
 45 of all sizes and local financial institutions to help  
 46 meet local housing needs and to provide and transfer  
 47 matching funds for the HOME program:  
 48 ..... \$ 1,300,000

49 Notwithstanding section 8.33, moneys committed to  
 50 grantees under contract from the housing development

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1 fund and moneys transferred for matching funds for the  
 2 HOME program that remain unexpended or unobligated on  
 3 June 30 of the fiscal year shall not revert to any  
 4 fund but shall be available for obligation and  
 5 expenditure for purposes of those programs during the  
 6 succeeding fiscal year.

7 4. INTERNATIONAL DIVISION  
 8 a. International trade operations  
 9 For salaries, support, maintenance, miscellaneous  
 10 purposes, and for not more than the following full-  
 11 time equivalent positions:

12	.....	\$	927,950
13	.....	FTEs	9.00
14	b. Foreign trade offices		
15	For salaries, support, maintenance, and		
16	miscellaneous purposes:		
17	.....	\$	595,250
18	c. Export trade assistance program		
19	For export trade activities, including a program to		
20	encourage and increase participation in trade shows		
21	and trade missions by providing financial assistance		
22	to businesses for a percentage of their costs of		
23	participating in trade shows and trade missions, by		
24	providing for the lease/sublease of showcase space in		
25	existing world trade centers, by providing temporary		
26	office space for foreign buyers, international		
27	prospects, and potential reverse investors, and by		
28	providing other promotional and assistance activities,		
29	including salaries, support, and for not more than the		
30	following full-time equivalent positions:		
31	.....	\$	275,000
32	.....	FTEs	0.25
33	d. Agricultural product advisory council		
34	For support, maintenance, and miscellaneous		
35	purposes:		
36	.....	\$	1,300
37	e. For transfer to the partner state program which		
38	the department may use to contract with private groups		
39	or organizations which are the most appropriate to		
40	administer this program and the groups and		
41	organizations participating in the program shall, to		
42	the fullest extent possible, provide the funds to		
43	match the appropriation made in this subsection of the		
44	funds transferred:		
45	.....	\$	100,000
46	5. TOURISM DIVISION		
47	a. Tourism operations		
48	For salaries, support, maintenance, and		
49	miscellaneous purposes, provided that the		
50	appropriation shall not be used for advertising		

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1	placements for in-state and out-of-state tourism		
2	marketing, and for not more than the following full-		
3	time equivalent positions:		
4	.....	\$	725,212
5	.....	FTEs	18.52
6	b. Tourism advertising		
7	For contracting exclusively for tourism advertising		
8	for in-state and out-of-state tourism marketing		
9	services, tourism promotion programs, electronic		
10	media, print media, and printed materials:		
11	.....	\$	2,687,000

12 The department shall not use the moneys  
 13 appropriated in this lettered paragraph unless the  
 14 department develops public-private partnerships with  
 15 Iowa businesses in the tourism industry, Iowa tour  
 16 groups, Iowa tourism organizations, and political  
 17 subdivisions in this state to assist in the  
 18 development of advertising efforts. The department  
 19 shall, to the fullest extent possible, develop  
 20 cooperative efforts for advertising with contributions  
 21 from other sources.

22 c. Welcome center program

23 To implement the recommendations of the statewide  
 24 long-range plan for developing and operating welcome  
 25 centers throughout the state and for allocating  
 26 \$150,000 for the construction of a new welcome center:  
 27 ..... \$ 390,000

28 6. WORKFORCE DEVELOPMENT DIVISION

29 Business consortia and supplier network training:  
 30 ..... \$ 150,000

31 Funds appropriated in this section shall be  
 32 transferred to the workforce development fund and used  
 33 for training directed at specific needs of businesses  
 34 involved with business consortia and supplier  
 35 networks.

36 Sec. 2. Notwithstanding section 15E.120,  
 37 subsections 5, 6, and 7, and section 15.287, there is  
 38 appropriated from the Iowa community development loan  
 39 fund all the moneys available during the fiscal year  
 40 beginning July 1, 1996, and ending June 30, 1997, to  
 41 the department of economic development for the rural  
 42 development program to be used by the department for  
 43 the purposes of the program.

44 Sec. 3. Notwithstanding section 15.251, subsection  
 45 2, there is appropriated from the job training fund to  
 46 the department of economic development for the fiscal  
 47 year beginning July 1, 1996, and ending June 30, 1997,  
 48 the following amount, or so much thereof as is  
 49 necessary, to be used for the purpose designated:  
 50 For administration of chapter 260E, including

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1 salaries, support, maintenance, miscellaneous  
 2 purposes, and for not more than the following full-  
 3 time equivalent positions:  
 4 ..... \$ 160,000  
 5 ..... FTEs 2.40

6 Appropriations to the department of economic  
 7 development for administration of chapter 260E and the  
 8 department of employment services for the target  
 9 alliance program shall be funded on a proportional  
 10 basis if receipts to the job training fund are  
 11 insufficient to fund both appropriations in their  
 12 entirety.

13 Sec. 4. Of all funds appropriated to or receipts  
 14 credited to the job training fund created in section  
 15 260F.6, subsection 1, \$125,000 and not more than 1.30  
 16 FTEs may be used for the administration of job  
 17 training programs.

18 Sec. 5. There is appropriated from the general  
 19 fund of the state to the Iowa seed capital corporation  
 20 fund established in section 15E.89, for the fiscal  
 21 year beginning July 1, 1996, and ending June 30, 1997,  
 22 the following amount, or so much thereof as is  
 23 necessary, for not more than the following full-time  
 24 equivalent positions and for the purposes of the  
 25 corporation:

26 .....	\$ 330,275
27 .....	FTEs 5.00

28 It is the intent of the general assembly that the  
 29 current manner in which seed capital investments are  
 30 managed shall be changed by July 1, 1998. The  
 31 department of economic development board shall appoint  
 32 an advisory committee to make recommendations for  
 33 managing seed capital investments after July 1, 1998.  
 34 The committee shall report to the joint appropriations  
 35 subcommittee on economic development by December 1,  
 36 1996, regarding its recommendations.

37 Sec. 6. Upon payment in full of a certificate of  
 38 participation or other obligation issued to fund a job  
 39 training program under chapter 260E, the community  
 40 college providing the job training program shall  
 41 notify the department of revenue and finance and the  
 42 department of management of the amount paid by the  
 43 employer or business to the community college to  
 44 retire the certificate during the previous twelve  
 45 months. Twenty-five percent of that amount shall be  
 46 appropriated each quarter of the fiscal year beginning  
 47 July 1, 1996. If the actual amount of withholding  
 48 from the business or employer during the fiscal year  
 49 beginning July 1, 1996, is insufficient, the quarterly  
 50 appropriation shall be prorated. The maximum amount

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1 from all employers which shall be transferred to the  
 2 workforce development fund during the fiscal year is  
 3 ten million dollars.

4 Sec. 7. There is allocated from the workforce  
 5 development fund established in section 15.343, for  
 6 the fiscal year beginning July 1, 1996, and ending  
 7 June 30, 1997, the sum of \$50,000. The department of  
 8 economic development shall award these funds for  
 9 productivity enhancement projects through a request  
 10 for proposal process.

11 Sec. 8. There is appropriated from the general  
 12 fund of the state to the Iowa state university of  
 13 science and technology for the fiscal year beginning



14 July 1, 1996, and ending June 30, 1997, the following  
15 amounts, or so much thereof as is necessary, to be  
16 used for the purposes designated:

17 1. For funding and maintaining in their current  
18 locations the existing small business development  
19 centers, and for not more than the following full-time  
20 equivalent positions:

21 ..... \$ 1,216,245  
22 ..... FTEs 5.80

23 2. For funding the institute for physical research  
24 and technology, and for not more than the following  
25 full-time equivalent positions:

26 ..... \$ 4,124,607  
27 ..... FTEs 46.42

28 It is the intent of the general assembly that the  
29 incentive program focus on Iowa industrial sectors and  
30 seek contributions and in-kind donations from  
31 businesses, industrial foundations, and trade  
32 associations and that moneys for the institute for  
33 physical research and technology industrial incentive  
34 program shall only be allocated for projects which are  
35 matched by private sector moneys for directed contract  
36 research or for nondirected research. The match  
37 required of small businesses as defined in section  
38 15.102, subsection 4, for directed contract research  
39 or for nondirected research shall be \$1 for each \$3 of  
40 state funds. The match required for other businesses  
41 for directed contract research or for nondirected  
42 research shall be \$1 for each \$1 of state funds. The  
43 match required of industrial foundations or trade  
44 associations shall be \$1 for each \$1 of state funds.

45 Iowa state university shall report annually to the  
46 joint economic development subcommittee of the senate  
47 and house appropriations committees the total amounts  
48 of private contributions, the proportion of  
49 contributions from small businesses and other  
50 businesses, and the proportion for directed contract

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1 research and nondirected research of benefit to Iowa  
2 businesses and industrial sectors.

3 Notwithstanding section 8.33, moneys appropriated  
4 for any fiscal year which remain unobligated and  
5 unexpended at the end of the fiscal year shall not  
6 revert but shall be available for expenditure the  
7 following fiscal year.

8 3. For the research park:

9 ..... \$ 370,000

10 Sec. 9. There is appropriated from the general  
11 fund of the state to the state university of Iowa for  
12 the fiscal year beginning July 1, 1996, and ending  
13 June 30, 1997, the following amounts, or so much

14 thereof as is necessary, to be used for the purposes  
15 designated:

16 1. For funding the advanced drug development  
17 program at the Oakdale research park and for not more  
18 than the following full-time equivalent positions:  
19 ..... \$ 319,169  
20 ..... FTEs 2.85

21 The board of regents shall submit a report on the  
22 progress of regents institutions in meeting the  
23 strategic plan for technology transfer and economic  
24 development to the chairpersons of the joint  
25 appropriations subcommittee on economic development,  
26 the joint appropriations subcommittee on education,  
27 the majority leader, and minority leader of the  
28 senate, the majority and minority leaders of the house  
29 of representatives, the secretary of the senate, the  
30 chief clerk of the house of representatives, and the  
31 legislative fiscal bureau by December 1, 1996.

32 2. For the research park:  
33 ..... \$ 321,000

34 Sec. 10. There is appropriated from the general  
35 fund of the state to the university of northern Iowa  
36 for the fiscal year beginning July 1, 1996, and ending  
37 June 30, 1997, the following amount, or so much  
38 thereof as is necessary, to be used for the metal  
39 casting center:  
40 ..... \$ 160,000

41 Sec. 11. DEPARTMENT OF EMPLOYMENT SERVICES. There  
42 is appropriated from the general fund of the state to  
43 the department of employment services for the fiscal  
44 year beginning July 1, 1996, and ending June 30, 1997,  
45 the following amounts, or so much thereof as is  
46 necessary, for the purposes designated:

47 1. DIVISION OF LABOR SERVICES  
48 For salaries, support, maintenance, and  
49 miscellaneous purposes, and for not more than the  
50 following full-time equivalent positions:

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1 ..... \$ 2,729,542  
2 ..... FTEs 89.50

3 From the contractor registration fees, the division  
4 of labor services shall reimburse the department of  
5 inspections and appeals for all costs associated with  
6 hearings under chapter 91C, relating to contractor  
7 registration.

8 2. DIVISION OF INDUSTRIAL SERVICES  
9 For salaries, support, maintenance, miscellaneous  
10 purposes, and for not more than the following full-  
11 time equivalent positions:  
12 ..... \$ 2,101,389  
13 ..... FTEs 33.00

14 3. WORKFORCE DEVELOPMENT

15 For salaries, support, maintenance, and  
 16 miscellaneous purposes for the workforce development  
 17 coordinator and council, for the workforce development  
 18 initiative to be used to create model workforce  
 19 development centers and provide an integrated  
 20 management information system, for purposes of the  
 21 conservation corps, for the mentoring project for  
 22 family investment program participants, for allocating  
 23 \$425,000 for funding, to the extent possible, the  
 24 currently existing high technology apprenticeship  
 25 programs, under section 260C.44 at the community  
 26 colleges, and for the purposes of the workforce  
 27 investment program, for a competitive grant program by  
 28 the department for projects that increase Iowa's pool  
 29 of available labor via training and support services  
 30 with priority given to projects which serve displaced  
 31 homemakers or welfare recipients, including salaries  
 32 and support and for not more than the following full-  
 33 time equivalent positions:

34 .....	\$ 2,310,267
35 .....	FTEs 32.15

36 Notwithstanding section 8.33, moneys committed to  
 37 grantees under contract under the conservation corps  
 38 that remain unexpended on June 30 of the fiscal year  
 39 shall not revert to any fund but shall be available  
 40 for expenditure for purposes of the contract during  
 41 the succeeding fiscal year.

42 The department shall ensure that the workforce  
 43 investment program is coordinated with services  
 44 provided under the federal Job Training Partnership  
 45 Act and that welfare recipients receive priority for  
 46 services under both programs.

47 Notwithstanding section 8.33, moneys committed to  
 48 grantees under contract that remain unexpended at the  
 49 end of the fiscal year under the workforce investment  
 50 program shall not revert to any fund but shall be

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1 available for expenditure for purposes of the contract  
 2 during the succeeding fiscal year.

3 4. For salaries, support, maintenance, and  
 4 miscellaneous purposes for collection of labor market  
 5 information:

6 .....	\$ 173,250
---------	------------

7 5. Labor management councils

8 For salaries, support, maintenance, miscellaneous  
 9 purposes, and for not more than the following full-  
 10 time equivalent positions:

11 .....	\$ 70,338
12 .....	FTEs 0.50

13 It is the intent of the general assembly that labor  
 14 management councils take steps toward self-sufficiency  
 15 and away from the need for continued state funding.

16 Notwithstanding section 8.33, moneys committed to  
 17 grantees under contract that remain unexpended on June  
 18 30 of the fiscal year shall not revert to any fund but  
 19 shall be available for expenditure for purposes of the  
 20 contract during the succeeding fiscal year.

21 Sec. 12. Notwithstanding section 15.251,  
 22 subsection 2, there is appropriated from the job  
 23 training fund to the department of employment services  
 24 for the fiscal year beginning July 1, 1996, and ending  
 25 June 30, 1997, the following amount, or so much  
 26 thereof as is necessary, to be used for the purpose  
 27 designated:

28 For the target alliance program:  
 29 ..... \$ 30,000

30 Sec. 13. ADMINISTRATIVE CONTRIBUTION SURCHARGE  
 31 FUND. There is appropriated from the administrative  
 32 contribution surcharge fund of the state to the  
 33 department of employment services for the fiscal year  
 34 beginning July 1, 1996, and ending June 30, 1997, the  
 35 following amount, or so much thereof as is necessary,  
 36 for the purposes designated:

37 DIVISION OF JOB SERVICE  
 38 Notwithstanding section 96.7, subsection 12,  
 39 paragraph "c", for salaries, support, maintenance,  
 40 conducting labor availability surveys, miscellaneous  
 41 purposes, and for not more than the following full-  
 42 time equivalent positions:  
 43 ..... \$ 6,310,000  
 44 ..... FTEs 141.54

45 The division shall continue charging a \$65 filing  
 46 fee for workers' compensation cases. The filing fee  
 47 shall be paid by the petitioner of a claim. However,  
 48 the fee can be taxed as a cost and paid by the losing  
 49 party, except in cases where it would impose an undue  
 50 hardship or be unjust under the circumstances.

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1 Sec. 14. EMPLOYMENT SECURITY CONTINGENCY FUND.

2 There is appropriated from the special employment  
 3 security contingency fund to the department of  
 4 employment services for the fiscal year beginning July  
 5 1, 1996, and ending June 30, 1997, the following  
 6 amounts, or so much thereof as is necessary, for the  
 7 purposes designated:

8 1. DIVISION OF LABOR SERVICES  
 9 For salaries, support, maintenance, and  
 10 miscellaneous purposes:  
 11 ..... \$ 296,000

12 2. DIVISION OF INDUSTRIAL SERVICES  
 13 For salaries, support, maintenance, and  
 14 miscellaneous purposes:  
 15 ..... \$ 175,000

16 Any additional penalty and interest revenue may be  
17 used to accomplish the mission of the department.

18 Sec. 15. PUBLIC EMPLOYMENT RELATIONS BOARD. There  
19 is appropriated from the general fund of the state to  
20 the public employment relations board for the fiscal  
21 year beginning July 1, 1996, and ending June 30, 1997,  
22 the following amount, or so much thereof as is  
23 necessary, for the purposes designated:

24 For salaries, support, maintenance, miscellaneous  
25 purposes, and for not more than the following full-  
26 time equivalent positions:  
27 ..... \$ 777,164  
28 ..... FTEs 12.80

29 Sec. 16. There is appropriated from the general  
30 fund of the state to the Iowa finance authority for  
31 the fiscal year beginning July 1, 1996, and ending  
32 June 30, 1997, the following amount, or so much  
33 thereof as is necessary, to be used for the purpose  
34 designated:

35 For deposit in the housing improvement fund created  
36 in section 16.100 for purposes of the fund:  
37 ..... \$ 100,000

38 Sec. 17. FEDERAL GRANTS. All federal grants to  
39 and the federal receipts of agencies appropriated  
40 funds under this Act, not otherwise appropriated, are  
41 appropriated for the purposes set forth in the federal  
42 grants or receipts unless otherwise provided by the  
43 general assembly.

44 Sec. 18. Section 15.108, subsection 1, paragraph  
45 d, Code 1995, is amended by striking the paragraph.

46 Sec. 19. Section 15.313, subsection 2, Code 1995,  
47 is amended by adding the following new paragraphs:

48 NEW PARAGRAPH g. The entrepreneurs with  
49 disabilities program, which provides technical and  
50 financial assistance to help persons with disabilities

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1 become self-sufficient and create additional  
2 employment opportunities by establishing or expanding  
3 small business ventures.

4 NEW PARAGRAPH h. The disabled job opportunities  
5 program, which provides service and technical  
6 assistance to rehabilitation organizations or agencies  
7 that create, expand, or spin off business ventures for  
8 persons with disabilities.

9 Sec. 20. Section 15.343, subsection 1, paragraph  
10 c, Code Supplement 1995, is amended by striking the  
11 paragraph and inserting in lieu thereof the following:  
12 c. Moneys appropriated to the fund by the general  
13 assembly.

14 Sec. 21. Section 15E.112, subsection 1, Code 1995,  
15 is amended to read as follows:

16 1. A value-added agricultural products and

17 processes financial assistance fund is created within  
 18 the state treasury under the control of the  
 19 department. The fund shall consist of any money  
 20 appropriated by the general assembly and any other  
 21 moneys available to and obtained or accepted by the  
 22 department from the federal government or private  
 23 sources for placement in the fund. ~~Until July 1,~~  
 24 ~~2000, moneys shall be deposited in the fund as~~  
 25 ~~provided in section 423.24. Not more than one percent~~  
 26 ~~of the total moneys available to support value added~~  
 27 ~~agricultural products and processes pursuant to~~  
 28 ~~section 423.24 during each quarter shall be used by~~  
 29 ~~the department for administration of the value added~~  
 30 ~~agricultural products and processes financial~~  
 31 ~~assistance program, as provided in section 15E.111.~~  
 32 The assets of the fund shall be used by the department  
 33 only for carrying out the purposes of section 15E.111.  
 34 Sec. 22. Sections 15E.81 through 15E.94, Code  
 35 1995, are repealed.  
 36 Sec. 23. Section 422.16A, Code Supplement 1995, is  
 37 repealed.  
 38 Sec. 24. Notwithstanding sections 15.108, 15.224  
 39 through 15.230, 15.347, 15.348, and 239.22, the  
 40 department of employment services shall administer the  
 41 following programs: job training partnership Act,  
 42 Iowa conservation corps, americorps, mentoring for  
 43 PROMISE JOBS, food stamp employment and training, and  
 44 the labor/management co-op programs.  
 45 Sec. 25. The Iowa quality coalition shall revert  
 46 to the Wallace technology transfer fund by August 1,  
 47 1996, all funds remaining unexpended on the effective  
 48 date of this Act which have been appropriated to the  
 49 Iowa quality coalition.  
 50 Sec. 26. Section 22 of this Act, being deemed of

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1 immediate importance, takes effect upon enactment.  
 2 Sec. 27. Sections 17 and 20 of this Act take  
 3 effect July 1, 1998."  
 4 2. Title page, line 2, by inserting after the  
 5 word "authority," the following: "the Iowa seed  
 6 capital corporation,".  
 7 3. Title page, line 4, by inserting after the  
 8 word "services," the following: "providing effective  
 9 dates,".

Brunkhorst of Bremer offered the following amendment H-5473, to the committee amendment H-5419, filed by him from the floor and moved its adoption:

#### H-5473

1 Amend the amendment, H-5419, to Senate File 2443,  
 2 as amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 1, line 42, by striking the figure
- 5 "150,000" and inserting the following: "100,000".
- 6 2. Page 1, line 43, by striking the figure
- 7 "50,000" and inserting the following: "100,000".

Amendment H-5473 lost.

Wise of Lee asked and received unanimous consent to defer action on amendment H-5452, to the committee amendment H-5419.

Wise of Lee offered amendment H-5450, to the committee amendment H-5419, filed by Wise, et. al., as follows:

H-5450

- 1 Amend the amendment, H-5419, to Senate File 2443,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by inserting after line 15 the
- 5 following:
- 6 "The department shall allocate \$100,000 of the
- 7 funds remaining unobligated in the Wallace technology
- 8 transfer foundation fund on June 30, 1996,
- 9 notwithstanding section 8.33, to the international
- 10 division to promote trade opportunities in Korea and
- 11 the Pacific rim."

Speaker pro tempore Van Maanen of Marion in the chair at 1:25 p.m.

Wise of Lee moved the adoption of amendment H-5450, to the committee amendment H-5419.

A non-record roll call was requested.

The ayes were 28, nays 52.

Amendment H-5450 lost.

Wise of Lee asked and received unanimous consent to withdraw amendment H-5452, to the committee amendment H-5419, previously deferred, filed by Wise, et. al., on March 19, 1996.

Wise of Lee offered the following amendment H-5488, to the committee amendment H-5419, filed by him from the floor and moved its adoption:

H-5488

- 1 Amend the amendment, H-5419, to Senate File 2443,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 10 through 15.
- 5 2. Page 2, by striking lines 19 and 20 and
- 6 inserting the following: "to the Iowa finance

- 7 authority for deposit in the housing improvement fund  
 8 created in section 16.100.”  
 9 3. Page 2, line 45, by striking the figure  
 10 “7,731,151” and inserting the following: “7,556,151”.  
 11 4. Page 6, lines 25 and 26, by striking the words  
 12 “and for allocating \$150,000 for the construction of a  
 13 new welcome center”.  
 14 5. Page 6, line 27, by striking the figure  
 15 “390,000” and inserting the following: “240,000”.  
 16 6. Page 12, line 37, by striking the figure  
 17 “100,000” and inserting the following: “425,000”.

Roll call was requested by Wise of Lee and Murphy of Dubuque.

On the question “Shall amendment H-5488, to the committee amendment H-5419, be adopted?” (S.F. 2443)

The ayes were, 34:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Main	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	Ollie
Osterhaus	Schrader	Taylor	Warnstadt
Weigel	Wise		

The nays were, 59:

Arnold	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Martin	Metcalf	Meyer	Millage
Nelson, B.	Rants	Renken	Salton
Schulte	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen,	
		Presiding	

Absent or not voting, 7:

Blodgett	Brammer	Nutt	O'Brien
Shoultz	Siegrist	Witt	

Amendment H-5488 lost.



Baker of Polk offered the following amendment H-5448, to the committee amendment H-5419, filed by Baker, et. al., and moved its adoption:

H-5448

- 1 Amend the amendment, H-5419, to Senate File 2443,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 42, by inserting after the words
- 5 "fund for" the following: "allocating \$222,792 to the
- 6 self-employment loan program for the purposes of the
- 7 microbusiness rural enterprise assistance program
- 8 under section 15.114 and for".
- 9 2. Page 12, by inserting after line 45, the
- 10 following:
- 11 "Sec. \_\_\_\_ **NEW SECTION. 15.114 MICROBUSINESS**
- 12 **RURAL ENTERPRISE ASSISTANCE.**
- 13 1. As used in this section:
- 14 a. "Department" means the department of economic
- 15 development.
- 16 b. "Microbusiness" or "microbusiness enterprise"
- 17 means a business producing services with five or fewer
- 18 full-time equivalent employee positions and with
- 19 assistance requirements of not more than twenty-five
- 20 thousand dollars.
- 21 c. "Microbusiness organization" means a nonprofit
- 22 corporation organized under chapter 504A which is
- 23 exempt from taxation pursuant to section 501(c) of the
- 24 Internal Revenue Code and which has a principal
- 25 mission of actively engaging in microbusiness
- 26 development, training, technical assistance, and
- 27 capital access for the start-up or expansion of
- 28 microbusinesses.
- 29 2. The department shall contract with a
- 30 microenterprise organization actively engaged in
- 31 microbusiness enterprise to assist in the
- 32 establishment of this program. In order to qualify
- 33 for the contract, the microenterprise organization
- 34 shall do all of the following:
- 35 a. Demonstrate a past performance of and a
- 36 capacity to successfully engage in microbusiness
- 37 development.
- 38 b. Have a statewide commitment to and focus on
- 39 microbusiness development.
- 40 c. Provide training and technical assistance.
- 41 d. Demonstrate an ability to provide access to
- 42 capital for start-up or expansion of a microbusiness.
- 43 e. Have established linkages with financial
- 44 institutions.
- 45 f. Demonstrate an ability to provide follow-up
- 46 technical assistance after a microbusiness start-up or
- 47 expansion.
- 48 3. Moneys allocated pursuant to this section which
- 49 remain unexpended or unobligated at the end of a
- 50 fiscal year shall remain available to the department

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- 1 to support the assistance program or may be credited  
 2 to the value-added agricultural products and processes  
 3 financial assistance fund created in section 15E.112  
 4 and shall not revert notwithstanding section 8.33.  
 5 4. The department shall submit a report in  
 6 accordance with section 7A.11 not later than November  
 7 1 of each year detailing the activities of the  
 8 microenterprise organization and describing the  
 9 success of the project.”  
 10 3. By renumbering as necessary.

Amendment H-5448 lost.

Wise of Lee asked and received unanimous consent to withdraw amendment H-5453, to the committee amendment H-5419, filed by Wise, et. al., on March 19, 1996.

Wise of Lee offered the following amendment H-5457, to the committee amendment H-5419, filed by Wise, et. al., and moved its adoption:

H-5457

- 1 Amend the amendment, H-5419, to Senate File 2443,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 2, by striking lines 42 through 44 and  
 5 inserting the following:  
 6 “For deposit in the strategic investment fund for  
 7 the purposes of the fund including providing funds for  
 8 use in making awards from the community economic  
 9 betterment account which, if under \$500,000, must be  
 10 to businesses able to pay 100 percent of the average  
 11 county wage within two years of project initiation,  
 12 and which, if \$500,000 or over, must be to businesses  
 13 able to pay at least 130 percent of the average county  
 14 wage, for providing that the wage cap in high wage  
 15 counties tied to an appropriate inflator for  
 16 determining eligibility for awards, and for reporting  
 17 on the progress made by the department in making the  
 18 community economic betterment program a self-  
 19 sustaining, revolving loan program, and for salaries,  
 20 support, and not more than the following full-time  
 21 equivalent positions.”  
 22 2. Page 12, by inserting after line 45 the  
 23 following:  
 24 “Sec. \_\_\_\_ **NEW SECTION. 15.113 ECONOMIC**  
 25 **DEVELOPMENT ASSISTANCE — REPORT.**  
 26 In order for the general assembly to have accurate  
 27 and complete information regarding expenditures for  
 28 economic development and job training incentives and  
 29 to respond to the job training needs of Iowa workers,

30 the department shall report to the general assembly by  
 31 January 15 of each year regarding all assistance or  
 32 benefits provided under the community economic  
 33 betterment program, the new jobs and income program,  
 34 and the Iowa industrial new jobs training Act during  
 35 the previous calendar year. The report shall identify  
 36 by company name each individual business receiving any  
 37 assistance or benefits and shall contain a breakdown  
 38 by company name of the amount of assistance or  
 39 benefits provided to each individual business,  
 40 including the amount of local and state tax  
 41 abatements, grants, loans, on-the-job and customized  
 42 job training moneys received, and the actual or  
 43 estimated tax credits taken."

44 3. Page 13, by inserting after line 13 the  
 45 following:

46 "Sec. \_\_. NEW SECTION. 15A.4 COMPETITIVE  
 47 PROGRAMS — GOOD NEIGHBOR AGREEMENT — ADDITIONAL  
 48 CONSIDERATION.

49 For any program providing financial assistance for  
 50 economic development in which the assistance is

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1 provided on a competitive basis, a business which  
 2 enters into a good neighbor agreement shall receive  
 3 extra consideration of at least ten points or the  
 4 equivalent. A good neighbor agreement is an  
 5 enforceable contract between the business and a  
 6 community group or coalition of community groups which  
 7 requires the business to adhere to negotiated  
 8 environmental, economic, labor, or other social and  
 9 community standards.

10 A business which fails to abide by the good  
 11 neighbor agreement shall repay all financial  
 12 assistance received under the program."

13 4. By renumbering as necessary.

Roll call was requested by Wise of Lee and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall amendment H-5457, to the committee  
 amendment H-5419, be adopted?" (S.F. 2443)

The ayes were, 37:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Cataldo
Cohon	Connors	Coon	Doderer
Drees	Fallon	Garman	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy

Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	Ollie	Osterhaus
Schrader	Shoultz	Taylor	Warnstadt
Wise			

The nays were, 56:

Blodgett	Boddicker	Boggess	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Corbett, Spkr.	Cormack	Daggett	Dinkla
Drake	Eddie	Ertl	Gipp
Greig	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Martin
Metcalf	Meyer	Millage	Nelson, B.
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Weigel	Welter	Van Maanen, Presiding

Absent or not voting, 7:

Bradley	Disney	Greiner	Main
Nutt	O'Brien	Witt	

Amendment H-5457 lost.

Greig of Emmet asked and received unanimous consent to withdraw amendment H-5476, to the committee amendment H-5419, filed by Greig, Salton, Klemme, Meyer, Mertz, Mundie, Wise and Hahn, from the floor.

Greig of Emmet offered the following amendment H-5490, to the committee amendment H-5419, filed by him from the floor and moved its adoption:

H-5490

- 1 Amend the amendment, H-5419, to Senate File 2443,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, line 10, by inserting after the word
- 5 "purposes," the following: "for promotion of export
- 6 sales of Iowa's agricultural commodities and value-
- 7 added agricultural products,"
- 8 2. Page 5, line 13, by striking the figure "9.00"
- 9 and inserting the following: "10.00".
- 10 3. Page 5, by inserting after line 13 the
- 11 following:
- 12 "From among the full-time equivalent positions

13 authorized by this paragraph, one position shall  
 14 concentrate on the export sale of grain, one to the  
 15 export sale of livestock, and one to the export sale  
 16 of value-added agricultural products."

Amendment H-5490 was adopted.

Schrader of Marion offered the following amendment H-5492, to the committee amendment H-5419, filed by him and Koenigs from the floor and moved its adoption:

H-5492

1 Amend the amendment, H-5419, to Senate File 2443,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 5, line 12, by striking the figure  
 5 "927,950" and inserting the following: "730,950".  
 6 2. Page 5, line 13, by striking the figure "9.00"  
 7 and inserting the following: "7.00".

Roll call was requested by Schrader of Marion and Murphy of Dubuque.

On the question "Shall amendment H-5492, to the committee amendment H-5419, be adopted?" (S.F. 2443)

The ayes were, 36:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 59:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.

Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 5:

Brunkhorst	Disney	Heaton	Nutt
O'Brien			

Amendment H-5492 lost.

Rants of Woodbury offered amendment H-5489, to the committee amendment H-5419, filed by him from the floor. Division was requested as follows:

H-5489

- 1 Amend the amendment, H-5419, to Senate File 2443,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

H-5489A

- 4 1. Page 6, line 26, by striking the words "the
- 5 construction of".

H-5489B

- 6 2. Page 13, by inserting after line 13 the
- 7 following:
- 8 "Sec.      **NEW SECTION. 15A.4 CONTROLLED**
- 9 **SUBSTANCE OFFENSE — REPAYMENT OF ASSISTANCE RECEIVED**
- 10 **BY BUSINESS.**
- 11 A business which receives economic development
- 12 assistance shall enter into an agreement with the
- 13 governmental entity providing the assistance providing
- 14 that the business shall repay the assistance received
- 15 by the business if one of the following individuals is
- 16 convicted of a violation of chapter 124 committed
- 17 during the period in which the agreement is in effect,
- 18 which shall not be less than one year:
- 19 1. The owner, if the business is a sole
- 20 proprietorship.
- 21 2. A partner or managing partner, if the business
- 22 is a partnership or limited partnership.
- 23 3. A member of a limited liability company with
- 24 management responsibilities.
- 25 4. The chief operating officer of a corporation."
- 26 3. By renumbering as necessary.

On motion by Rants of Woodbury, amendment H-5489A, to the committee amendment H-5419, was adopted.

Baker of Polk asked and received unanimous consent to withdraw amendment H-5447, to the committee amendment H-5419, filed by Baker, et al., on March 18, 1996.

Eddie of Buena Vista offered the following amendment H-5440, to the committee amendment H-5419, filed by him and moved its adoption:

H-5440

- 1 Amend the amendment, H-5419, to Senate File 2443,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 8, by inserting after line 10 the
- 5 following:
- 6 "Sec. \_\_\_\_ Notwithstanding section 423.24,
- 7 subsection 1, paragraph "b", subparagraph (1), there
- 8 is appropriated for the fiscal year beginning July 1,
- 9 1996, and ending June 30, 1997, \$100,000 of the total
- 10 revenues collected pursuant to section 423.7 and
- 11 deposited in the value-added agricultural products and
- 12 processes financial assistance fund, pursuant to
- 13 section 423.24, subsection 1, paragraph "b",
- 14 subparagraph (1), to the Iowa cooperative extension
- 15 service in agriculture and home economics at Iowa
- 16 state university of science and technology for
- 17 administration of the Iowa grain quality initiative."
- 18 2. By renumbering as necessary.

Amendment H-5440 was adopted.

Murphy of Dubuque offered amendment H-5451, to the committee amendment H-5419, filed by Murphy, et. al., as follows:

H-5451

- 1 Amend the amendment, H-5419, to Senate File 2443,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 12, by inserting after line 43 the
- 5 following:
- 6 "Sec. \_\_\_\_ Section 15.106, subsection 2, Code
- 7 1995, is amended to read as follows:
- 8 2. Employ personnel as necessary to carry out the
- 9 duties and responsibilities of the department,
- 10 consistent with the merit system provisions of chapter
- 11 19A for nonprofessional employees. ~~Professional staff~~
- 12 ~~of the department are exempt from the merit system~~
- 13 ~~provisions of chapter 19A."~~
- 14 2. By renumbering as necessary.

Van Fossen of Scott rose on a point of order that amendment H-5451 was not germane to the committee amendment H-5419.

The Speaker ruled the point well taken and amendment H-5451 not germane, to the committee amendment H-5419.

Murphy of Dubuque asked for unanimous consent to suspend the rules to consider amendment H-5451.

Objection was raised.

Murphy of Dubuque moved to suspend the rules to consider amendment H-5451.

Roll call was requested by Murphy of Dubuque and Schrader of Marion.

On the question "Shall the rules be suspended to consider amendment H-5451, to the committee amendment H-5419?" (S.F. 2443)

The ayes were, 36:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 59:

Arnold	Boddicker	Boguess	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Rants	Renken	Salton
Schulte	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 5:

Blodgett	Bradley	Nutt	O'Brien
Siegrist			



The motion to suspend the rules lost.

Mundie of Webster offered the following amendment H-5487, to the committee amendment H-5419, filed by him from the floor and moved its adoption:

H-5487

1 Amend the amendment, H-5419, to Senate File 2443,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 13, by inserting after line 8 the  
5 following:

6 "Sec. \_\_\_\_ Section 15.327, Code 1995, is amended  
7 by adding the following new subsection:  
8 **NEW SUBSECTION. 3A. "Economic development area"**  
9 means a site or sites designated by the department for  
10 the purpose of attracting an eligible business to  
11 locate facilities within the state.

12 Sec. \_\_\_\_ **NEW SECTION. 15.331B EXEMPTION FROM**  
13 **LAND OWNERSHIP RESTRICTIONS FOR NONRESIDENT ALIENS —**  
14 **PILOT PROJECT.**

15 1. The eligible business, to the extent the  
16 eligible business is not actively engaged in farming  
17 within the economic development area, may acquire,  
18 own, and lease up to one thousand two hundred eighty  
19 acres of land in the economic development area,  
20 notwithstanding the provisions of sections 9H.4, 9H.5,  
21 and 567.3 if the eligible business has been designated  
22 a pilot project business under subsection 3. The  
23 eligible business may receive one or more one-year  
24 extensions of the time limit for complying with the  
25 requirements of section 567.4. Each extension must be  
26 approved by the community prior to approval by the  
27 department. The eligible business shall comply with  
28 the remaining provisions of chapters 9H and 567 to the  
29 extent they do not conflict with this subsection.

30 2. "Actively engaged in farming" means any of the  
31 following:

32 a. Inspecting agricultural production activities  
33 within the economic development area periodically and  
34 furnishing at least half of the value of the tools and  
35 paying at least half the direct cost of production.

36 b. Regularly and frequently making or taking an  
37 important part in making management decisions  
38 substantially contributing to or affecting the success  
39 of the farm operations within the economic development  
40 area.

41 c. Performing physical work which significantly  
42 contributes to crop or livestock production.

43 3. The department may designate up to a total of  
44 five eligible businesses as pilot project businesses  
45 for the purposes of the exemption contained in this

46 section. An eligible business shall not receive the  
 47 exemption under this section unless it has applied to  
 48 be designated a pilot project business by July 1,  
 49 1997.”

50 2. Page 13, by inserting after line 49 the

Page 2

1 following:

2 “Sec. \_\_\_\_ MONITORING AND REPORT. The department  
 3 of economic development shall monitor the activities  
 4 of eligible businesses under section 15.331B and  
 5 report to the general assembly by December 15 of each  
 6 year.”

7 3. By renumbering as necessary.

Hammitt Barry of Harrison rose on a point of order that amend-  
 ment H-5487 was not germane, to the committee amendment H-5419.

The Speaker ruled the point well taken and amendment H-5487  
 not germane, to the committee amendment H-5419.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shultz of Black Hawk, on request of Schrader of Marion; Nutt of Woodbury,  
 on request of Siegrist of Pottawattamie, both for the remainder of the day.

Murphy of Dubuque offered amendment H-5469, to the committee  
 amendment H-5419, filed by him as follows:

H-5469

1 Amend the amendment, H-5419, to Senate File 2443,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

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

6 “Sec. \_\_\_\_ NEW SECTION. 15A.4 CONTROLLED  
 7 SUBSTANCE OFFENSE — REPAYMENT OF ASSISTANCE.

8 A business which receives economic development  
 9 assistance shall enter into an agreement with the  
 10 governmental entity providing the assistance to repay  
 11 the assistance received by the business if one of the  
 12 following individuals is convicted of a violation of  
 13 chapter 124 committed during the period in which the  
 14 agreement is in effect:

15 1. The owner, if the business is a sole  
 16 proprietorship.

17 2. A partner or managing partner, if the business  
 18 is a partnership or limited partnership.

19 3. A member of a limited liability company with  
 20 management responsibilities.

21 4. The chief operating officer of a corporation.”

22 2. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-5469 was not germane, to the committee amendment H-5419.

The Speaker ruled the point well taken and amendment H-5469 not germane, to the committee amendment H-5419.

Murphy of Dubuque moved to suspend the rules to consider amendment H-5469.

Roll call was requested by Murphy of Dubuque and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-5469, to the committee amendment H-5419?" (S.F. 2443)

The ayes were, 40:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Ertl
Fallon	Garman	Grubbs	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	Ollie	Osterhaus
Rants	Schrader	Taylor	Thomson
Warnstadt	Weigel	Wise	Witt

The nays were, 55:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Renken
Salton	Schulte	Sukup	Teig
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

Absent or not voting, 5:

Corbett, Spkr.	Nutt	O'Brien	Shoultz
Siegrist			

The motion to suspend the rules lost.

Rants of Woodbury called up for consideration amendment H-5489B, to the committee amendment H-5419, found on page 876 of the House Journal.

Millage of Scott rose on a point of order that amendment H-5489B was not germane, to the committee amendment H-5419.

The Speaker ruled the point well taken and amendment H-5489B not germane, to the committee amendment H-5419.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-5455, to the committee amendment H-5419, filed by him on March 19, 1996.

Siegrist of Pottawattamie asked and received unanimous consent to defer action on amendment H-5498, to the committee amendment H-5419.

Ollie of Clinton offered the following amendment H-5491, to the committee amendment H-5419, filed by him from the floor and moved its adoption:

H-5491

- 1 Amend the amendment, H-5419, to Senate File 2443,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by inserting after line 15 the
- 5 following: "The department shall allocate \$30,000 of
- 6 the funds remaining unobligated in the Wallace
- 7 technology transfer foundation fund on June 30, 1996,
- 8 notwithstanding section 8.33, for labor management
- 9 councils."

A non-record roll call was requested.

The ayes were 23, nays 52.

Amendment H-5491 lost.

Warnstadt of Woodbury offered the following amendment H-5497, to the committee amendment H-5419, filed by him from the floor and moved its adoption:

H-5497

- 1 Amend the amendment, H-5419, to Senate File 2443,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by inserting after line 46 the
- 5 following:

6 "The director of the department shall manage the  
7 strategic investment fund so that the appropriation  
8 made in this section is sufficient to fund programs  
9 through the strategic investment fund for the entire  
10 fiscal year without the need for a supplemental  
11 appropriation."

Roll call was requested by Warnstadt of Woodbury and Myers of Johnson.

On the question "Shall amendment H-5497, to the committee amendment H-5419, be adopted?" (S.F. 2443)

The ayes were, 35:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	Ollie
Osterhaus	Schrader	Taylor	Warnstadt
Weigel	Wise	Witt	

The nays were, 60:

Arnold	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 5:

Blodgett	Hanson	Nutt	O'Brien
Shultz			

Amendment H-5497 lost.

Koenigs of Mitchell offered the following amendment H-5493, to the committee amendment H-5419, filed by him from the floor and moved its adoption:

H-5493

1 Amend the amendment, H-5419, to Senate File 2443,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 3, line 17, by striking the word "four"  
5 and inserting the following: "one".

6 2. Page 13, by inserting after line 33 the  
7 following:

8 "Sec. 101. Section 15E.112, subsection 3, Code  
9 1995, is amended to read as follows:

10 3. Payments of interest, recaptures of awards, or  
11 repayments of moneys loaned under the value-added  
12 agricultural products and processes financial  
13 assistance program shall be deposited into the fund.  
14 Section 8.33 does not apply to any moneys in the fund.  
15 Unencumbered or unobligated moneys in the fund derived  
16 from moneys deposited pursuant to section 423.24,  
17 which are in excess of ~~three two million six hundred~~  
18 ~~fifty thousand~~ dollars of unencumbered or unobligated  
19 moneys in the fund deposited pursuant to that section,  
20 which are remaining on June 30 of each fiscal year,  
21 shall be credited on August 31 to the road use tax  
22 fund as created in section 312.1.

23 Sec. \_\_\_\_ Section 423.24, subsection 1, paragraph  
24 b, subparagraph (1), Code Supplement 1995, is amended  
25 to read as follows:

26 (1) Ninety-one and one-quarter percent of these  
27 moneys or so much thereof as is necessary to bring the  
28 balance in the value-added agricultural products and  
29 processes financial assistance fund created in section  
30 15E.122 up to two million dollars shall be deposited  
31 in the value-added agricultural products and processes  
32 financial assistance fund as created in section  
33 15E.112. The remainder of the ninety-one and one-  
34 quarter percent shall be transferred and credited to  
35 the road use tax fund as created in section 312.1."

36 3. Page 13, line 50, by striking the word and  
37 figure "Section 22" and inserting the following:  
38 "Sections 101 and 22".

39 4. Page 14, line 1, by striking the word "takes"  
40 and inserting the following: "take".

41 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 30, nays 51.

Amendment H-5493 lost.

Grubbs of Scott asked and received unanimous consent to withdraw amendment H-5458, to the committee amendment H-5419, previously deferred, filed by him on March 19, 1996.

On motion by Churchill of Polk, the committee amendment H-5419, as amended, was adopted, placing out of order amendment H-5468, filed by Greig of Emmet, et al., on March 19, 1996.

The House stood at ease at 4:23 p.m., until the fall of the gavel.

The House resumed session at 4:38 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Churchill 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. 2443)

The ayes were, 63:

Arnold	Baker	Blodgett	Boddicker
Bogges	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Churchill	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen, Presiding	

The nays were, 34:

Bell	Bernau	Brammer	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	Ollie	Osterhaus
Schrader	Taylor	Warnstadt	Weigel
Wise	Witt		

Absent or not voting, 3:

Nutt	O'Brien	Shoultz
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2443** 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 20, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2211, a bill for an act relating to the percentage of the legal reserve of a life insurance company which may be invested in certain corporate obligations.

Also: That the Senate has on March 20, 1996, receded from the Senate amendment to, and passed the following bill in which the concurrence of the Senate was asked:

House File 2225, a bill for an act relating to motorcycle rider education and providing an effective date.

Also: That the Senate has on March 20, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2299, a bill for an act relating to filing of instruments by county recorders.

Also: That the Senate has on March 20, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2303, a bill for an act relating to hazardous materials transportation.

Also: That the Senate has on March 20, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2363, a bill for an act authorizing a foreign mutual insurance company or a foreign health service corporation to reorganize by forming an insurance holding company, and providing that a mutual insurance holding company shall at all times own a majority of the voting shares of the capital stock of a reorganized domestic or foreign insurance company.

Also: That the Senate has on March 20, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the House is asked:

Senate File 376, a bill for an act relating to the regulation of credit unions by authorizing additional powers and defining certain business relationships and establishing a penalty

Also: That the Senate has on March 20, 1996, 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 482, a bill for an act establishing economic and other penalties for certain criminal activity.



Also: That the Senate has on March 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2040, a bill for an act increasing maximum gross weight for special trucks.

Also: That the Senate has on March 20, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2123, a bill for an act relating to the payment of claims by an administrator acting on behalf of an insurer

Also: That the Senate has on March 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2169, a bill for an act relating to the conduct of raffles by certain fairs, nonprofit organizations, political parties, and committees of candidates for elective office, and subjecting violators to a penalty.

Also: That the Senate has on March 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2209, a bill for an act establishing the offense of promoting or possessing contraband in prisons, jails, and juvenile facilities and establishing penalties.

Also: That the Senate has on March 20, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2224, a bill for an act relating to veterans of the United States armed forces, by changing eligibility for veteran benefits, preferences, and tax exemptions, by providing for the administration of veteran benefits, providing a penalty, and by providing for other properly related matters

Also: That the Senate has on March 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2294, a bill for an act creating multidisciplinary community services teams and providing a penalty.

Also: That the Senate has on March 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2297, a bill for an act relating to crime victims, including notification to victims regarding appeals in criminal cases involving the victim and victim compensation for health care for persons other than the victim.

Also: That the Senate has on March 20, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2298, a bill for an act relating to the awarding of costs to a prevailing taxpayer in a proceeding against the department of revenue and finance under the state tax procedures and practices Act and providing an effective date.

Also: That the Senate has on March 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2326, a bill for an act establishing the position of veterans advocate under the authority of the attorney general.

Also: That the Senate has on March 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2327, a bill for an act concerning assistive devices by providing for a warrant, replacement of devices, and providing consumer remedies.

Also: That the Senate has on March 20, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2335, a bill for an act relating to the minimum age for gambling at racetrack enclosures and the posting of par sheet theoretical payout averages for slot machines, and subjecting violators to a penalty.

Also: That the Senate has on March 20, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2350, a bill for an act establishing a self-employment assistance program and providing an effective date and a termination date.

Also: That the Senate has on March 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2359, a bill for an act relating to the source of payment of the fee and expenses of a county medical examiner related to services provided for a person whose death affects the public interest.

Also: That the Senate has on March 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2383, a bill for an act relating to search warrants and allowing the issuance of a search warrant conditioned upon the occurrence of an anticipated future event.

Also: That the Senate has on March 19, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2415, a bill for an act establishing an environmental education program in the state of Iowa and making appropriations.

JOHN F. DWYER, Secretary

### SENATE MESSAGES CONSIDERED

**Senate File 2040**, by Flynn, a bill for an act increasing maximum gross weight for special trucks.

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

**Senate File 2169**, by Fink, a bill for an act relating to the conduct of raffles by certain fairs, nonprofit organizations, political parties, and committees of candidates for elective office, and subjecting violators to a penalty.

Read first time and referred to committee on **state government**.

**Senate File 2209**, by committee on judiciary, a bill for an act establishing the offense of promoting or possessing contraband in prisons, jails, and juvenile facilities and establishing penalties.

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

**Senate File 2294**, by Halvorson, a bill for an act creating multidisciplinary community services teams and providing a penalty.

Read first time and referred to committee on **human resources**.

**Senate File 2297**, by committee on judiciary, a bill for an act relating to crime victims, including notification to victims regarding appeals in criminal cases involving the victim and victim compensation for health care for persons other than the victim.

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

**Senate File 2326**, by committee on state government, a bill for an act establishing the position of veterans advocate under the authority of the attorney general.

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

**Senate File 2327**, by committee on human resources, a bill for an act concerning assistive devices by providing for a warranty, replacement of devices, and providing consumer remedies.

Read first time and referred to committee on **commerce-regulation**.

**Senate File 2359**, by committee on local government, a bill for an act relating to the source of payment of the fee and expenses of a county medical examiner related to services provided for a person whose death affects the public interest.

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

**Senate File 2383**, by committee on judiciary, a bill for an act relating to search warrants and allowing the issuance of a search warrant conditioned upon the occurrence of an anticipated future event.

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

**Senate File 2415**, by committee on education, a bill for an act establishing an environmental education program in the state of Iowa and making appropriations.

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

#### CERTIFICATES OF RECOGNITION

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

1996\304 Andy Jepsen, Manson – For being named to the 1996 Academic All-State Basketball Team.

1996\305 Marie and George Juilfs, Pomeroy – For celebrating their Sixty-seventh wedding anniversary.

1996\306 Mrs. Elsie Dorman, Dayton – For celebrating her Ninetieth birthday.

### PRESENTATION OF VISITORS

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

Twenty-two students from the Iowa Braille and Sight Saving School, Vinton, accompanied by Mark Wilberg. By Brand of Benton.

Senior students from Benton Community High School, Van Horne, accompanied by Ron Donald and Doug Embray. By Tyrrell of Iowa and Brand of Benton.

Ruthven-Ayrshire Community School students from Ruthven, accompanied by Jon Josephson. By Salton of Palo Alto.

Eleven Brownies from Troop 95, Ankeny, accompanied by Shannon Lamberti, Mary Pat Floro and Jana Jordan. By Lamberti of Polk.

Nineteen twelfth grade students from Charter Oak-Ute High School, Charter Oak, accompanied by James Hardy. By Gries of Crawford.

### SUBCOMMITTEE ASSIGNMENTS

#### Senate File 2012

State Government: Jacobs, Chair; Cataldo and Churchill.

#### Senate File 2167

Judiciary: Schulte, Chair; Harrison and Moreland.

#### Senate File 2195

Appropriations: Ertl, Chair; Brand and Cormack.

#### Senate File 2236

Human Resources: Salton, Chair; Burnett, Lord, Murphy and Veenstra.

#### Senate File 2301

Environmental Protection: Rants, Chair; Drees and Hahn.

#### Senate File 2324

Human Resources: Boddicker, Chair; Brand, Fallon, Harrison and Hurley.

#### Senate File 2351

Economic Development: Nelson of Marshall, Chair; Bradley, Brand, Heaton and McCoy.

**Senate File 2365**

State Government: Tyrrell, Chair; Larkin and Renken.

**Senate File 2366**

State Government: Bradley, Chair; Larkin and Thomson.

**Senate File 2406**

Education: Grubbs, Chair; Boddicker and Kreiman.

**Senate File 2412**

Education: Grubbs, Chair; Garman and Osterhaus.

**Senate File 2415**

Education: Boddicker, Chair; Garman and Mascher.

**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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Senate File 2442**, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5478 March 18, 1996.

**Senate File 2446**, a bill for an act relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing effective dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5482 March 19, 1996.

**COMMITTEE ON HUMAN RESOURCES**

**Senate File 2213**, a bill for an act relating to the continued existence of the prevention of disabilities policy council and technical assistance committee and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5481 March 19, 1996.

**Senate File 2215**, a bill for an act relating to a study on the qualifications of deaf interpreters.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1996.

**Senate File 2218**, a bill for an act relating to the community health management system by extending the date for implementation of phase I of the system.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1996.

**Senate File 2235**, a bill for an act relating to the use of alternative licensing for nursing facilities and providing for a contingent effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1996.

**Senate File 2303**, a bill for an act relating to the medical assistance program including provisions relating to personal liability of personal representatives of medical assistance recipients, nursing facility fines, and transfers of assets.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1996.

**Senate File 2321**, a bill for an act relating to the nonconfidentiality of information regarding the qualifications of interpreters for the deaf services division of the department of human rights.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1996.

**Senate File 2323**, a bill for an act relating to pharmacy technician designation, registration and fees, delegation of duties, and disciplinary action.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1996.

**Senate File 2438**, a bill for an act relating to the terminology used to describe persons with certain mental and physical conditions.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1996.

#### COMMITTEE ON JUDICIARY

**Senate File 2062**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete

redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5496** March 19, 1996.

**Senate File 2154**, a bill for an act increasing the penalties for certain offenses involving methamphetamine.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5479** March 19, 1996.

#### COMMITTEE ON TRANSPORTATION

**Senate File 2186**, a bill for an act relating to transportation-related sanctions by increasing penalties for certain offenses, providing for the issuance of temporary restricted licenses for certain offenses, providing scheduled fines for various violations, prohibiting certain activities of motor vehicle dealers, and allowing the issuance of a uniform citation and complaint to a corporation for certain violations.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—5480** March 19, 1996.

#### HOUSE FILES REFERRED

The Speaker announced the following House files were referred:

**House File 2084**, presently on the calendar, was referred to committee on **appropriations**.

**House File 2304**, presently on the calendar, was referred to committee on **ways and means**.

#### AMENDMENTS FILED

H—5474	H.F.	2087	Vande Hoef of Osceola
	Klemme of Plymouth		Huseman of Cherokee
	Eddie of Buena Vista		Burnett of Story
H—5475	H.F.	2087	Vande Hoef of Osceola
	Klemme of Plymouth		Huseman of Cherokee
	Eddie of Buena Vista		Burnett of Story
H—5477	H.F.	2454	Brammer of Linn
H—5478	S.F.	2442	Committee on
			Appropriations

H—5479	S.F.	2154	Committee on Judiciary
H—5480	S.F.	2186	Committee on Transportation
H—5481	S.F.	2213	Committee on Human Resources
H—5482	S.F.	2446	Committee on Appropriations
H—5483	H.F.	2447	Nutt of Woodbury Metcalf of Polk Baker of Polk
H—5484	H.F.	2454	Brammer of Linn
H—5485	S.F.	2140	Rants of Woodbury
H—5486	H.F.	2077	Klemme of Plymouth
H—5494	S.F.	482	Senate Amendment
H—5495	H.F.	2412	Sukup of Franklin
H—5496	S.F.	2062	Committee on Judiciary
H—5498	H.F.	2369	Millage of Scott
H—5499	H.F.	2236	Kreiman of Davis
H—5500	H.F.	2272	Kreiman of Davis
H—5501	H.F.	2454	Brammer of Linn
H—5502	H.F.	2454	Brammer of Linn
H—5503	S.F.	2235	Murphy of Dubuque
H—5504	S.F.	2158	Kreiman of Davis
H—5505	S.F.	2140	Blodgett of Cerro Gordo
H—5506	H.F.	2455	Lamberti of Polk Rants of Woodbury Warnstadt of Woodbury
H—5507	H.F.	2412	Murphy of Dubuque

On motion by Siegrist of Pottawattamie, the House adjourned at 4:53 p.m., until 8:45 a.m., Thursday, March 21, 1996.



# JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day – Fiftieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 21, 1996

The House met pursuant to adjournment at 8:50 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend John Loedyker, Community Reformed Church, Clinton.

The Journal of Wednesday, March 20, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mundie of Webster and O'Brien of Boone, until their arrival, on request of Schrader of Marion; Nutt of Woodbury, until his arrival, on request of Siegrist of Pottawattamie.

## INTRODUCTION OF BILLS

**House File 2482**, by Brammer, a bill for an act relating to the recovery of medical assistance expenditures due to smoking and providing effective date and retroactive applicability provisions.

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

**House File 2483**, by Brammer, a bill for an act relating to cigarettes and tobacco products including distribution and advertising related to cigarettes and tobacco products, and providing penalties.

Read first time and referred to committee on **human resources**.

**House File 2484**, by Brammer, a bill for an act reducing the highest individual income tax rate and increasing the rate of the tobacco products tax and providing a retroactive applicability date provision.

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

## SENATE MESSAGES CONSIDERED

**Senate File 2123**, by Bartz, a bill for an act relating to the payment of claims by an administrator acting on behalf of an insurer.

Read first time and referred to committee on **commerce-regulation**.

**Senate File 2224**, by Iverson and Judge, a bill for an act relating to veterans of the United States armed forces, by changing eligibility for veteran benefits, preferences, and tax exemptions, by providing for the administration of veteran benefits, providing a penalty, and by providing for other properly related matters.

Read first time and referred to committee on **state government**.

**Senate File 2298**, by committee on ways and means, a bill for an act relating to the awarding of costs to a prevailing taxpayer in a proceeding against the department of revenue and finance under the state tax procedures and practices Act and providing an effective date.

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

**Senate File 2335**, by committee on state government, a bill for an act relating to the minimum age for gambling at racetrack enclosures and the posting of par sheet theoretical payout averages for slot machines, and subjecting violators to a penalty.

Read first time and referred to committee on **state government**.

**Senate File 2350**, by committee on business and labor relations, a bill for an act establishing a self-employment assistance program and providing an effective date and a termination date.

Read first time and referred to committee on **labor and industrial relations**.

### 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 20, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2449, a bill for an act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations and their shareholders; increasing inheritance tax exemptions for certain relatives; increasing the amount of the appropriations for homestead credit, military service credit, and low-income credit and reimbursement claims; providing income tax credits for investing in a qualified venture capital company; establishing incentives for family farm animal feeding operations and making an appropriation; adjusting the funding for the family farm and agricultural land tax credits; establishing a study of the property tax system as the sole or major source of local funding and of alternate sources of funding for school, city, and county services, the repayment of bonds or other debt obligations, and capital improvements; and providing effective and applicability date provisions.

JOHN F. DWYER, Secretary

## HOUSE FILE 2198 REREFERRED

The Speaker announced that House File 2198, previously referred to committee on **local government**, was rereferred to committee on **ways and means**.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 114

Hammit Barry of Harrison called up for consideration House Concurrent Resolution 114, a concurrent resolution establishing a "Childhood Recognition Day", and moved its adoption.

The motion prevailed and the resolution was adopted.

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 114** be immediately messaged to the Senate.

## CONSIDERATION OF BILLS

## Regular Calendar

**House File 2412**, a bill for an act relating to workers' compensation claims against the second injury fund and permanent partial disability compensation, authorizing the commissioner of insurance to impose a surcharge, and providing an effective date, was taken up for consideration.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-5326 filed by him on March 12, 1996.

Sukup of Franklin offered amendment H-5495 filed by him as follows:

H-5495

- 1 Amend House File 2412 as follows:
- 2 1. Page 1, by striking lines 1 through 10 and
- 3 inserting the following:
- 4 "Section 1. Section 85.34, subsection 2, paragraph
- 5 u, Code 1995, is amended to read as follows:
- 6 u. The loss of one arm, one hand, one foot, one
- 7 leg, or one eye, if preceded by the loss of any other
- 8 arm, hand, foot, or leg shall be compensated in the
- 9 same manner as if both losses were the result of a
- 10 single accident as provided in paragraph "s", whether
- 11 or not compensation was previously paid for the loss
- 12 of the first member.
- 13 v. In all cases of permanent partial disability

14 other than those hereinabove described or referred to  
15 in paragraphs "a" through "t" "u" hereof, the  
16 compensation shall be paid during the number of weeks  
17 in relation to five hundred weeks as the disability  
18 bears to the body of the injured employee as a whole."

19 2. Page 1, line 19, by striking the words  
20 "commissioner of insurance" and inserting the  
21 following: "treasurer of state".

22 3. Page 1, line 22, by striking the words  
23 "commissioner of insurance" and inserting the  
24 following: "treasurer of state".

25 4. Page 1, line 26, by striking the words  
26 "commissioner of insurance" and inserting the  
27 following: "treasurer of state".

28 5. Page 1, line 28, by striking the words  
29 "commissioner of insurance" and inserting the  
30 following: "treasurer of state".

31 6. Page 1, by striking line 30 and inserting the  
32 following: "employers."

33 1. The surcharge is payable by all self-insured  
34 employers making weekly benefit payments and all  
35 insurers making weekly benefit payments on behalf of  
36 insured employers. The surcharge shall apply to all  
37 workers".

38 7. Page 2, by striking lines 3 and 4 and  
39 inserting the following: "transaction under section  
40 520.4 or 520.9. The treasurer of state shall base the  
41 surcharge for each payor upon the".

42 8. Page 2, by striking line 18 and inserting the  
43 following: "fund. However, the treasurer of state  
44 shall not annually collect over seven hundred thousand  
45 dollars in assessing the surcharge.

46 2. The surcharges collected to this section shall  
47 be deposited in the second injury fund, and may be  
48 used for the payment of claims or entering into  
49 settlements.

50 3. An insurer or self-insurer shall pay a

## Page 2

1 surcharge imposed by this section no later than thirty  
2 days following the assessment.

3 4. a. If an insurer, policyholder, or self-  
4 insurer withdraws from doing business in this state  
5 before the surcharges authorized by this section  
6 become due, or fails or neglects to pay the surcharge  
7 imposed, the treasurer of state shall at once proceed  
8 to collect the surcharge, and may employ such legal  
9 process as may be necessary for that purpose, and when  
10 so collected shall deposit the surcharge into the  
11 second injury fund. The treasurer may bring the suit  
12 in any court of this state having jurisdiction, and  
13 reasonable attorney's fees may be taxed as costs in

14 the suit.

15 b. If the surcharges imposed by this section are  
16 not paid or transferred when due, the insurer,  
17 policyholder, or self-insurer responsible for the  
18 failure shall be required to pay, as part of the  
19 surcharge, interest on the surcharge at the rate of  
20 one and one-half percent per month for each month or  
21 fraction of a month delinquent. If the treasurer of  
22 state prevails in any dispute concerning the  
23 assessment of a surcharge which has not been paid or  
24 transferred, interest shall be paid upon the amount  
25 found due to the state at the rate of one and one-half  
26 percent per month for each month or fraction of a  
27 month delinquent.

28 c. An insurer is not liable for a surcharge which  
29 is not paid to the insurer by the policyholder or  
30 employer provided the insurer has made good faith  
31 efforts to collect the surcharge from the policyholder  
32 or employer. An insurance carrier shall report to the  
33 treasurer of state a policyholder or employer who  
34 fails to pay a surcharge within thirty days of its due  
35 date.

36 d. In any action concerning the amount of a  
37 surcharge imposed by this section, any other surcharge  
38 shall continue to be made based upon the amount  
39 assessed by the treasurer of state. In the event of  
40 an overpayment, the excess amount paid may be credited  
41 against future payments otherwise due.

42 e. An employers who fails to pay the surcharges  
43 imposed under this section shall not be allowed to  
44 purchase workers' compensation insurance coverage or  
45 to renew a self-insurance authorization unless and  
46 until the surcharge has been paid.

47 5. For the purposes of this section, "insurer"  
48 includes a self-insurance group approved by the  
49 commissioner of insurance pursuant to section 87.4.

50 6. The imposition of the surcharge shall be

**Page 3**

1 limited to the".

2 9. Page 2, by striking lines 22 and 23 and  
3 inserting the following: "of the second injury fund  
4 is retired, the treasurer of state, in the manner  
5 established by this section, shall".

6 10. Title page, line 3, by striking the words  
7 "commissioner of insurance" and inserting the  
8 following: "treasurer of state".

9 11. By renumbering as necessary.

Murphy of Dubuque offered the following amendment H-5507, to amendment H-5495, filed by him and moved its adoption:

H-5507

- 1 Amend the amendment, H-5495, to House File 2412, as  
 2 follows:  
 3 1. Page 1, by striking lines 2 through 18 and  
 4 inserting the following:  
 5 " Page 1, by striking lines 7 and 8 and  
 6 inserting the following: "m", "n", "o", or "p",  
 7 shall equal be paid during the number of weeks in  
 8 relation to five hundred weeks and shall be  
 9 compensated as such as the disability bears to the  
 10 body of the injured employee as a whole, however, if  
 11 said the employee is."  
 12 2. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Nelson of Pottawattamie.

On the question "Shall amendment H-5507, to amendment H-5495, be adopted?" (H.F. 2412)

The ayes were, 35:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cphoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Murphy
Myers	Nelson, L.	Ollie	Osterhaus
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Wise	Witt	

The nays were, 60:

Arnold	Blodgett	Boddicker	Boguess
Bradley	Branstad	Brauns	Carroll
Churchill	Coon	Cormack	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker
			Corbett

Absent or not voting, 5:

Brunkhorst  
O'Brien

Hammitt Barry

Mundie

Nutt

Amendment H-5507 lost.

On motion by Sukup of Franklin, amendment H-5495 was adopted.

Speaker pro tempore Van Maanen of Marion in the chair at 9:24 a.m.

Murphy of Dubuque offered amendment H-5255 filed by O'Brien of Boone as follows:

H-5255

1 Amend House File 2412 as follows:

2 1. Page 1, by inserting after line 10 the  
3 following:

4 "Sec. \_\_\_\_ Section 85.36, subsection 9, paragraph

5 a, Code Supplement 1995, is amended to read as  
6 follows:

7 a. In computing the compensation to be allowed a  
8 volunteer fire fighter, emergency medical care  
9 provider, reserve peace officer, volunteer ambulance  
10 driver, volunteer emergency rescue technician as  
11 defined in section 147A.1, or emergency medical  
12 technician trainee, the earnings as a fire fighter,  
13 emergency medical care provider, reserve peace  
14 officer, volunteer ambulance driver, volunteer  
15 emergency rescue technician, or emergency medical  
16 technician trainee shall be disregarded and the  
17 volunteer fire fighter, emergency medical care  
18 provider, reserve peace officer, volunteer ambulance  
19 driver, volunteer emergency rescue technician, or  
20 emergency medical technician trainee shall be paid an  
21 amount equal to the compensation the volunteer fire  
22 fighter, emergency medical care provider, reserve  
23 peace officer, volunteer ambulance driver, volunteer  
24 emergency rescue technician, or emergency medical  
25 technician trainee would be paid if injured in the  
26 normal course of the volunteer fire fighter's,  
27 emergency medical care provider's, reserve peace  
28 officer's, volunteer ambulance driver's, volunteer  
29 emergency rescue technician's, or emergency medical  
30 technician trainee's regular employment or an amount  
31 equal to one hundred and forty percent of the  
32 statewide average weekly wage, whichever is greater.

33 Sec. \_\_\_\_ Section 85.61, subsection 2, Code  
34 Supplement 1995, is amended to read as follows:

35 2. "Employer" includes and applies to a person,  
36 firm, association, or corporation, state, county,  
37 municipal corporation, school corporation, area

38 education agency, township as an employer of volunteer  
 39 fire fighters, volunteer emergency rescue technicians,  
 40 and emergency medical care providers only, benefited  
 41 fire district, and the legal representatives of a  
 42 deceased employer. "Employer" includes and applies to  
 43 a rehabilitation facility approved for purchase-of-  
 44 service contracts or for referrals by the department  
 45 of human services or the department of education.  
 46 Sec. \_\_\_\_ Section 85.61, subsection 11, unnumbered  
 47 paragraph 3, Code Supplement 1995, is amended to read  
 48 as follows:  
 49 "Worker" or "employee" includes an emergency  
 50 medical care provider as defined in section 147A.1, a

## Page 2

1 volunteer emergency rescue technician as defined in  
 2 section 147A.1, a volunteer ambulance driver, or an  
 3 emergency medical technician trainee, only if an  
 4 agreement is reached between such worker or employee  
 5 and the employer for whom the volunteer services are  
 6 provided that workers' compensation coverage under  
 7 chapters 85, 85A, and 85B is to be provided by the  
 8 employer. An emergency medical care provider or  
 9 volunteer emergency rescue technician who is a worker  
 10 or employee under this paragraph is not a casual  
 11 employee. "Volunteer ambulance driver" means a person  
 12 performing services as a volunteer ambulance driver at  
 13 the request of the person in charge of a fire  
 14 department or ambulance service of a municipality.  
 15 "Emergency medical technician trainee" means a person  
 16 enrolled in and training for emergency medical  
 17 technician certification."  
 18 2. Title page, line 1, by inserting after the  
 19 word "compensation" the following: "concerning  
 20 benefits for volunteer emergency rescue technicians,  
 21 and concerning".  
 22 3. By renumbering as necessary.

Halvorson of Clayton rose on a point of order that amendment H-5255 was not germane.

The Speaker ruled the point well taken and amendment H-5255 not germane.

Sukup of Franklin 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. 2412)

The ayes were, 97:

Arnold  
Blodgett

Baker  
Boddicker

Bell  
Boggess

Bernau  
Bradley



Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Murphy	Myers	Nelson, B.
Nelson, L.	Olie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Mundie                      Nutt                      O'Brien

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

**House File 2309**, a bill for an act relating to publications referenced in administrative rules and providing an effective date, was taken up for consideration.

Doderer of Johnson offered the following amendment H-5426 filed by her and Metcalf and moved its adoption:

H-5426

- 1 Amend House File 2309 as follows:
- 2 1. Page 1, by striking lines 8 through 13 and
- 3 inserting the following: "reference. However, if all
- 4 of the following conditions exist, the administrative
- 5 rules coordinator may waive the requirement provided
- 6 by this subsection:
- 7 a. The cost of the publication is an unreasonable
- 8 expense when compared to the anticipated usage of the

9 publication.

10 b. A copy of the publication is available from an

11 entity located within the state capitol complex.

12 c. The rule adopting a standard by reference to

13 another publication identifies the location where the

14 other publication is available."

Amendment H-5426 was adopted.

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?" (H.F. 2309)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Murphy	Myers	Nelson, B.	Nelson, L.
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, 1:

Disney

Absent or not voting, 3:

Mundie

Nutt

O'Brien

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

**House File 414**, a bill for an act eliminating the restitution limit for the offense of operating a motor vehicle while intoxicated, with report of committee recommending passage, was taken up for consideration.

Harrison 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?" (H.F. 414)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Ollie	Osterhaus	Rants
Renken	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, none.

Absent or not voting, 5:

Heaton	Nutt	O'Brien	Salton
Welter			

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

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 414, 2309 and 2412.**

**House File 2451**, a bill for an act relating to disclosure requirements under the federal Community Reinvestment Act with respect to the eligibility of a financial institution to receive state public funds, was taken up for consideration.

**SENATE FILE 2408 SUBSTITUTED FOR HOUSE FILE 2451**

Brunkhorst of Bremer asked and received unanimous consent to substitute Senate File 2408 for House File 2451.

**Senate File 2408**, a bill for an act relating to disclosure requirements under the federal Community Reinvestment Act with respect to the eligibility of a financial institution to receive state public funds, was taken up for consideration.

Brunkhorst of Bremer 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. 2408)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Churchill
Cohon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Dodérer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Cataldo

Greiner

Nutt

O'Brien

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

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 119

Koenigs of Mitchell called up for consideration House Concurrent Resolution 119, a concurrent resolution expressing the sympathy of the Iowa General Assembly to the family of Captain John R. Pitzen, United States Navy, and moved its adoption.

The motion prevailed and the resolution was adopted.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Concurrent Resolution 119 and Senate File 2408.**

### Regular Calendar

**House File 2369**, a bill for an act relating to the postdelivery care requirements for mothers and newborns and providing for an exception of follow-up care outside of the hospital setting, was taken up for consideration.

Blodgett of Cerro Gordo asked and received unanimous consent to withdraw amendment H-5470, filed by him on March 19, 1996, placing out of order amendment H-5498, to amendment H-5470, filed by Millage of Scott on March 20, 1996.

Doderer of Johnson offered the following amendment H-5212 filed by her and Martin and moved its adoption:

H-5212

- 1 Amend House File 2369 as follows:
- 2 1. Page 1, line 22, by inserting after the word
- 3 "providing" the following: "inpatient services".
- 4 2. Page 1, line 26, by inserting after the word
- 5 "provided" the following: "by a certified home health
- 6 care service selected by the mother and the services
- 7 shall be provided".

A non-record roll call was requested.

The ayes were 48, nays 38.

Amendment H-5212 was adopted.

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?" (H.F. 2369)

The ayes were, 90:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Burnett	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Hammit Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Ollie	Osterhaus	Rants
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen,		
	Presiding		

The nays were, 8:

Brunkhorst	Carroll	Dinkla	Halvorson
Metcalf	Renken	Vande Hoef	Veenstra

Absent or not voting, 2:

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

#### HOUSE FILE 2451 WITHDRAWN

Brunkhorst of Bremer asked and received unanimous consent to withdraw House File 2451 from further consideration by the House.

**House File 2077**, a bill for an act relating to political activity by members of the natural resource commission, with report of committee recommending passage, was taken up for consideration.

Klemme of Plymouth offered the following amendment H-5486 filed by him and moved its adoption:

H-5486

- 1 Amend House File 2077 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. REPEAL. Section 456A.22, Code 1995,
- 5 is repealed."
- 6 2. Title page, by striking lines 1 and 2 and
- 7 inserting the following: "An Act repealing the
- 8 prohibition on political activity by a member,
- 9 officer, or employee of the natural resource
- 10 commission."

Amendment H-5486 was adopted.

#### SENATE FILE 2278 SUBSTITUTED FOR HOUSE FILE 2077

Klemme of Plymouth asked and received unanimous consent to substitute Senate File 2278 for House File 2077.

**Senate File 2278**, a bill for an act repealing the prohibition on political activity by a member, officer, or employee of the natural resource commission, was taken up for consideration.

Klemme of Plymouth 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. 2278)

The ayes were, 90:

Arnold	Baker	Bell	Bernau
Blodgett	Boggest	Bradley	Brammer
Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Klemme	Koenigs

Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Wise
Witt	Van Maanen, Presiding		

The nays were, 6:

Boddicker	Brunkhorst	Ertl	Kreiman
Schulte	Welter		

Absent or not voting, 4:

Harrison	Jochum	Nutt	O'Brien
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 2077 WITHDRAWN

Klemme of Plymouth asked and received unanimous consent to withdraw House File 2077 from further consideration by the House.

**House File 2317**, a bill for an act relating to the limitations on the use of toxic materials in packaging and providing additional exemptions, was taken up for consideration.

Van Fossen of Scott offered the following amendment H-5400 filed by him and moved its adoption:

H-5400

- 1 Amend House File 2317 as follows:
- 2 1. Page 2, line 35, by striking the words "or
- 3 labels" and inserting the following: "~~or labels, tin-~~
- 4 plated steel, electro-galvanized steel, or hot-dipped-
- 5 coated galvanized steel".

Amendment H-5400 was adopted.

### SENATE FILE 2287 SUBSTITUTED FOR HOUSE FILE 2317

Van Fossen of Scott asked and received unanimous consent to substitute Senate File 2287 for House File 2317.

**Senate File 2287**, a bill for an act relating to the limitations on the use of toxic materials in packaging and providing additional exemptions, was taken up for consideration.



Van Fossen of Scott offered the following amendment H-5401 filed by him and moved its adoption:

H-5401

- 1 Amend Senate File 2287, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. By striking page 2, line 35, through page 3,  
 4 line 2, and inserting the following: "exterior  
 5 strapping, coatings, closures, inks, or labels, tin-  
 6 plated steel that meets the American society for  
 7 testing and materials specification A-623, electro-  
 8 galvanized coated steel, or hot-dipped-coated  
 9 galvanized steel that meets the American society for  
 10 testing and materials specifications A-525 or A-879."

Amendment H-5401 was adopted.

Van Fossen 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, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen,			
Presiding			

The nays were, none.

. Absent or not voting, 3:

Metcalf

Nutt

O'Brien

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

### HOUSE FILE 2317 WITHDRAWN

Van Fossen of Scott asked and received unanimous consent to withdraw House File 2317 from further consideration by the House.

**House File 2389**, a bill for an act relating to soil and water conservation, by providing for the powers and duties of commissioners of soil and water conservation districts, and soil and water conservation practices, was taken up for consideration.

Boggess of Taylor offered the following amendment H-5232 filed by her and moved its adoption:

H-5232

1 Amend House File 2389 as follows:

2 1. Page 1, line 12, by inserting after the word

3 "resides." the following: "If a commissioner is

4 absent for sixty or more percent of monthly meetings

5 during any twelve-month period, the other

6 commissioners by their unanimous vote may declare the

7 member's office vacant."

Amendment H-5232 was adopted.

### SENATE FILE 2260 SUBSTITUTED FOR HOUSE FILE 2389

Boggess of Taylor asked and received unanimous consent to substitute Senate File 2260 for House File 2389.

**Senate File 2260**, a bill for an act relating to soil and water conservation, by providing for the powers and duties of commissioners of soil and water conservation districts, and soil and water conservation practices, was taken up for consideration.

Schrader of Marion offered the following amendment H-5267 filed by him and Van Maanen and moved its adoption:

H-5267

1 Amend Senate File 2260, as amended, passed, and

2 reprinted by the Senate, as follows:

3 1. Page 2, by inserting after line 26, the

4 following:

5 "Sec. \_\_\_\_ Section 161A.73, subsection 1, Code

6 1995, is amended by adding the following new

7 paragraph:

8 NEW PARAGRAPH. e. The allocation of cost-share  
9 moneys as financial incentives for the same purposes  
10 that are supported from the soil and water enhancement  
11 account of the resources enhancement and protection  
12 fund as provided in section 455A.19, or by the water  
13 protection practices account of the water protection  
14 fund established pursuant to section 161C.4. The  
15 financial incentives shall not exceed fifty percent of  
16 the estimated cost of establishing the practices, or  
17 fifty percent of the actual cost, whichever is less."

18 2. By renumbering as necessary.

Amendment H-5267 was adopted.

Bogges of Taylor 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. 2260)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Nutt

O'Brien

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

### HOUSE FILE 2389 WITHDRAWN

Boggess of Taylor asked and received unanimous consent to withdraw House File 2389 from further consideration by the House.

**House File 2431**, a bill for an act relating to the duties of the clerk of court concerning court records, was taken up for consideration.

### SENATE FILE 2405 SUBSTITUTED FOR HOUSE FILE 2431

Lamberti of Polk asked and received unanimous consent to substitute Senate File 2405 for House File 2431.

**Senate File 2405**, a bill for an act relating to the duties of the clerk of court concerning court records, was taken up for consideration.

Lamberti 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. 2405)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Ollie	Osterhaus	Rants	Renken

Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Brammer	Nelson, L.	Nutt	O'Brien
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 2431 WITHDRAWN

Lamberti of Polk asked and received unanimous consent to withdraw House File 2431 from further consideration by the House.

Senate File 2035, a bill for an act relating to the control and eradication of ecologically harmful exotic species and Eurasian milfoil and establishing a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Meyer of Sac offered the following amendment H-5402 filed by the committee on environmental protection and moved its adoption:

H-5402

- 1 Amend Senate File 2035, 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. 456A.37 EURASIAN WATER
- 6 MILFOIL.
- 7 1. DEFINITIONS. As used in this section:
- 8 a. "Infestation of Eurasian water milfoil" means
- 9 an infestation of Eurasian water milfoil that occupies
- 10 more than twenty percent of the littoral area of a
- 11 body of water.
- 12 b. "Watercraft" means any vessel which through the
- 13 buoyance of water floats upon the water and is capable
- 14 of carrying one or more persons.
- 15 2. EURASIAN WATER MILFOIL MANAGEMENT PLAN. Before
- 16 January 1, 1998, the commission shall prepare a long-
- 17 term statewide Eurasian water milfoil management plan.
- 18 The plan shall address all of the following:
- 19 a. The detection and prevention of accidental
- 20 introductions into the state of Eurasian water
- 21 milfoil.
- 22 b. A public awareness campaign regarding Eurasian

23 water milfoil.

24 c. The control and eradication of Eurasian water  
25 milfoil in public waters.

26 d. The development of a plan of containment  
27 strategies that at a minimum shall include all of the  
28 following:

29 (1) The participation by lake associations, local  
30 citizens groups, and local units of government in the  
31 development and implementation of lake management  
32 plans where Eurasian water milfoil exists.

33 (2) Notice to travelers of the penalties for  
34 violation of laws relating to Eurasian water milfoil.

35 3. GRANTS. The director of the department of  
36 natural resources shall accept gifts, donations, and  
37 grants to aid in accomplishing the control and  
38 eradication of Eurasian water milfoil.

39 4. RULEMAKING. The commission shall adopt rules  
40 pursuant to chapter 17A. The rules shall:

41 a. Restrict the introduction, propagation, use,  
42 possession, and spread of Eurasian water milfoil.

43 b. Identify bodies of water with infestation of  
44 Eurasian water milfoil. The department shall require  
45 that bodies of water be posted as infested. The  
46 department may prohibit boating, fishing, swimming,  
47 and trapping in infested bodies of water.

48 5. PROHIBITIONS.

49 a. A person shall not do any of the following:

50 (1) Transport Eurasian water milfoil on a public

## Page 2

1 road.

2 (2) Place a trailer or launch a watercraft with  
3 Eurasian water milfoil attached in public waters.

4 (3) Operate a watercraft in a marked Eurasian  
5 water milfoil infestation area.

6 b. The penalty for violating this subsection is  
7 contained in section 805.8, subsection 5B.

8 Sec. 2. Section 805.8, Code Supplement 1995, is  
9 amended by adding the following new subsection:

10 **NEW SUBSECTION. 5B. EURASIAN WATER MILFOIL.** For  
11 violations of section 456A.37, subsection 5, the  
12 scheduled fine is one hundred dollars."

13 2. Title page, by striking lines 1 and 2 and  
14 inserting the following: "An Act relating to the  
15 control and eradication of Eurasian water milfoil and  
16 establishing a".

The committee amendment H-5402 was adopted.

Meyer of Sac 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. 2035)

The ayes were, 94:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Holveck
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Ollie
Osterhaus	Rants	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 1:

Brunkhorst

Absent or not voting, 5:

Heaton	Houser	Nutt	O'Brien
Renken			

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

## IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2369, Senate Files 2035, 2260, 2278, 2287 and 2405.**

**House File 2420**, a bill for an act relating to issuance of a certificate of title for a documented vessel, was taken up for consideration.

## SENATE FILE 2259 SUBSTITUTED FOR HOUSE FILE 2420

Bradley of Clinton asked and received unanimous consent to substitute Senate File 2259 for House File 2420.

**Senate File 2259**, a bill for an act relating to issuance of a certificate of title for a documented vessel, was taken up for consideration.

Bradley 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. 2259)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Bradley	Doderer	Halvorson	Nutt
O'Brien			

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



## HOUSE FILE 2420 WITHDRAWN

Bradley of Clinton asked and received unanimous consent to withdraw House File 2420 from further consideration by the House.

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2259** 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 21, 1996, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 114, a concurrent resolution establishing a "Childhood Recognition Day".

Also: That the Senate has on March 21, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2153, a bill for an act relating to Iowa law enforcement officer certification by the Iowa law enforcement academy.

Also: That the Senate has on March 21, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2344, a bill for an act relating to child support enforcement.

Also: That the Senate has on March 21, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2355, a bill for an act relating to domestic abuse, including law enforcement training requirements, seizure of weapons, prosecution of misdemeanors by county attorneys, and jurisdiction of district associate judges.

Also: That the Senate has on March 21, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2364, a bill for an act requiring a child day care provider who has been found to have committed child abuse to register with the state and related provisions, making an appropriation, and providing penalties.

Also: That the Senate has on March 21, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2399, a bill for an act relating to the reporting and substantiation of harm to a child and the related duties of the department of human services and the child abuse information registry.

Also: That the Senate has on March 21, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2433, a bill for an act relating to workers' compensation concerning medical services fee disputes, providing a stay of debt collection against an employer in workers' compensation contested cases, and relating to disputes subject to settlement under workers' compensation

JOHN F. DWYER, Secretary

### SENATE MESSAGE CONSIDERED

**Senate File 2399**, by committee on human resources, a bill for an act relating to the reporting and substantiation of harm to a child and the related duties of the department of human services and the child abuse information registry.

Read first time and referred to committee on **human resources**.

The House stood at ease at 11:35 a.m., until the fall of the gavel.

The House resumed session at 11:45 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

### HOUSE FILES REREFERRED

The Speaker announced that **House File 2465**, previously referred to committee on **appropriations**, was rereferred to committee on **ways and means**.

**Senate File 2224**, previously referred to committee on **state government**, was rereferred to committee on **ways and means**.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:55 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened at 1:35 p.m., Speaker Corbett in the chair.

### SENATE MESSAGES CONSIDERED

**Senate File 2153**, by committee on judiciary, a bill for an act relating to Iowa law enforcement officer certification by the Iowa law enforcement academy.

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

**Senate File 2344**, by committee on human resources, a bill for an act relating to child support enforcement.

Read first time and referred to committee on **human resources**.

**Senate File 2355**, by committee on judiciary, a bill for an act relating to domestic abuse, including law enforcement training requirements, seizure of weapons, prosecution of misdemeanors by county attorneys, jurisdiction of district associate judges, establishing a pilot program, and establishing a repeal date.

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

**Senate File 2364**, by committee on judiciary, a bill for an act requiring a child day care provider who has been found to have committed child abuse to register with the state and related provisions, making an appropriation, and providing penalties.

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

**Senate File 2433**, by committee on business and labor relations, a bill for an act relating to workers' compensation concerning medical services fee disputes, providing a stay of debt collection against an employer in workers' compensation contested cases, and relating to disputes subject to settlement under workers' compensation.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 2449**, by committee on ways and means, a bill for an act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations and their shareholders; increasing inheritance tax exemptions for certain relatives; increasing the amount of the appropriations for home-  
stead credit, military service credit, and low-income credit and reimbursement claims; providing income tax credits for investing in a qualified venture capital company; establishing incentives for family farm animal feeding operations and making an appropriation; adjusting the funding for the family farm and agricultural land tax credits; establishing a study of the property tax system as the sole or major source of local funding and of alternate sources of funding for school, city, and county services, the repayment of bonds or other debt obligations, and capital improvements; and providing effective and applicability date provisions.

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

#### HOUSE FILES PLACED ON THE UNFINISHED BUSINESS CALENDAR

Siegrist of Pottawattamie asked and received unanimous consent that the following House Files be placed on the unfinished business calendar.

House File 2087  
House File 2136  
House File 2249

House File 2264  
House File 2273  
House File 2292

House File 2298  
 House File 2307  
 House File 2311  
 House File 2313  
 House File 2338  
 House File 2349  
 House File 2352  
 House File 2367  
 House File 2368

House File 2402  
 House File 2405  
 House File 2424  
 House File 2434  
 House File 2439  
 House File 2447  
 House File 2453  
 House File 2457  
 House File 2475

### 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 twenty-first day of March, 1996: House Files 2211, 2299, 2303, and 2363.

ELIZABETH A. ISAACSON  
 Chief Clerk of the House

Report adopted.

### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 20, 1996, he approved and transmitted to the Secretary of State the following bill:

**Senate File 2083**, an act relating to minimum instructional time requirements for a school week.

### PRESENTATION OF VISITORS

Siegrist of Pottawattamie presented to the House the Honorable Mike Peterson, former Member of the House representing Carroll County and the Honorable Bill Trent, former Member of the House representing Muscatine County.

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

Girl Scout Troop 296 from Atlantic, accompanied by Mrs. Jensen and Mrs. Friday. By Weidman of Cass.

Twenty-four students from Waco High School, Wayland, accompanied by Mr. John Satre. By Heaton of Henry.

Forty-four High School students from North High School, Sioux City, accompanied by Mr. Ted Peters. By Warnstadt of Woodbury.

Fifty sixth grade students from Carter Lake Elementary, Carter Lake, accompanied by Jen Siglin and Rita Hughes. By Nelson of Pottawattamie.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 2084**

Appropriations: Millage, Chair; Gipp and Ollie.

**Senate File 2209**

Judiciary: Greiner, Chair; Harrison and Kreiman.

**Senate File 2217**

Judiciary: Greiner, Chair; Kreiman and Veenstra.

**Senate File 2289**

Judiciary: Millage, Chair; Bernau and Harrison.

**Senate File 2297**

Judiciary: Harrison, Chair; Bernau and Coon.

**Senate File 2326**

Judiciary: Kremer, Chair; Bell and Boddicker.

**Senate File 2327**

Commerce-Regulation: Halvorson, Chair; Metcalf and Nelson of Pottawattamie.

**Senate File 2383**

Judiciary: Kremer, Chair; Millage and Moreland.

**Senate File 2385**

Judiciary: Dinkla, Chair; Holveck and Lamberti.

**Senate File 2396**

Judiciary: Dinkla, Chair; Doderer and Schulte.

**Senate File 2399**

Human Resources: Boddicker, Chair; Burnett, Hurley, Murphy and Schulte.

**Senate File 2417**

Judiciary: Dinkla, Chair; Coon and Shultz.

**Senate File 2430**

Judiciary: Harrison, Chair; Kreiman and Schulte.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### H.S.B. 750 Appropriations

Appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants, and providing an effective date.

### 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

#### COMMITTEE ON AGRICULTURE

**Senate File 2348**, a bill for an act relating to agricultural limestone, and providing penalties, fees, and an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1996.

#### COMMITTEE ON EDUCATION

**Senate File 2160**, a bill for an act relating to school finance by extending budget adjustment guarantee provisions for an additional budget year and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1996.

**Senate File 2204**, a bill for an act relating to the operation of the vocational rehabilitation division of the department of education and promoting consistency with the most recently amended version of federal law.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1996.

**Senate File 2322**, a bill for an act relating to a cash reserve levy for merged areas and providing for properly related matters.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1996.

**Senate File 2406**, a bill for an act relating to school attendance and safety by providing for notification to schools by peace officers of the possession of alcohol or controlled substances by juveniles, providing that certain identifying information

regarding juveniles involved in delinquent acts is a public record, relating to an extension of the compulsory school attendance age, relating to immunity from assault charges for the use of force by a person to stop a fight or disturbance at a school or school function, establishing a penalty for a violation of chapter 299 in certain circumstances, establishing a penalty for providing aid, support, or shelter to a runaway or truant, and providing for civil penalties for truancy and the loss of a driver's license for truancy.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1996.

**Senate File 2419**, a bill for an act relating to the activities of the department of education, vocational education, community colleges, to special area education programs, dual enrollment, payment of claims for nonpublic school pupil transportation, the school budget review committee, the enrollment of certain students, annual audits of school districts, tax certification filing dates for special levies, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5514** March 20, 1996.

#### COMMITTEE ON ENVIRONMENTAL PROTECTION

**Senate File 2022**, a bill for an act relating to the collection and use of tonnage fees for the disposal of solid waste, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5511** March 19, 1996.

#### COMMITTEE ON JUDICIARY

**Senate File 2207**, a bill for an act relating to excuse from jury service and the reimbursement of jurors and witnesses for transportation and mileage expenses.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5520** March 21, 1996.

**Senate File 2252**, a bill for an act relating to the number and apportionment of district associate judges, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2300**, a bill for an act relating to the willful destruction of E911 addressing signs and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 2012**, a bill for an act relating to the conduct of raffles.

Fiscal Note is not required.

Recommended Do Pass March 20, 1996.

**Senate File 2206**, a bill for an act providing for animal health and racing and making penalties applicable.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5508 March 20, 1996.

**Senate File 2245**, a bill for an act relating to public retirement systems, making appropriations, and providing effective and retroactive applicability dates.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5515, March 20, 1996.

**Senate File 2365**, a bill for an act relating to state government personnel procedures including deferred compensation, longevity pay, the phased retirement program, job classifications, pay plans, recall from layoff, the personnel commission, and compensation for certain election officials.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5509 March 20, 1996.

**Senate File 2366**, a bill for an act relating to lease-purchase agreements.

Fiscal Note is not required.

Recommended Do Pass March 20, 1996.

**Senate File 2387**, a bill for an act relating to the department of general services, by providing for the sale or disposal of unwanted state personal property and by establishing a monument maintenance account.

Fiscal Note is not required.

Recommended Do Pass March 20, 1996.

#### COMMITTEE ON TECHNOLOGY

**Senate File 2147**, a bill for an act increasing the membership of the Iowa telecommunications and technology commission.

Fiscal Note is not required.

Recommended Do Pass March 20, 1996.

#### COMMITTEE ON TRANSPORTATION

**Senate File 2085**, a bill for an act relating to handicapped parking and providing a penalty.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5512 March 20, 1996.



**Senate Concurrent Resolution 105**, a concurrent resolution in support of maintaining the Mississippi River as a major transportation route for various products shipped into and out of the Upper Mississippi region.

Fiscal Note is not required.

Recommended **Do Pass and Laid over under Rule 25** March 20, 1996.

### RESOLUTION FILED

**HCR 121**, by Brammer, a concurrent resolution supporting federal efforts to restrict the sale and distribution of tobacco products to protect children.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—5508	S.F.	2206	Committee on State Government
H—5509	S.F.	2365	Committee on State Government
H—5510	S.F.	2438	Carroll of Poweshiek
H—5511	S.F.	2022	Committee on Environmental Protection
H—5512	S.F.	2085	Committee on Transportation
H—5513	S.F.	2446	Schrader of Marion Koenigs of Mitchell
H—5514	S.F.	2419	Committee on Education
H—5515	S.F.	2245	Committee on State Government
H—5516	S.F.	2140	Blodgett of Cerro Gordo
H—5517	S.F.	2140	Blodgett of Cerro Gordo
H—5518	S.F.	2446	Ollie of Clinton
H—5519	S.F.	2446	Mundie of Webster
H—5520	S.F.	2207	Committee on Judiciary

On motion by Siegrist of Pottawattamie, the House adjourned at 1:52 p.m., until 8:45 a.m., Friday, March 22, 1996.

# JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day – Fifty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 22, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Elizabeth A. Isaacson, Chief Clerk of the House.

The Journal of Thursday, March 21, 1996 was approved.

## HOUSE FILE 2441 REFERRED

The Speaker announced that House File 2441, presently on the calendar, was referred to committee on **ways and means**.

## 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 21, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2477, a bill for an act relating to the funding of, operation of, and appropriation of moneys to agencies, institutions, commissions, departments, and boards responsible for education and cultural programs of this state and making related statutory changes and providing effective date provisions.

JOHN F. DWYER, Secretary

## CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

1996\307 Steven Reineke, Sigourney – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1996\308 Ethel and Eugene “Joe” Matsen, Newton – For celebrating their Fiftieth wedding anniversary.

1996\309 Coach Randy Mohning, Guthrie Center – For placing 4th in the Class 1A division of the 1996 Boys State Basketball Tournament.

1996\310 Suellen Overton, Council Bluffs – For being named one of the Des Moines Register’s “Business Up-and-Comers.”

1996\311 Ron Tekippe, Council Bluffs – For being named on of the Des Moines Register’s “Business Up-and-Comers.”

- 1996\312 Dale Petersen, Elk Horn – For being inducted into the Iowa High School Officials Hall of Fame.
- 1996\313 Denny Callahan, LeMars – For receiving a News Media Award from the Iowa High School Athletic Association.
- 1996\314 Charles Faulkner, Corydon – For celebrating his One hundredth birthday.
- 1996\315 Thelma and John Hacker, Osceola – For celebrating their Sixty-fourth wedding anniversary.
- 1996\316 Edna and Donald Hayler, Rockwell City – For celebrating their Sixtieth wedding anniversary.
- 1996\317 Paul Fuhrman, Cherokee – For receiving the Iowa High School Athletic Association Administrator Award.
- 1996\318 Steve Bergman and the Iowa City West Boys Basketball Team, Iowa City – For placing 2nd in the Class 4A championship of the 1996 Boys State Basketball Tournament.
- 1996\319 Jack Christensen and the North Polk Comets, North Polk Community High School – For winning the Class 2A championship of the 1996 Boys State Basketball Tournament.
- 1996\320 Scott Hoskins, Baxter – For winning 2nd place in the 1st-3rd grade division of the Mothers Against Drunk Driving poster and essay contest.
- 1996\321 Aaron Allspach, Baxter – For winning 1st place in the 4th-6th grade division of the Mothers Against Drunk Driving poster and essay contest.
- 1996\322 Angie Allspach, Baxter – For winning 1st place in the 7th-9th grade division of the Mothers Against Drunk Driving poster and essay contest.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2465

Ways and Means: Teig, Chair; Larson and Weigel.

##### Senate File 2153

Judiciary: Kremer, Chair; Bell and Schulte.

##### Senate File 2266

Ways and Means: Main, Chair; Blodgett and Larkin.

##### Senate File 2449

Ways and Means: Halvorson, Chair; Bernau and Dinkla.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 749**

Ways and Means: Halvorson, Chair; Dinkla and Myers.

**House Study Bill 750**

Appropriations: Sukup, Chair; Brand and Houser.

## 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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

## COMMITTEE ON COMMERCE-REGULATION

**Senate File 2101**, a bill for an act relating to the disbursement of the remaining funds in a nonguaranteed irrevocable burial trust fund following satisfaction of payment in accordance with an agreement for funeral merchandise and funeral services.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2123**, a bill for an act relating to the payment of claims by an administrator acting on behalf of an insurer.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2230**, a bill for an act relating to definitions, reporting, and remittance guidelines concerning the disposition of unclaimed property.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2282**, a bill for an act relating to the requirement of notifying a consumer of a change in the terms of an open-end credit agreement.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2305**, a bill for an act relating to purchase money mortgages and providing a retroactive applicability provision.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2394**, a bill for an act relating to investment guidelines for trustees and providing an applicability date.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

#### COMMITTEE ON LOCAL GOVERNMENT

**Senate File 2352**, a bill for an act providing that the sheriff may charge for room and board provided to county prisoners and providing for the creation and filing of a room and board reimbursement lien.

Fiscal Note is required.

Recommended **Do Pass** March 21, 1994.

#### COMMITTEE ON NATURAL RESOURCES

**Senate File 2165**, a bill for an act relating to the hunting season for ungulates on a hunting preserve and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2212**, a bill for an act relating to the regulation of timber sales and surety bonds paid by timber buyers and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate Concurrent Resolution 107**, a concurrent resolution urging the United States Congress to authorize construction of the Lewis and Clark rural water system.

Fiscal Note is not required.

Recommended **Do Pass and laid over under Rule 25** March 21, 1996.

#### COMMITTEE ON WAYS AND MEANS

**Senate File 2449**, a bill for an act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations and their shareholders; increasing inheritance tax exemptions for certain relatives; increasing the amount of the appropriations for homestead credit, military service credit, and low-income credit and reimbursement claims; providing income tax credits for investing in a qualified venture capital company; establishing incentives for family farm animal feeding operations and making an appropriation; adjusting the funding for the family farm and agricultural land tax credits; establishing a study of the property tax system as the sole or major source of local funding and of alternate sources of funding for school, city, and county services, the repayment of bonds or other debt obligations, and capital improvements; and providing effective and applicability date provisions.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

## AMENDMENTS FILED

H—5521	S.F.	2186	Welter of Jones
H—5522	H.F.	2477	Senate Amendment
H—5523	S.F.	2449	Halvorson of Clayton

On motion by Schrader of Marion, the House adjourned at 8:48 a.m., until 1:00 p.m., Monday, March 25, 1996.

# JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day – Fifty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 25, 1996

The House met pursuant to adjournment at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Reverend Gerald McGee, United Methodist Church, Rockwell City.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Reverend Gerald McGee, Rockwell City.

The Journal of Friday, March 22, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Warnstadt of Woodbury and Bernau of Story, until their arrival, on request of Schrader of Marion.

## QUORUM CALL

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 2368**, a bill for an act prohibiting a person from soliciting another person to arrange a sex act with a child and making a penalty applicable, was taken up for consideration.

### SENATE FILE 2423 SUBSTITUTED FOR HOUSE FILE 2368

Greiner of Washington asked and received unanimous consent to substitute Senate File 2423 for House File 2368.

**Senate File 2423**, a bill for an act prohibiting a person from soliciting another person to arrange a sex act with a child and making a penalty applicable, was taken up for consideration.

Greiner of Washington 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, 89:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Brammer
Brand	Branstad	Brauns	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Salton	Schrader	Schulte
Shoultz	Siegrist	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 11:

Bernau	Brunkhorst	Ertl	Houser
May	Mundie	Renken	Sukup
Warnstadt	Weidman	Weigel	

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

HOUSE FILE 2368 WITHDRAWN

Greiner of Washington asked and received unanimous consent to withdraw House File 2368 from further consideration by the House.

SPECIAL PRESENTATION

Siegrist of Pottawattamie presented to the House, Congressman Jim Nussle, representing Iowa's Second Congressional District.

The House rose and expressed its welcome.

The House stood at ease at 1:31 p.m., until the fall of the gavel.



The House resumed session at 3:35 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

**House File 2405**, a bill for an act relating to entities and subject matter under the regulatory authority of the securities bureau of the division of insurance, was taken up for consideration.

**SENATE FILE 2363 SUBSTITUTED FOR HOUSE FILE 2405**

Jacobs of Polk asked and received unanimous consent to substitute Senate File 2363 for House File 2405.

**Senate File 2363**, a bill for an act relating to entities and subject matter under the regulatory authority of the securities bureau of the division of insurance, was taken up for consideration.

Jacobs 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. 2363)

The ayes were, 96:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Baker

Bernau

Corbett, Spkr.

Warnstadt

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

Rants of Woodbury asked and received unanimous consent to withdraw amendment H-5372, to Senate File 2140.

#### HOUSE FILE 2405 WITHDRAWN

Jacobs of Polk asked and received unanimous consent to withdraw House File 2405 from further consideration by the House.

**House File 2264**, a bill for an act relating to the midwest interstate compact on low-level radioactive waste and establishing a penalty, was taken up for consideration.

#### SENATE FILE 2219 SUBSTITUTED FOR HOUSE FILE 2264

Witt of Black Hawk asked and received unanimous consent to substitute Senate File 2219 for House File 2264.

**Senate File 2219**, a bill for an act relating to the midwest interstate compact on low-level radioactive waste and establishing a penalty, was taken up for consideration.

Witt 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. 2219)

The ayes were, 96:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammit Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer

Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, 4:

Baker	Bernau	Corbett, Spkr.	Warnstadt
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILE 2264 WITHDRAWN

Witt of Black Hawk asked and received unanimous consent to withdraw House File 2264 from further consideration by the House.

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2219 and 2363.**

**Senate File 2121**, a bill for an act providing for auditing practices by the Iowa state fair board, with report of committee recommending passage, was taken up for consideration.

Disney 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. 2121)

The ayes were, 95:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake

Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Baker	Bernau	Corbett, Spkr.	Grundberg
Warnstadt			

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

**House File 2311**, a bill for an act providing for the selection and tenure of the executive director of the agricultural development authority, was taken up for consideration.

#### SENATE FILE 2336 SUBSTITUTED FOR HOUSE FILE 2311

Greiner of Washington asked and received unanimous consent to substitute Senate File 2336 for House File 2311.

**Senate File 2336**, a bill for an act providing for the selection and tenure of the executive director of the agricultural development authority, was taken up for consideration.

Greiner of Washington 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. 2336)

The ayes were, 66:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carrall	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Lamberti	Larson	Lord
Main	Martin	Mertz	Metcalf
Meyer	Millage	Moreland	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, 32:

Baker	Bell	Brammer	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Kremer	Larkin	Mascher	May
McCoy	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Shoultz	Taylor	Weigel

Absent or not voting, 2:

Bernau                      Warnstadt

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

### HOUSE FILE 2311 WITHDRAWN

Greiner of Washington asked and received unanimous consent to withdraw House File 2311 from further consideration by the House.

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2121 and 2336.**

**House File 2402**, a bill for an act amending the uniform commercial code relating to letters of credit and providing an effective date, was taken up for consideration.

## SENATE FILE 2270 SUBSTITUTED FOR HOUSE FILE 2402

Nutt of Woodbury asked and received unanimous consent to substitute Senate File 2270 for House File 2402.

**Senate File 2270**, a bill for an act amending the uniform commercial code relating to letters of credit and providing an effective date, was taken up for consideration.

Nutt of Woodbury 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. 2270)

The ayes were, 98:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggest	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Bernau

Warnstadt

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

## HOUSE FILE 2402 WITHDRAWN

Nutt of Woodbury asked and received unanimous consent to withdraw House File 2402 from further consideration by the House.

**House File 2439**, a bill for an act relating to receiverships regarding the administration of the assets of grain dealers, was taken up for consideration.

## SENATE FILE 2337 SUBSTITUTED FOR HOUSE FILE 2439

Koenigs of Mitchell asked and received unanimous consent to substitute Senate File 2337 for House File 2439.

**Senate File 2337**, a bill for an act relating to receiverships regarding the administration of the assets of grain dealers, was taken up for consideration.

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. 2337)

The ayes were, 97:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Bernau

Corbett, Spkr.

Warnstadt

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

### HOUSE FILE 2439 WITHDRAWN

Koenigs of Mitchell asked and received unanimous consent to withdraw House File 2439 from further consideration by the House.

**Senate File 2331**, a bill for an act prohibiting certain uses and false representations relating to academic degrees, grades, or honors, and providing a penalty, with report of committee recommending passage, was taken up for consideration.

Kreiman of Davis 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. 2331)

The ayes were, 98:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		



The nays were, none.

Absent or not voting, 2:

Bernau

Warnstadt

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

**Senate File 2080**, a bill for an act relating to nonsubstantive Code corrections, and providing effective and retroactive applicability dates, with report of committee recommending passage, was taken up for consideration.

Boddicker of Cedar 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. 2080)

The ayes were, 98:

Arnold	Baker	Bell	Blodgett
Boddicker	Boggess	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Weigel	Welter	Wise
Witt	Van Maanen,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Bernau

Warnstadt

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2080, 2270, 2331, and 2337.**

### REREFERRED TO COMMITTEE

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be rereferred to the committees as listed:

House File 18	Labor and Industrial Relations
House File 47	State Government
House File 176	Judiciary
House File 270	Judiciary
House File 391	Judiciary
House File 452	Labor and Industrial Relations
House File 484	Judiciary
House File 526	Judiciary
House File 2003	Judiciary
House File 2024	Local Government
House File 2030	Commerce-Regulation
House File 2067	Local Government
House File 2101	Transportation
House File 2174	State Government
House File 2182	Human Resources
House File 2199	Human Resources
House File 2236	Commerce-Regulation
House File 2238	Education
House File 2266	Judiciary
House File 2272	Human Resources
House File 2285	Human Resources
House File 2333	Transportation
House File 2339	Transportation
House File 2340	Education
House File 2345	Local Government
House File 2361	Transportation
House File 2380	Local Government
House File 2428	Local Government
House File 2430	Judiciary
House File 2438	Transportation
House File 2440	Transportation

House File 2442	Human Resources
House File 2446	Labor and Industrial Relations
House File 2450	Economic Development
House File 2454	Judiciary
House File 2455	Judiciary
House File 2459	Judiciary
House File 2460	Judiciary
House File 2461	Economic Development
House File 2463	Economic Development
House File 2469	Judiciary
House File 2471	Judiciary
House File 2474	Judiciary

### SENATE FILE 2322 REREFERRED

The Speaker announced that Senate File 2322 presently on the calendar, was rereferred to committee on appropriations.

### 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 25, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 210, a bill for an act authorizing a court to require a criminal offender as part of a restitution order to make financial contributions to a local anticrime organization.

Also: That the Senate has on March 25, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 419, a bill for an act providing for class "C" area service system roads and providing a penalty.

Also: That the Senate has on March 25, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 523, a bill for an act relating to the establishment of minimum standards for the training of telecommunicators.

Also: That the Senate has on March 25, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2107, a bill for an act relating to the requirements regarding human immunodeficiency virus-related tests and making existing remedies applicable.

Also: That the Senate has on March 25, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2127, a bill for an act relating to the exemption of certain individual property management accounts from certification and auditing requirements.

Also: That the Senate has on March 25, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2150, a bill for an act relating to grandparent visitation rights.

Also: That the Senate has on March 25, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2152, a bill for an act relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

Also: That the Senate has on March 25, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2187, a bill for an act relating to the attachment of property to a rural water district.

Also: That the Senate has on March 25, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2258, a bill for an act relating to the powers of a benefited recreational lake district to promote water quality.

Also: That the Senate has on March 25, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2297, a bill for an act relating to payment of warrants drawn on levee and drainage district funds.

Also: That the Senate has on March 25, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2310, a bill for an act relating to the regulation of insurance and amending provisions providing for setoff of premium, fraudulent submissions to insurers, availability of certain information to insurers, length of term of the board of directors of an insurer, notice of cancellation, delivery of certain policies in this state, and making a penalty applicable.

Also: That the Senate has on March 25, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2315, a bill for an act authorizing small quantities of wine to be shipped in and out of this state for consumption or use by persons twenty-one years of age or older.

Also: That the Senate has on March 25, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2408, a bill for an act concerning mining by applying the criterion for the reclamation of mine sites, by redefining operator and mining operations, by amending the hearing procedures, by providing for administrative actions and the assessments of penalties by the division of soil conservation for noncompliance, and establishing additional penalties.

Also: That the Senate has on March 25, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2426, a bill for an act relating to certain certification requirements of a city or county urban renewal area.

Also: That the Senate has on March 25, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2429, a bill for an act relating to the representation of indigents and other court appointments in criminal and juvenile proceedings and providing effective and retroactive applicability dates.

Also: That the Senate has on March 25, 1996, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 109, a concurrent resolution designating June 15, 1996, as the day to celebrate the ending of slavery and to recognize the worth and value of all people.

Also: That the Senate has on March 25, 1996, amended and adopted the following resolution in which the concurrence of the House is asked:

House Concurrent Resolution 111, a concurrent resolution supporting Iowa military personnel in the Bosnian peacekeeping mission.

JOHN F. DWYER, Secretary

### MOTIONS TO RECONSIDER (Senate File 2423)

I move to reconsider the vote by which Senate File 2423 passed the House on March 25, 1996.

GREINER of Washington  
(Senate File 2423)

I move to reconsider the vote by which Senate File 2423 passed the House on March 25, 1996.

KREIMAN of Davis

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Thursday morning, March 21, 1996. Had I been present, I would have voted "aye" on Senate File 2405.

NELSON of Pottawattamie

I was necessarily absent from the House chamber on March 25, 1996. Had I been present, I would have voted "aye" on Senate File 2423.

WEIGEL of Chickasaw

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 21, 1996, he approved and transmitted to the Secretary of State the following bill:

Senate File 2135, an act providing for the organization of cooperative corporations, providing for fees, and providing for penalties.

Also on March 22, 1996, he approved and transmitted to the Secretary of State the following bill:

Senate File 13, an act relating to the establishment of a prospective minor parents decision-making assistance program, providing penalties, providing a repeal, and providing effective dates.

Also on March 25, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 2211, an act relating to the percentage of the legal reserve of a life insurance company which may be invested in certain corporate obligations.

House File 2299, an act relating to filing of instruments by county recorders.

House File 2303, an act relating to hazardous materials transportation.

House File 2363, an act authorizing a foreign mutual insurance company or a foreign health service corporation to reorganize by forming an insurance holding company, and providing that a mutual insurance holding company shall at all times own a majority of the voting shares of the capital stock of a reorganized domestic or foreign insurance company.

Senate File 376, an act relating to the regulation of credit unions by authorizing additional powers and defining certain business relationships and establishing a penalty

### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

1996\323 Shaff Family, Camanche – For the longest continuously owned farm in the State of Iowa.

1996\324 Peter Arling, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1996\325 Kenneth J. Faulhaber, Dubuque – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1996\326 Matt Hand, South Tama High School, Tama – For winning the Class 2A championship in the 145 lb. weight class of the 1996 State Wrestling Tournament.

1996\327 Dave Marrah, Union High School, LaPorte City – For winning the Class 2A championship in the 135 lb. weigh class of the 1996 State Wrestling Tournament.

1996\328 Jack Walker, Toledo – For his twenty years of service to the people of Toledo with the Toledo Fire Department.

- 1996\329 Robert Buresh, Toledo – For his thirty years of service to the people of Toledo with the Toledo Fire Department.
- 1996\330 Rhonda Sturtz, Vinton – For receiving the Governor's Star Award and for her continuing work with the blind.
- 1996\331 Dr. Rick Wilkerson, Spencer – For receiving an Iowa High School Athletic Association Team Doctor Award.
- 1996\332 Ruthven-Ayrshire Community School District, Ruthven – For their Artist In Residence Project.
- 1996\333 Brad Claussen, Anita – For winning 1st place in the 10th-12th grade division of the Mothers Against Drunk Driving poster and essay contest.
- 1996\334 Vinton-Shellsburg FFA Chapter, Vinton – For being ranked #1 among all Iowa FFA Chapters for 1994-1995.
- 1996\335 Mark Butt, Hartley – For receiving The Golden Plaque of Distinction from the Iowa Girls' High School Athletic Union.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### H.S.B. 751 Ways and Means

Relating to special census certification and providing an effective date.

### 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Senate File 2448**, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5541** March 21, 1996.

### COMMITTEE ON HUMAN RESOURCES

**Senate File 454**, a bill for an act relating to the establishment of an assisted living program within the department of elder affairs, providing for implementation, and providing penalties.

Fiscal Note is not required.

Recommended Do Pass March 21, 1996.

**Senate File 2171**, a bill for an act relating to public health administration, including the duties of the director of public health, primary care recruitment and retention, professional licensure, and health data.

Fiscal Note is not required.

Recommended Do Pass March 21, 1996.

**Senate File 2294**, a bill for an act creating multidisciplinary community services teams and providing a penalty.

Fiscal Note is not required.

Recommended Do Pass March 21, 1996.

**Senate File 2324**, a bill for an act relating to public assistance and certain associated state tax provisions involving the family investment program, family development and self-sufficiency council, individual development accounts, and fraudulent practices involving the food stamp program, making penalties applicable, and providing applicability provisions and effective dates.

Fiscal Note is not required.

Recommended Do Pass March 21, 1996.

**Senate File 2344**, a bill for an act relating to child support enforcement.

Fiscal Note is not required.

Recommended Do Pass March 21, 1996.

**Senate File 2381**, a bill for an act relating to dependent adult abuse and providing penalties.

Fiscal Note is not required.

Recommended Do Pass March 21, 1996.

**Senate File 2399**, a bill for an act relating to child protection system provisions involving the child abuse assessment pilot projects administered by the department of human services and certain multidisciplinary teams, and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass March 21, 1996.

**Senate File 2410**, a bill for an act relating to juvenile justice chapter provisions involving medically relevant tests for the presence of illegal drugs in a child or parent, parent visitations with a child who has been removed from the child's home, voiding related administrative rules, and providing an effective date.

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H—5526 March 21, 1996.



## COMMITTEE ON JUDICIARY

**Senate File 2114**, a bill for an act relating to the amount of prison time served by persons convicted of an aggravated misdemeanor or greater offense, by providing for changes in the mandatory minimum terms of sentences to be served, providing for a reduction in the amount of good and honor time that may be earned by forcible felons, providing for a sentencing task force and a departmental study, and making other related changes.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5538** March 21, 1996.

**Senate File 2153**, a bill for an act relating to Iowa law enforcement officer certification by the Iowa law enforcement academy.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2155**, a bill for an act to adjust the jurisdictional amount for municipal infractions tried before a judge in district court.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2167**, a bill for an act relating to prohibiting the assault of a health care provider and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2208**, a bill for an act relating to persons required to register with the sex offender registry and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5540**, March 21, 1996.

**Senate File 2211**, a bill for an act relating to fingerprinting requirements for certain public offenses.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2256**, a bill for an act relating to possession or control of alcohol by persons aged eighteen, nineteen, and twenty, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2265**, a bill for an act relating to the required participation of parents in a mandatory course prior to the granting of a dissolution of marriage decree and certain other orders, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2269**, a bill for an act enhancing the penalties for a third or subsequent offense of domestic abuse assault.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2289**, a bill for an act relating to the department of corrections, including operating while intoxicated violator facilities, reimbursement by parole violators, tort claims protection for certain persons, and inmate accounts.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2297**, a bill for an act relating to crime victims, including notification to victims regarding appeals in criminal cases involving the victim and victim compensation for health care for persons other than the victim.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2299**, a bill for an act relating to reserve peace officers obtaining or renewing professional permits to carry weapons.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2375**, a bill for an act relating to a limitation on qualifications for rebuttable presumptions for nuisance defenses for certain persons classified as chronic violators involved in confinement feeding operations.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5537**, March 21, 1996.

**Senate File 2385**, a bill for an act relating to appointment and election of state judicial nominating commissioners and providing effective and applicability dates and transition provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5542**, March 21, 1996.

**Senate File 2396**, a bill for an act adding certain residential security deposits and prepaid rent to the list of exempt property which a debtor may claim.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2413**, a bill for an act relating to judicial administration, including the definition of a judicial officer, the administrative authority of certain judges within a district, and the retirement age of an associate juvenile judge and associate probate judge.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2420**, a bill for an act relating to juvenile justice, including dispositional alternatives for juveniles adjudicated delinquent, registering with the sex offender registry, and associate juvenile judge jurisdiction.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5549** March 21, 1996.

**Senate File 2428**, a bill for an act relating to associate juvenile judges.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-5539**, March 21, 1996.

**Senate File 2430**, a bill for an act requiring the juvenile court to provide certain information to a victim of a delinquent act committed by a juvenile.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

**Senate File 2435**, a bill for an act relating to shared jurisdiction by the juvenile and adult courts over juveniles who commit certain public offenses and making penalties applicable.

Fiscal Note is not required.

Recommended **Do Pass** March 21, 1996.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 749), relating to county and state provisions involving mental health, disabilities, health care, and substance abuse by amending associated service, payment, and tax provisions, making an appropriation, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 21, 1996.

#### AMENDMENTS FILED

H-5524	H.F.	2447	Vande Hoef of Osceola
H-5525	S.F.	2442	Rants of Woodbury
H-5526	S.F.	2410	Committee on Human Resources
H-5527	S.F.	2399	Boddicker of Cedar
H-5528	S.F.	2438	Grundberg of Polk
H-5529	H.F.	2479	Grundberg of Polk
H-5530	H.F.	2292	Rants of Woodbury
H-5531	H.F.	2292	Rants of Woodbury

H—5532	S.F.	2206	Garman of Story
H—5533	S.F.	2245	Connors of Polk Murphy of Dubuque Witt of Black Hawk
H—5534	H.F.	2423	Cataldo of Polk
H—5535	S.F.	2446	Garman of Story
H—5536	S.F.	2446	Garman of Story
H—5537	S.F.	2375	Committee on Judiciary
H—5538	S.F.	2114	Committee on Judiciary
H—5539	S.F.	2428	Committee on Judiciary
H—5540	S.F.	2208	Committee on Judiciary
H—5541	S.F.	2448	Committee on Appropriations
H—5542	S.F.	2385	Committee on Judiciary
H—5543	S.F.	2435	Klemme of Plymouth Rants of Woodbury Nutt of Woodbury
H—5544	S.F.	2201	Grundberg of Polk
H—5545	S.F.	2140	Kremer of Buchanan
H—5546	S.F.	2140	Kremer of Buchanan
H—5547	S.F.	2381	Boddicker of Cedar
H—5548	S.F.	2442	Kreiman of Davis
H—5549	S.F.	2420	Committee on Judiciary
H—5550	H.F.	2298	Metcalf of Polk
H—5551	S.F.	2140	Schrader of Marion
H—5552	S.F.	2140	Schrader of Marion
H—5553	S.F.	2140	Schrader of Marion
H—5554	S.F.	2442	Houser of Pottawattamie
H—5555	S.F.	2442	Murphy of Dubuque
H—5556	S.F.	2442	Weigel of Chickasaw Harper of Black Hawk
H—5557	S.F.	2442	Carroll of Poweshiek
H—5558	S.F.	2442	Jochum of Dubuque Connors of Polk Taylor of Linn Holveck of Polk Mertz of Kossuth
			Schrader of Marion Murphy of Dubuque Witt of Black Hawk O'Brien of Boone

	Osterhaus of Jackson		Fallon of Polk
	Harper of Black Hawk		Burnett of Story
	Myers of Johnson		Kreiman of Davis
	Larkin of Lee		Cohoon of Des Moines
	Bell of Jasper		Koenigs of Mitchell
	Moreland of Wapello		Brand of Benton
H—5559	S.F.	2442	Fallon of Polk
	Harper of Black Hawk		Burnett of Story
	Mertz of Kossuth		Osterhaus of Jackson
	O'Brien of Boone		Holveck of Polk
	Witt of Black Hawk		Jochum of Dubuque
	Connors of Polk		Murphy of Dubuque
	Taylor of Linn		Myers of Johnson
	Bell of Jasper		Cohoon of Des Moines
	Kreiman of Davis		Larkin of Lee
	Wise of Lee		Nelson of Pottawattamie
	Doderer of Johnson		Brammer of Linn
	McCoy of Polk		Schrader of Marion
	Mascher of Johnson		Shultz of Black Hawk
	Moreland of Wapello		Brand of Benton
H—5560	S.F.	2442	Salton of Palo Alto
			Murphy of Dubuque
			Vande Hoef of Osceola
H—5561	S.F.	2442	Witt of Black Hawk
			Grundberg of Polk
			Harper of Black Hawk
			Branstad of Winnebago
H—5562	S.F.	2446	Burnett of Story
			Fallon of Polk
H—5563	S.F.	2446	Wise of Lee
	May of Worth		Brand of Benton
	Shultz of Black Hawk		Mascher of Johnson
	Harper of Black Hawk		Holveck of Polk
	Witt of Black Hawk		Jochum of Dubuque
	Connors of Polk		Murphy of Dubuque
	Schrader of Marion		Myers of Johnson
	Larkin of Lee		Nelson of Pottawattamie
	Brammer of Linn		Cohoon of Des Moines
	Bell of Jasper		Koenigs of Mitchell
	Burnett of Story		Taylor of Linn
	Weigel of Chickasaw		Ollie of Clinton
	Osterhaus of Jackson		Mertz of Kossuth
	O'Brien of Boone		Kreiman of Davis
	Drees of Carroll		Doderer of Johnson
	Moreland of Wapello		

H—5564	S.F.	2446	Burnett of Story
			May of Worth
			Ollie of Clinton
			Mascher of Johnson
			Holveck of Polk
			Jochum of Dubuque
			Murphy of Dubuque
			Moreland of Wapello
			Myers of Johnson
			Larkin of Lee
			Brammer of Linn
			Bell of Jasper
			O'Brien of Boone
			Weigel of Chickasaw
			Doderer of Johnson
			Shoultz of Black Hawk
H—5565	H.F.	210	Senate Amendment
H—5566	H.F.	419	Senate Amendment
H—5567	S.F.	2442	Weigel of Chickasaw
H—5568	H.F.	2447	Weigel of Chickasaw
H—5569	H.F.	2315	Senate Amendment
H—5570	H.F.	2298	Metcalf of Polk
H—5571	S.F.	2438	Carroll of Poweshiek
H—5572	S.F.	2446	Koenigs of Mitchell
H—5573	H.C.R.	111	Senate Amendment

On motion by Siegrist of Pottawattamie, the House adjourned at 4:30 p.m., until 8:45 a.m., Tuesday, March 26, 1996.

# JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day – Fifty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 26, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Robert Pickerell, First Christian Church Disciples of Christ, Creston.

The Journal of Monday, March 25, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Siegrist of Pottawattamie, until his arrival, on request of Gipp of Winneshiek.

## INTRODUCTION OF BILL

**House File 2485**, by committee on ways and means, a bill for an act relating to county and state provisions involving mental health, disabilities, health care, and substance abuse by amending associated service, payment, and tax provisions, making an appropriation, and providing an effective date.

Read first time and referred to committee on appropriations.

## SPECIAL PRESENTATION

Grundberg of Polk presented to the House Congressman Greg Ganske, representing Iowa's Fourth Congressional District.

## 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 25, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2416, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters.

Also: That the Senate has on March 25, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2472, a bill for an act relating to and making appropriations to the justice system and providing effective dates.

JOHN F. DWYER, Secretary

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 2313**, a bill for an act relating to the regulation of insurance companies for purposes of solvency and establishing a measure for the risk-based capital of an insurer, providing for the Act's applicability, and providing penalties, was taken up for consideration.

**SENATE FILE 2395 SUBSTITUTED FOR HOUSE FILE 2313**

Halvorson of Clayton asked and received unanimous consent to substitute Senate File 2395 for House File 2313.

**Senate File 2395**, a bill for an act relating to the regulation of insurance companies for purposes of solvency and establishing a measure for the risk-based capital of an insurer, and providing penalties, was taken up for consideration.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H-5398 filed by him on March 13, 1996.

Halvorson of Clayton 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, 98:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader



Schulte	Shoultz	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Baker                      Siegrist

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

**HOUSE FILE 2313 WITHDRAWN**

Halvorson of Clayton asked and received unanimous consent to withdraw House File 2313 from further consideration by the House.

**IMMEDIATE MESSAGE**

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2395** be immediately messaged to the Senate.

**Appropriations Calendar**

**Senate File 2442**, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates, with report of committee recommending amendment and passage, was taken up for consideration.

The House stood at ease at 9:04 a.m., until the fall of the gavel.

The House resumed session at 10:09 a.m., Speaker pro tempore Van Maanen of Marion in the chair.

Houser of Pottawattamie offered amendment H-5478 filed by the committee on appropriations as follows:

H-5478

- 1 Amend Senate File 2442, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 30 and inserting the
- 4 following:
- 5 "..... \$ 2,000,000"
- 6 2. Page 6, by inserting after line 30 the
- 7 following:
- 8 "12. The department of human services shall seek
- 9 federal approval on or before August 1, 1996, for the
- 10 implementation of a pilot program to allow medical

11 assistance program reimbursement for payment of  
 12 services provided by persons who provide a home and  
 13 services to a total of seventy-five persons who  
 14 currently reside in nursing homes. The department, in  
 15 cooperation with the department of elder affairs,  
 16 shall develop a program which will result in a cost  
 17 savings to the state or in cost neutrality, and shall  
 18 develop parameters for the program which shall include  
 19 but are not limited to all of the following:  
 20 a. A maximum income eligibility level, established  
 21 by the department, which applies to persons providing  
 22 a home and services and seeking reimbursement through  
 23 the medical assistance program.  
 24 b. An evaluative component which enables the  
 25 department to measure the financial and quality of  
 26 life aspects of the pilot program in comparison with  
 27 placement of a person in a nursing home.  
 28 c. A maximum reimbursement rate of \$15,000,  
 29 annually, for housing and services provided by the  
 30 home provider under the pilot program.  
 31 d. Any other criteria necessary to implement the  
 32 pilot program including but not limited to  
 33 implementation in a manner which targets current  
 34 nursing home residents in both rural and urban areas  
 35 of the state.

36 Contingent upon federal approval of a waiver, the  
 37 department shall adopt administrative rules to  
 38 establish the requirements for the alternative nursing  
 39 home pilot project under this subsection."

40 3. Page 6, by inserting before line 31 the  
 41 following:

42 " . If funding is projected to be available  
 43 within the amount appropriated in this section, the  
 44 department shall implement the case study for outcome-  
 45 based performance standards for programs serving  
 46 persons with mental retardation or other developmental  
 47 disabilities proposed pursuant to 1994 Iowa Acts,  
 48 chapter 1170, section 56, and expend not more than  
 49 \$75,000 for the research associated with the case  
 50 study. The department shall adopt rules applicable to

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1 the programs included in the case study, request a  
 2 waiver of applicable federal requirements, and take  
 3 other actions deemed necessary by the department to  
 4 implement the case study."

5 4. Page 9, by striking line 13 and inserting the  
 6 following:

7 "..... \$ 9,940,000"

8 5. Page 9, line 16, by striking the figure  
 9 "11,593,789" and inserting the following:  
 10 "5,578,789".

11 6. Page 11, by striking lines 6 through 25.

12 7. Page 12, by striking line 1 and inserting the  
 13 following:  
 14 "..... \$ 12,300,000"

15 8. Page 12, by inserting after line 34, the  
 16 following:  
 17 "5. The department shall revise the administration  
 18 of the JOBS program and shall reduce the duplication  
 19 of staff efforts in providing orientation and  
 20 assessment services to clients."

21 9. By striking page 12, line 35 through page 15,  
 22 line 23, and inserting the following:  
 23 "Sec. 8. CHILD SUPPORT RECOVERY. There is  
 24 appropriated from the general fund of the state to the  
 25 department of revenue and finance for the fiscal year  
 26 beginning July 1, 1996, and ending June 30, 1997, the  
 27 following amount, or so much thereof as is necessary,  
 28 to be used for the purposes designated:  
 29 For child support recovery, including salaries,  
 30 support, maintenance, and miscellaneous purposes and  
 31 for not more than the following full-time equivalent  
 32 positions:  
 33 ..... \$ 6,400,000  
 34 ..... FTEs 226.22

35 1. The director of revenue and finance, within the  
 36 limitations of the funds appropriated in this section,  
 37 or funds transferred from the family investment  
 38 program appropriation made in this Act for this  
 39 purpose, shall establish new positions and add  
 40 employees to the child support recovery unit if the  
 41 director determines that both the current and  
 42 additional employees together can reasonably be  
 43 expected to maintain or increase net state revenue at  
 44 or beyond the budgeted level. If the director adds  
 45 employees, the department shall demonstrate the cost-  
 46 effectiveness of the current and additional employees  
 47 by reporting to the joint appropriations subcommittee  
 48 on human services the ratio of the total amount of  
 49 administrative costs for child support recoveries to  
 50 the total amount of the child support recovered.

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1 2. Nonpublic assistance application and user fees  
 2 received by the child support recovery program are  
 3 appropriated and shall be used for the purposes of the  
 4 child support recovery program. The director of  
 5 revenue and finance may add positions if fees  
 6 collected relating to the new positions are sufficient  
 7 to pay the salaries and support for the positions.  
 8 The director shall report any positions added pursuant  
 9 to this subsection to the chairpersons and ranking  
 10 members of the joint appropriations subcommittee on  
 11 human services and the legislative fiscal bureau.  
 12 3. The director of revenue and finance, in

13 consultation with the department of management and the  
14 legislative fiscal committee, is authorized to receive  
15 and deposit state child support incentive earnings in  
16 the manner specified under applicable federal  
17 requirements.

18 4. The director of revenue and finance may  
19 establish new positions and add state employees to the  
20 child support recovery unit if the director determines  
21 the employees are necessary to replace county-funded  
22 positions eliminated due to termination, reduction, or  
23 nonrenewal of a chapter 28E contract. However, the  
24 director must also determine that the resulting  
25 increase in the state share of child support recovery  
26 incentives exceeds the cost of the positions, the  
27 positions are necessary to ensure continued federal  
28 funding of the program, or the new positions can  
29 reasonably be expected to recover more than twice the  
30 amount of money to pay the salaries and support for  
31 the new positions.

32 5. The child support recovery unit shall continue  
33 to work with the judicial department to determine the  
34 feasibility of a pilot project utilizing a court-  
35 appointed referee for judicial determinations on child  
36 support matters. The extent and location of any pilot  
37 project shall be jointly developed by the judicial  
38 department and the child support recovery unit.

39 6. The department shall expend up to \$50,000,  
40 including federal financial participation, for the  
41 fiscal year beginning July 1, 1996, for a child  
42 support public awareness campaign. The department  
43 shall cooperate with the office of the attorney  
44 general in continuation of the campaign. The public  
45 awareness campaign shall emphasize, through a variety  
46 of media activities and through continuation of the  
47 publication of names of persons who are delinquent in  
48 payment of child support obligations, the importance  
49 of maximum involvement of both parents in the lives of  
50 their children as well as the importance of payment of

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1 child support obligations.

2 7. The department shall continue the pilot program  
3 option to provide and supervise a community service  
4 pilot project for absent parents who are ordered by  
5 the court to perform community service for failure to  
6 pay child support pursuant to section 598.23A.

7 8. The director of revenue and finance may enter a  
8 contract with private collection agencies to collect  
9 support payments for cases which have been identified  
10 by the department as difficult collection cases if the  
11 department determines that this form of collection is  
12 more cost effective than departmental collection  
13 methods. The director may use a portion of the state

14 share of funds collected through this means to pay the  
15 costs of any contracts authorized under this  
16 subsection.

17 9. The department shall employ on or before July  
18 2, 1996, at least 1.00 FTE to respond to telephone  
19 inquiries during all weekly business hours.

20 10. The department shall develop guidelines to be  
21 used in lieu of the child support guidelines  
22 prescribed under section 598.21, subsection 4, for  
23 establishing a support obligation and the amount of  
24 the support debt accrued and accruing pursuant to  
25 section 234.39 for the costs of foster care services.  
26 The proposed guidelines shall reflect the public  
27 purpose of establishing a support obligation without  
28 causing a serious disruption of the family of the  
29 obligor. The department shall submit the proposed  
30 guidelines to the general assembly on or before  
31 January 15, 1997.

32 11. a. The department of human services shall  
33 cooperate with the department of revenue and finance  
34 as necessary to transfer the child support recovery  
35 unit of the department of human services to the  
36 department of revenue and finance on July 1, 1996.  
37 The department of human services and the department of  
38 revenue and finance shall establish a work group to  
39 address, at a minimum, all of the issues listed in  
40 paragraph "b", and the department of revenue and  
41 finance shall submit a proposed legislative bill  
42 pursuant to section 2.16 prior to the convening of the  
43 1997 session of the general assembly which proposes  
44 for the general assembly's consideration all necessary  
45 and conforming amendments to the Code to reflect the  
46 transfer.

47 b. The work group shall address, at a minimum, all  
48 of the following issues and shall take any actions  
49 necessary to implement the transfer of the child  
50 support recovery unit:

Page 5

1 (1) Any changes to the state plan relating to the  
2 transfer of child support enforcement and any federal  
3 approval of the changes in the state plan necessary  
4 for compliance with federal requirements.

5 (2) Allocation of funding to continue child  
6 support recovery enforcement services.

7 (3) Staffing changes including the establishment  
8 of new positions or addition of new employees.

9 (4) Proposal and adoption of rules necessary to  
10 implement the transfer.

11 (5) Any other issues necessary to implement the  
12 transfer.

13 c. The transition shall be accomplished without a  
14 change in the physical location of the agency.

15 d. The Code editor is directed to substitute the  
 16 words "department of revenue and finance" for the  
 17 words "department of human services" and the words  
 18 "director of revenue and finance" for the words  
 19 "director of human services" when there appears to be  
 20 no doubt as to the intent to refer to the child  
 21 support recovery unit within the department of human  
 22 services as established in section 252B.2 or to the  
 23 director of human services in relation to the child  
 24 support recovery unit."

25 10. Page 15, by striking lines 34 and 35 and  
 26 inserting the following:

27 "..... \$ 13,778,000  
 28 ..... FTEs 320.77"

29 11. Page 16, by striking lines 4 and 5, and  
 30 inserting the following:

31 "..... \$ 5,130,000  
 32 ..... FTEs 118.54"

33 12. Page 16, by striking line 30 and inserting  
 34 the following:

35 "..... \$ 86,211,014"

36 13. Page 21, by inserting after line 29 the  
 37 following:

38 " \_ . Of the funds appropriated in this section,  
 39 \$731,014 shall be used by the department for child  
 40 abuse prevention grants."

41 14. Page 22, by striking line 4 and inserting the  
 42 following:

43 "..... \$ 1,788,986"

44 15. Page 23, by striking lines 16 through 18 and  
 45 inserting the following:

46 "3. The legislative council is requested to  
 47 establish a legislative interim committee during the  
 48 1996 interim of the general assembly to evaluate the  
 49 effectiveness of current and proposed adolescent  
 50 pregnancy prevention programs."

Page 6

1 16. Page 26, by striking line 10 and inserting  
 2 the following:

3 "..... \$ 41,527,000"

4 17. Page 26, by striking line 21 and inserting  
 5 the following:

6 "..... \$ 16,940,000"

7 18. Page 27, by inserting before line 27 the  
 8 following:

9 " \_ . The department shall work with the  
 10 department of management and the legislative fiscal  
 11 bureau in reviewing revenues and expenditures  
 12 attributable to the state hospital-schools and state  
 13 mental health institutes, applicable fiscal  
 14 procedures, and other information as necessary to  
 15 develop a proposal to revise the manner of making

16 appropriations to these state institutions and of  
 17 accounting for reimbursements and expenditures so that  
 18 in future fiscal years the amounts appropriated  
 19 reflect the net amount of state funds needed. The  
 20 proposal shall be submitted to the general assembly on  
 21 or before December 16, 1996.

22 \_\_. The superintendents of the state hospital-  
 23 schools shall work with the department's  
 24 administrative staff in reviewing the manner in which  
 25 services and costs are combined for purposes of  
 26 billing for medical assistance reimbursement at the  
 27 state hospital-schools. Following the review, the  
 28 superintendents shall submit a proposal for revising  
 29 the state hospital-schools' manner of billing for  
 30 medical assistance reimbursement to be more comparable  
 31 to other intermediate care facilities for the mentally  
 32 retarded. The proposal shall be submitted to the  
 33 general assembly on or before December 16, 1996."

34 19. Page 28, by striking line 18 and inserting  
 35 the following:

36 "..... \$ 1,144,000"

37 20. Page 33, by striking line 3 and inserting the  
 38 following:

39 "..... \$ 300,000"

40 21. Page 34, by striking line 1 and inserting the  
 41 following:

42 "..... \$ 8,460,000"

43 22. Page 34, by striking lines 6 through 13.

44 23. Page 34, line 14, by striking the word and  
 45 figure "3. The" and inserting the following: "2.

46 Except as provided under the appropriation in this Act  
 47 to the legislative council, the".

48 24. By striking page 34, line 22, through page  
 49 35, line 9, and inserting the following: "Assembly.

50 Sec. \_\_. DEPARTMENT OF HUMAN SERVICES

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1 RESTRUCTURING STUDY. There is appropriated from the  
 2 general fund of the state to the legislative council  
 3 for the fiscal year beginning July 1, 1996, and ending  
 4 June 30, 1997, the following amount, or so much  
 5 thereof as is necessary, to be used for the purpose  
 6 designated:

7 For expenses associated with the activities of the  
 8 work group for restructuring of the department of  
 9 human services in accordance with this section:

10 ..... \$ 100,000

11 1. The interested members of the joint  
 12 appropriations subcommittee on human services and  
 13 other knowledgeable legislators shall be designated by  
 14 the legislative council as a work group to develop a  
 15 comprehensive proposal for restructuring of the  
 16 department of human services and the functions

17 performed by the department. The work group may use  
18 the moneys appropriated in this section for technical  
19 assistance. In addition, the work group may consult  
20 with service consumers, experts representative of  
21 organizations such as nonprofit service organizations,  
22 health insurers, and human services-oriented community  
23 organizations, and representatives of local  
24 governments. The work group's report shall be  
25 completed prior to the convening of the Seventy-  
26 seventh General Assembly. The work group may make  
27 recommendations for revising policies, operating  
28 procedures, and training methods as necessary to  
29 increase the department's responsiveness to the public  
30 and to improve the quality of the department's  
31 interaction with the public.

32 The work group shall provide for public input  
33 concerning the four modification proposals developed  
34 by the department in response to proposed federal  
35 actions submitted to the joint appropriations  
36 subcommittee on human services in February 1996.

37 The work group's consideration of the modification  
38 proposals may include the following:

39 a. A review of the child welfare modification  
40 proposal which may include input from representatives  
41 of the juvenile court, service providers, families  
42 receiving services, the attorney general,  
43 representatives of local governments, a department  
44 worker, and other citizens and officials. The  
45 proposal shall also include a recommendation for  
46 transfer of the department of human services  
47 delinquent youth programs to the department of  
48 corrections.

49 b. A review of the mental health and developmental  
50 disabilities proposal which shall incorporate issues

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1 associated with implementation of the funding reform  
2 enacted in Senate File 69; usage of service providers  
3 such as intermediate care facilities for the mentally  
4 retarded, state institutions, and other services for  
5 persons with disabilities; distribution of services  
6 throughout the state; and other issues.

7 c. A review of the family investment program  
8 proposal which may include input from the work group  
9 which considered the state human investment policy  
10 proposal and which makes recommendations to the  
11 department concerning the family investment program.  
12 Consideration of issues associated with the proposal  
13 may include review of the emergency assistance  
14 program.

15 d. A review of the medical assistance proposal  
16 which may include input from representatives of the  
17 medical assistance advisory council, the long-term



18 care resident's advocate, and consumer groups such as  
19 the Iowa affiliate of the American association of  
20 retired persons.

21 2. If federal law requires the state to make  
22 changes in the programs and services directed to the  
23 populations addressed by the modification proposals  
24 and authorizes the changes to be made without state  
25 legislation, the department shall adopt rules to  
26 implement the changes. The rules shall be submitted  
27 to the work group for review and recommendation prior  
28 to their submission to the administrative rules review  
29 committee."

30 25. Page 35, by striking lines 10 through 19.

31 26. By striking page 35, line 27, through page  
32 36, line 6.

33 27. Page 36, by inserting before line 7 the  
34 following:

35 "Sec. \_\_\_\_ GAMBLERS ASSISTANCE FUND. There is  
36 appropriated from the gamblers assistance fund to the  
37 department of human services for the fiscal year  
38 beginning July 1, 1996, and ending June 30, 1997, the  
39 following amount, or so much thereof as is necessary,  
40 to be used for the purposes designated:

41 For general administration:

42 ..... \$ 600,000

43 If the general assembly enacts a statute revising  
44 the name of the gamblers assistance fund created  
45 pursuant to section 99E.10, the appropriation in this  
46 section shall be deemed to be made from that fund."

47 28. Page 39, line 32, by inserting after the word  
48 "state." the following: "The department shall submit  
49 the proposal to the members of the joint  
50 appropriations subcommittee on human services on or

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1 before November 30, 1996."

2 29. Page 40, by striking lines 1 through 4 and  
3 inserting the following: "80th percentile."

4 30. Page 41, line 27, by striking the figure  
5 "1,000,000" and inserting the following: "1,732,704".

6 31. Page 41, by striking lines 29 and 30 and  
7 inserting the following: "hospital-schools, field  
8 operations, and general administration."

9 32. Page 42, line 6, by striking the word "the"  
10 and inserting the following: "any closed units or  
11 other".

12 33. Page 42, by inserting after line 25 the  
13 following:

14 "Sec. \_\_\_\_ REPORTS BY PROVIDERS OF FOSTER CARE  
15 SERVICES — REVIEW — PROCESS SIMPLIFICATION. The  
16 department of human services shall consult with  
17 providers of rehabilitation treatment services  
18 relating to the medical assistance child services

19 initiative in reviewing provider requirements relating  
 20 to financial and statistical accountability reporting  
 21 and the process for submission of the reports relating  
 22 to these requirements. Following this review, and no  
 23 later than January 1, 1997, the department of human  
 24 services shall implement a process which provides, at  
 25 a minimum, for a simplified means of documenting  
 26 compliance with federal provider accountability  
 27 requirements which shall, at a minimum, include  
 28 consolidation of the reports required and which may  
 29 provide a means for submission of the reports in an  
 30 electronic format."

31 34. Page 45, by inserting after line 31 the  
 32 following:

33 "Sec. 101. Section 252B.1, subsections 3 and 4,  
 34 Code 1995, are amended to read as follows:

35 3. "Department" means the department of ~~human~~  
 36 ~~services~~ revenue and finance.

37 4. "Director" means the director of ~~human services~~  
 38 revenue and finance.

39 Sec. 102. Section 252B.2, Code 1995, is amended to  
 40 read as follows:

41 252B.2 UNIT ESTABLISHED.

42 There is created within the department of ~~human~~  
 43 ~~services~~ revenue and finance a child support recovery  
 44 unit for the purpose of providing the services  
 45 required in sections 252B.3 to 252B.6.

46 Sec. 103. Section 252B.3, unnumbered paragraph 2,  
 47 Code 1995, is amended to read as follows:

48 The department of ~~human services~~ revenue and  
 49 finance may negotiate a partial payment of a support  
 50 obligation with a parent or other person responsible

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1 for the support of the child, provided that the  
 2 negotiation and partial payment are consistent with  
 3 applicable federal law and regulation.

4 Sec. 104. Section 252B.5, subsection 4, Code 1995,  
 5 is amended to read as follows:

6 4. Assistance to set off against a debtor's income  
 7 tax refund or rebate any debt, which is assigned to  
 8 the department of human services or which the child  
 9 support recovery unit is attempting to collect on  
 10 behalf of any individual not eligible as a public  
 11 assistance recipient, which has accrued through  
 12 written contract, subrogation, or court judgment, and  
 13 which is in the form of a liquidated sum due and owing  
 14 for the care, support or maintenance of a child. The  
 15 department of ~~human services~~ revenue and finance shall  
 16 ~~promulgate~~ adopt rules pursuant to chapter 17A  
 17 ~~necessary to assist the department of revenue and~~  
 18 ~~finance~~ in the implementation of the child support  
 19 setoff as established under section 421.17, subsection

20 21.”

21 35. Page 47, line 5, by inserting after the word  
22 “unless” the following: “the effective date is  
23 delayed by the administrative rules review committee  
24 or”.

25 36. Page 47, line 6, by inserting after the word  
26 “rules.” the following: “Any rules adopted in  
27 accordance with the provisions of this section shall  
28 not take effect before the rules are reviewed by the  
29 administrative rules review committee.”

30 37. Page 47, by inserting after line 11 the  
31 following:

32 “\_\_ Section 3, subsection 12, relating to the  
33 alternative nursing home pilot program.”

34 38. Page 47, by inserting after line 13 the  
35 following:

36 “\_\_ Section 8, subsection 11, relating to the  
37 transfer of the child support recovery unit from the  
38 department of human services to the department of  
39 revenue and finance.”

40 39. By renumbering, relettering, or redesignating  
41 and correcting internal references as necessary.

Salton of Palo Alto asked and received unanimous consent to defer action on amendment H-5560, to the committee amendment H-5478.

Brunkhorst of Bremer offered the following amendment H-5576, to the committee amendment H-5478, filed by him and Blodgett from the floor and moved its adoption:

H-5576

1 Amend the amendment, H-5478, to Senate File 2442,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, by striking line 4 and inserting the  
5 following: “implement the case study.”

6 \_\_. The department of human services shall submit  
7 a report to the general assembly on or before January  
8 1, 1997, regarding reimbursement for teleconsultive  
9 services provided by health care providers to  
10 recipients of medical assistance. The report shall  
11 include but is not limited to recommendations  
12 regarding the feasibility of implementation of a pilot  
13 program, including the adoption and utilization of an  
14 alternative reimbursement methodology, to determine  
15 the effect of teleconsultive services on health care  
16 quality, access, and cost.”

17 2. By renumbering as necessary.

Amendment H-5576 was adopted.

Jochum of Dubuque offered the following amendment H-5578, to the committee amendment H-5478, filed by her from the floor and moved its adoption:

H-5578

1 Amend the amendment, H-5478, to Senate File 2442,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 2, by inserting after line 4 the  
 5 following:  
 6 "\_. Page 7, by inserting after line 17 the  
 7 following:  
 8 "3. Any future contract entered into by the  
 9 department for mental health managed care under the  
 10 medical assistance program shall include a provision  
 11 which requires the contractor to make public  
 12 information the amount of profit realized by the  
 13 contractor and the amount of funds expended by the  
 14 contractor for administrative purposes under the  
 15 contract."

Amendment H-5578 was adopted.

Houser of Pottawattamie offered the following amendment H-5584,  
 to the committee amendment H-5478, filed by him from the floor and  
 moved its adoption:

H-5584

1 Amend the amendment, H-5478, to Senate File 2442,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 2, line 10, by striking the figure  
 5 "5,578,789" and inserting the following: "5,628,789".  
 6 2. Page 2, by inserting after line 14 the  
 7 following:  
 8 "\_. Page 12, line 2, by striking the figure  
 9 "12,690,700" and inserting the following:  
 10 "11,390,700".  
 11 3. Page 5, by inserting after line 35 the  
 12 following:  
 13 "\_. Page 17, line 6, by striking the figure  
 14 "23,892,280" and inserting the following:  
 15 "23,792,280".  
 16 4. Page 5, line 43, by striking the figure  
 17 "1,788,986" and inserting the following: "1,770,986".  
 18 5. Page 6, by inserting after line 42 the  
 19 following:  
 20 "\_. Page 34, line 2, by striking the figure  
 21 "379.00" and inserting the following: "376.00".  
 22 6. By striking page 6, line 50 through page 7,  
 23 line 31 and inserting the following:  
 24 "Sec. \_\_. DEPARTMENT OF HUMAN SERVICES  
 25 RESTRUCTURING TASK FORCE ON THE FUTURE OF HUMAN  
 26 SERVICES. There is appropriated from the general fund  
 27 of the state to the legislative council for the fiscal

28 year beginning July 1, 1996, and ending June 30, 1997,  
 29 the following amount, or so much thereof as is  
 30 necessary, to be used for the purpose designated:

31 For expenses associated with the activities of the  
 32 task force for assessing the structure and function of  
 33 the department of human services and human services  
 34 programs in accordance with this section:

35 ..... \$ 100,000

36 1. The legislative council shall establish a task  
 37 force to develop a comprehensive proposal for changing  
 38 the role and function of the department of human  
 39 services and its programs. The purpose of the changes  
 40 is to improve services to Iowans through the creation  
 41 of new federal, state, and local partnerships. The  
 42 task force shall make recommendations regarding  
 43 restructuring the department of human services in  
 44 order to achieve better human services results, to  
 45 improve the quality of service delivery, and to  
 46 increase the quality of the department's interaction  
 47 with the public. The task force may also assess  
 48 program duplication and linkages with other federal,  
 49 state, or local programs or funding streams.

50 2. The task force shall be composed of not more

Page 2

1 than 21 members and shall include not more than five  
 2 representatives appointed by the governor and  
 3 legislators who are members of the joint  
 4 appropriations subcommittee on human services and  
 5 other knowledgeable legislators designated by the  
 6 legislative council. The task force may use moneys  
 7 appropriated in this section for technical assistance.  
 8 The task force shall consult with service consumers,  
 9 experts who are representative of organizations such  
 10 as nonprofit service organizations, health insurers,  
 11 and human services-oriented community organizations,  
 12 representatives of local governments, representatives  
 13 of state agencies, federal officials with expertise or  
 14 responsibilities regarding human services in Iowa, and  
 15 others, as determined by the task force. The report  
 16 shall be completed prior to the convening of the  
 17 Seventy-seventh General Assembly."

18 7. Page 7, line 32, by striking the words "work  
 19 group" and inserting the following: "task force".

20 8. Page 7, by striking lines 37 and 38 and  
 21 inserting the following:

22 "The task force may establish work groups to assist  
 23 in the task force's consideration of the modification  
 24 proposals which may include the following:"

25 9. Page 7, lines 43 and 44, by striking the words  
 26 "a department worker" and inserting the following:  
 27 "representatives of state agencies".

28 10. Page 8, line 10, by striking the word "and"

29 and inserting the following: "or a successor  
30 interagency task force".

31 11. Page 8, line 14, by inserting after the word  
32 "program" the following: ", the family development  
33 and self-sufficiency (FaDSS) program, and child day  
34 care programs, and an assessment of the feasibility of  
35 transferring all or part of the functions of the child  
36 support recovery unit to other agencies of state  
37 government".

38 12. Page 8, line 27, by striking the words "work  
39 group" and inserting the following: "task force".

40 13. Page 8, by striking lines 33 through 46.

41 14. Page 8, by inserting before line 47 the  
42 following:

43 "\_. By striking page 36, line 34, through page  
44 37, line 1, and inserting the following: "during the  
45 fiscal year ending June 30, 1996. In addition,".

46 \_ Page 39, by striking lines 1 and 2 and  
47 inserting the following:

48 "c. The department revises the reimbursement rates  
49 as part of the changes in the mental health and  
50 developmental disabilities services system initiated

### Page 3

1 pursuant to 1995 Iowa Acts, chapter 206 (Senate File  
2 69), and associated legislation.

3 d. The reimbursement rate revision is necessary to  
4 implement the change required by the appropriation in  
5 this Act for an increase in the reimbursement for  
6 residential care facilities."

7 15. Page 9, line 3, by inserting after the word  
8 "percentile." the following: "The department shall  
9 address any other proposals for containment of  
10 intermediate care facilities for the mentally retarded  
11 costs with the work group for restructuring of the  
12 department of human services created pursuant to this  
13 Act."

14 16. By renumbering as necessary.

Amendment H-5584 was adopted.

Fallon of Polk offered amendment H-5559, to the committee amend-  
ment H-5478, filed by Fallon, et. al., as follows:

### H-5559

1 Amend the amendment, H-5478, to Senate File 2442,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, by striking lines 5 through 10.

5 2. By renumbering as necessary.

Speaker Corbett in the chair at 11:25 a.m.

Fallon of Polk moved the adoption of amendment H-5559, to the committee amendment H-5478.

Roll call was requested by Fallon of Polk and Murphy of Dubuque.

On the question "Shall amendment H-5559, to the committee amendment H-5478, be adopted?" (S.F. 2442)

The ayes were, 38:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cphoon	Connors
Dinkla	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Salton	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Wise	Witt		

The nays were, 57:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Daggett	Disney	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Schulte	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

Absent or not voting, 5:

Brammer	Ertl	Grubbs	Harrison
Siegrist			

Amendment H-5559 lost.

Jochum of Dubuque offered the following amendment H-5558, to the committee amendment H-5478, filed by Jochum, et. al., and moved its adoption:

H-5558

- 1 Amend the amendment, H-5478, to Senate File 2442,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 2, line 14, by striking the figure  
 5 "12,300,000" and inserting the following:  
 6 "13,300,000".  
 7 2. Page 2, by inserting after line 14 the  
 8 following:  
 9 "\_. Page 12, line 2, by striking the figure  
 10 "12,690,700" and inserting the following:  
 11 "12,390,700"."

Roll call was requested by Jochum of Dubuque and Murphy of Dubuque.

On the question "Shall amendment H-5558, to the committee amendment H-5478, be adopted?" (S.F. 2442)

The ayes were, 36:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 57:

Arnold	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Daggett
Dinkla	Disney	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

Absent or not voting, 7:

Blodgett	Brammer	Ertl	Grubbs
Halvorson	Jacobs	Siegrist	



Amendment H-5558 lost.

Gipp of Winneshiek asked and received unanimous consent that Senate File 2442 be deferred.

(The committee amendment H-5478 pending)

On motion by Gipp of Winneshiek, the House was recessed at 12:07 p.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened at 1:00 p.m., Speaker Corbett in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-two members present, twenty-eight 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 March 26, 1996, adopted the following resolution in which the concurrence of the Senate was asked:

House Joint Resolution 11, a joint resolution proposing an amendment to the Constitution of the State of Iowa to eliminate the limitation on fines for offenses which may be summarily tried without indictment.

Also: That the Senate has on March 26, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 334, a bill for an act relating to the hearing and election provisions of the instructional support program of school districts.

Also: That the Senate has on March 26, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2165, a bill for an act relating to industrial machinery, computers and equipment for purposes of sales taxation and property taxation and providing an effective date and applicability date.

Also: That the Senate has on March 26, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2202, a bill for an act relating to permissible acts related to real estate sales, exchanges, purchases, rentals, leases, or advertising by licensees and nonlicensees.

Also: That the Senate has on March 26, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2207, a bill for an act relating to the state transportation commission's planning process and federal funding.

Also: That the Senate has on March 26, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2318, a bill for an act relating to the licensure and practice of land surveying, to the unlawful practice of land surveying, architecture, and professional engineering, and establishing a civil penalty.

Also: That the Senate has on March 26, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2370, a bill for an act relating to limited liability companies and corporations, including the period within which a limited liability company subject to dissolution may be continued, and providing an exemption from the real estate transfer tax for certain transfers involving limited liability companies.

Also: That the Senate has on March 26, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2400, a bill for an act relating to anatomical gifts including the use of confidential information and the authority of a medical examiner to release and permit the removal of a body part in certain instances for the purposes of making an anatomical gift.

Also: That the Senate has on March 26, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 112, a concurrent resolution supporting the 185th Fighter Wing of the Air National Guard of Iowa in its peacekeeping patrols in the United Nations "No-Fly Zone" over Iraq.

JOHN F. DWYER, Secretary

Speaker pro tempore Van Maanen of Marion in the chair at 1:24 p.m.

## BUSINESS PENDING AT RECESS

### Appropriations Calendar

The House resumed consideration of **Senate File 2442**, a bill for an act relating to appropriations for the department of human services and the prevention of disabilities policy council and including other provisions and appropriations involving human services and health care and providing for effective and applicability dates, previously deferred and the committee amendment H-5478, pending at recess.

Fallon of Polk asked and received unanimous consent to withdraw the following amendments H-5579 and H-5580, to the committee amendment H-5478, filed by him from the floor.

Brand of Benton asked and received unanimous consent to defer action on amendment H-5585, to the committee amendment H-5478.

Jochum of Dubuque offered the following amendment H-5597, to the committee amendment H-5478 filed by her and Fallon from the floor and moved its adoption:

H-5597

- 1 Amend the amendment, H-5478, to Senate File 2442,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 20, by inserting after the word
- 5 "clients." the following: "The amount of funding
- 6 appropriated in this section has been reduced by
- 7 \$300,000 to reflect action by the department to limit
- 8 its contracting with other state agencies for primary
- 9 functions under the JOBS program to contracting with
- 10 not more than one state agency."

Amendment H-5597 was adopted.

Ollie of Clinton asked and received unanimous consent to defer action on amendment H-5577, to the committee amendment H-5478.

Houser of Pottawattamie offered the following amendment H-5596, to the committee amendment H-5478 filed by him from the floor and moved its adoption:

H-5596

- 1 Amend the amendment, H-5478, to Senate File 2442,
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 2, by striking line 25 and inserting the
- 5 following: "department of human services for the
- 6 fiscal year".
- 7 2. Page 2, by striking line 35 and inserting the
- 8 following:
- 9 "1. The director of human services, within the".
- 10 3. Page 3, line 5, by striking the words "revenue
- 11 and finance" and inserting the following: "human
- 12 services".
- 13 4. Page 3, by striking line 12 and inserting the
- 14 following:
- 15 "3. The director of human services, in".
- 16 5. Page 3, by striking line 18, and inserting the
- 17 following:
- 18 "4. The director of human services may".
- 19 6. Page 4, by striking line 7 and inserting the
- 20 following:
- 21 "8. The director of human services may enter a".
- 22 7. By striking page 4, line 32, through page 5,
- 23 line 24, and inserting the following:
- 24 "11. The department of human services shall

- 25 cooperate with the restructuring task force on the  
 26 future of human services to assess the feasibility of  
 27 transferring all or part of the functions of the child  
 28 support recovery unit to other agencies of state  
 29 government on or after July 1, 1997.”  
 30 8. By striking page 9, line 31, through page 10,  
 31 line 20.  
 32 9. Page 10, by striking lines 34 through 39.

Amendment H-5596 was adopted, placing out of order amendment H-5577, to the committee amendment H-5478, previously deferred, filed by Ollie of Clinton from the floor.

Brand of Benton offered the following amendment H-5586, to the committee amendment H-5478, filed by him and Kreiman from the floor and moved its adoption:

H-5586

- 1 Amend the amendment, H-5478, to Senate File 2442,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 5, by striking line 35 and inserting the  
 5 following:  
 6 “..... \$ 90,111,014”  
 7 “ Page 17, line 6, by striking the figure  
 8 “23,892,280” and inserting the following:  
 9 “27,792,280”.”

Amendment H-5586 lost.

Carroll of Poweshiek asked and received unanimous consent to withdraw amendment H-5557, to the committee amendment H-5478, filed by him on March 25, 1996.

Carroll of Poweshiek offered the following amendment H-5574, to the committee amendment H-5478, filed by him from the floor and moved its adoption:

H-5574

- 1 Amend the amendment, H-5478, to Senate File 2442,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 5, by inserting after line 40 the  
 5 following:  
 6 “ Page 21, by striking line 30 and inserting  
 7 the following:  
 8 “Sec. \_\_\_ ADOLESCENT PREGNANCY PREVENTION  
 9 PROGRAMS. There is appropriated”.  
 10 Page 21, line 35, by striking the words “For  
 11 community-based programs” and inserting the following:  
 12 “For adolescent pregnancy prevention programs”.”  
 13 2. Page 5, line 43, by striking the figure

14 "1,788,986" and inserting the following: "1,034,146".  
 15 3. Page 5, by inserting after line 43 the  
 16 following:  
 17 "\_. Page 22, line 10, by inserting after the  
 18 word "adolescents." the following: "Grant recipients  
 19 shall submit information to the department of human  
 20 services regarding the pregnancy rate of participants  
 21 in small-group activities for which follow-up contact  
 22 is practical. Large-group activities are exempt from  
 23 this reporting requirement."  
 24 4. Page 5, by inserting after line 50 the  
 25 following:  
 26 "Sec. \_\_\_. FAMILY PLANNING PROGRAMS. There is  
 27 appropriated from the general fund of the state to the  
 28 department of human services for the fiscal year  
 29 beginning July 1, 1996, and ending June 30, 1997, the  
 30 following amount, or so much thereof as is necessary,  
 31 to be used for the purpose designated:  
 32 For family planning programs:  
 33 ..... \$ 736,840  
 34 For the purposes of this section, "family planning  
 35 programs" include those programs which provide  
 36 clinical care services including those services which  
 37 assist a client in obtaining contraceptive devices and  
 38 supplies. Clinical care services include but are not  
 39 limited to the initial examination, an annual  
 40 examination, related services including, but not  
 41 limited to, abnormal pap repeats, sexually transmitted  
 42 disease testing and treatment, and infection testing  
 43 and treatment or referral as indicated, and injectable  
 44 contraceptives. "Family planning programs" also  
 45 include family planning educational services which  
 46 include, but are not limited to, group or individual  
 47 discussions with clients informing clients of the  
 48 various types of birth control methods available and  
 49 where the various types of birth control might be  
 50 obtained."

Amendment H-5574 was adopted, placing out of order lines 16 and 17, page 1, of amendment H-5584, to the committee amendment H-5478, previously adopted.

The House stood at ease at 1:50 p.m., until the fall of the gavel.

The House resumed session at 2:24 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Jochum of Dubuque offered the following amendment H-5592, to the committee amendment H-5478, filed by her from the floor and moved its adoption:

H-5592

- 1 Amend the amendment, H-5478, to Senate File 2442,
- 2 as amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 6, by inserting after line 33 the

5 following:

6 "\_. The department shall work with counties and  
7 the department's contractor for managed mental health  
8 care under medical assistance, in developing a plan  
9 for community-based placements of those persons who  
10 could no longer be placed at a state institution due  
11 to a reduction of capacity at the institution. The  
12 plan should include provisions for development of  
13 adequate alternatives to institutional placements.  
14 The plan shall be submitted for review to the task  
15 force for restructuring the department of human  
16 services created in this Act and to the state-county  
17 management committee. Prior to any reduction of  
18 capacity at a state institution during the fiscal year  
19 beginning July 1, 1996, from the capacity which  
20 existed during the previous fiscal year, the state-  
21 county management committee must concur that adequate  
22 community-based placements have been developed to  
23 replace the capacity proposed to be reduced at the  
24 state institution."

25 2. By renumbering as necessary.

Amendment H-5592 was adopted.

Jochum of Dubuque offered the following amendment H-5581, to the committee amendment H-5478, filed by her from the floor and moved its adoption:

H-5581

1 Amend the amendment, H-5478, to Senate File 2442,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 6, by striking lines 34 through 36.

5 2. By renumbering as necessary.

Amendment H-5581 lost.

Witt of Black Hawk offered the following amendment H-5587, to the committee amendment H-5478, filed by him and Harrison from the floor and moved its adoption:

H-5587

1 Amend the amendment, H-5478, to Senate File 2442,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 6, by striking lines 37 through 39.

5 2. By renumbering as necessary.

Amendment H-5587 lost.

Jochum of Dubuque offered the following amendment H-5582, to the committee amendment H-5478, filed by Jochum, Kreiman and Holveck from the floor and moved its adoption:

H-5582

- 1 Amend the amendment, H-5478, to Senate File 2442,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 7, line 44, by striking the word "The".
- 5 2. Page 7, by striking lines 45 through 48.

Amendment H-5582 lost.

Murphy of Dubuque offered the following amendment H-5627, to the committee amendment H-5478, filed by him from the floor and moved its adoption:

H-5627

- 1 Amend the amendment, H-5478, to Senate File 2442,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 8, by inserting after line 29 the
- 5 following:
- 6 " Page 35, by inserting before line 10 the
- 7 following:
- 8 "4. The portion of this appropriation which is
- 9 attributable to reimbursement of legal services and
- 10 support through the office of the attorney general is
- 11 exempt from any reduction in the general
- 12 administration appropriation otherwise required under
- 13 this Act."

Amendment H-5627 lost.

The Speaker announced that with the adoption of amendment H-5584, to the committee amendment H-5478, amendment H-5588, to the committee amendment H-5478, filed by Witt and Holveck from the floor, was out of order.

Rants of Woodbury offered the following amendment H-5525, to the committee amendment H-5478, filed by him and moved its adoption:

H-5525

- 1 Amend the amendment, H-5478, to Senate File 2442,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 9, line 26, by striking the word
- 5 "federal".

Amendment H-5525 was adopted.

Cataldo of Polk asked and received unanimous consent to withdraw amendment H-5620, to the committee amendment H-5478, filed by Cataldo, Boddicker, Houser and Moreland from the floor.

Fallon of Polk offered the following amendment H-5593, to the committee amendment H-5478, filed by him from the floor and moved its adoption:

H-5593

- 1 Amend the amendment, H-5478, to Senate File 2442,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by inserting after line 5 the
- 5 following:
- 6 " Page 2, by inserting after line 29 the
- 7 following:
- 8 "3. Of the funds appropriated in this section,
- 9 \$10,000 is allocated to the community voice mail
- 10 program to continue the existing program.""
- 11 2. By renumbering as necessary.

Amendment H-5593 was adopted.

Fallon of Polk offered the following amendment H-5598, to the committee amendment H-5478, filed by him from the floor and moved its adoption:

H-5598

- 1 Amend the amendment, H-5478, to Senate File 2442,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 12, by striking the word
- 5 "persons" and inserting the following: "family
- 6 members".
- 7 2. Page 1, by inserting after line 35 the
- 8 following:
- 9 "e. Provision of \$5,000 per person covered under
- 10 the pilot project to the department of elder affairs
- 11 for inspection and appropriate oversight of the pilot
- 12 program.
- 13 f. Provision to delay the implementation of the
- 14 pilot program until 75 persons are enrolled to
- 15 participate in the pilot program.
- 16 g. A limitation that not more than one person may
- 17 be cared for by a family member under the pilot
- 18 program."

A non-record roll call was requested.

The ayes were 25, nays 50.

Amendment H-5598 lost.



Fallon of Polk offered the following amendment H-5594, to the committee amendment H-5478, filed by him from the floor and moved its adoption:

H-5594

1 Amend the amendment, H-5478, to Senate File 2442,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

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

6 " \_ a. The department of human services, in  
7 cooperation with the department of elder affairs,  
8 shall identify means of increasing coordination of the  
9 services available under the medical assistance and  
10 state supplementary assistance programs to provide a  
11 home living environment and necessary supportive  
12 services to persons currently residing in nursing  
13 facilities when in-home care and services can be  
14 demonstrated to require no additional state or federal  
15 expense.

16 b. The department of human services shall  
17 establish a pilot project in one or more areas of the  
18 state to evaluate the level of consumer response, cost  
19 effectiveness, and the administrative resources  
20 required to implement and expand the provisions of  
21 this subsection. The department of human services  
22 shall submit a report to the general assembly on or  
23 before January 1, 1997, regarding the findings,  
24 progress, and recommendations related to the  
25 provisions of this subsection."

26 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 34, nays 48.

Amendment H-5594 lost.

Salton of Palo Alto, offered the following amendment H-5560, previously deferred, to the committee amendment H-5478, filed by Salton, et. al., and moved its adoption:

H-5560

1 Amend the amendment, H-5478, to Senate File 2442,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking lines 6 through 39.

5 2. Page 10, by striking lines 30 through 33.

6 3. By renumbering as necessary.

Amendment H-5560 was adopted.

Brand of Benton offered amendment H-5585, previously deferred, to the committee amendment H-5478, filed by him from the floor and requested division as follows:

H-5585

- 1 Amend the amendment, H-5478, to Senate File 2442,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

H-5585A

- 4 1. Page 2, by inserting after line 14 the
- 5 following:
- 6 " Page 12, line 15, by striking the figure
- 7 "779,315" and inserting the following: "1,000,000".

H-5585B

- 8 2. Page 9, line 8, by inserting after the word
- 9 "administration." the following: "Of the funds
- 10 appropriated to the department of human services in
- 11 1995 Iowa Acts, chapter 205, section 24, and
- 12 encumbered under that section which remain unobligated
- 13 or unexpended on July 1, 1996, \$220,685 shall be
- 14 transferred to the appropriation in this Act for the
- 15 JOBS program and used for funding of the family
- 16 development and self-sufficiency grant program."
- 17 3. By renumbering as necessary.

Brand of Benton asked and received unanimous consent to withdraw amendment H-5585A, to the committee amendment H-5478.

On motion by Brand of Benton, amendment H-5585B, to the committee amendment H-5478, was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Dinkla of Guthrie, until his return, on request of Gipp of Winneshiek.

Houser of Pottawattamie moved the adoption of the committee amendment H-5478, as amended.

Roll call was requested by Schrader of Marion and Murphy of Dubuque.

On the question "Shall the committee amendment H-5478, as amended, be adopted?" (S.F. 2442)

The ayes were, 60:

Arnold  
Bradley

Blodgett  
Branstad

Boddicker  
Brauns

Boggess  
Brunkhorst

Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Van Maanen, Presiding

The nays were, 37:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

Absent or not voting, 3:

Greig	Lamberti	Welter
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The committee amendment H-5478, as amended, was adopted.

Witt of Black Hawk offered amendment H-5561 filed by Witt, et. al., as follows:

H-5561

- 1 Amend Senate File 2442, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking line 4, and inserting the
- 4 following:
- 5 "..... \$367,418,824"
- 6 2. Page 37, line 16, by inserting after the
- 7 letter "g." the following: "(1)".
- 8 3. Page 37, line 17, by inserting after the word
- 9 "for" the following: "administrative, room and board,
- 10 and property cost categories for".
- 11 4. Page 37, by inserting after line 28, the
- 12 following:
- 13 "(2) The basis for establishing the maximum

14 medical assistance reimbursement rate for the direct  
 15 health care cost category for nursing facilities shall  
 16 be the 90th percentile of facility costs as calculated  
 17 from the June 30, 1996, unaudited compilation of cost  
 18 and statistical data. However, to the extent funds  
 19 are available within the amount projected for  
 20 reimbursement of nursing facilities within the  
 21 appropriation for medical assistance in this Act, and  
 22 within the appropriation for medical assistance as a  
 23 whole, the department shall adjust the maximum medical  
 24 assistance reimbursement rate for the direct health  
 25 care cost category for nursing facilities to the 90th  
 26 percentile, as calculated on December 31, 1996,  
 27 unaudited compilation of cost and statistical data and  
 28 the adjustment shall take effect January 1, 1997,  
 29 under this subparagraph. Any increased reimbursement  
 30 rate for a facility shall not exceed an increase of  
 31 \$8.00 per day over the rates in effect for the  
 32 facility on June 30, 1996.

33 (3) Effective July 1, 1996, the nursing facility  
 34 incentive factor shall only be applicable to nursing  
 35 facilities which meet all of the following criteria:

- 36 (a) Offer health insurance coverage to all  
 37 employees of the nursing facility.  
 38 (b) Pay at least twenty-five percent of the  
 39 premium costs of the health insurance plan of a  
 40 participating employee."

Witt of Black Hawk offered the following amendment H-5619, to amendment H-5561, filed by him from the floor and moved its adoption:

H-5619

- 1 Amend the amendment, H-5561, to Senate File 2442,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, by striking lines 3 through 5.  
 5 2. Page 1, by striking lines 8 through 10.  
 6 3. Page 1, by striking lines 13 through 18 and  
 7 inserting the following:  
 8 "(2) Notwithstanding subparagraph (1), to the  
 9 extent funds".

Amendment H-5619 was adopted.

On motion by Witt of Black Hawk, amendment H-5561, as amended, was adopted.

Weigel of Chickasaw offered amendment H-5567 filed by him as follows:

H-5567

- 1 Amend Senate File 2442, as amended, passed, and  
 2 reprinted by the Senate, as follows:

- 3 1. Page 3, by striking line 4 and inserting the  
 4 following:  
 5 "..... \$355,350,000"

Weigel of Chickasaw offered the following amendment H-5595, to amendment H-5567, filed by him from the floor and moved its adoption:

H-5595

- 1 Amend the amendment, H-5567, to Senate File 2442,  
 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 6, by inserting after line 30 the  
 7 following:  
 8 "12. Of the funds appropriated in this section,  
 9 \$250,000 shall be transferred to the department of  
 10 elder affairs to be used for the case management  
 11 program."

Amendment H-5595 was adopted.

Weigel of Chickasaw moved the adoption of amendment H-5567, as amended.

A non-record roll call was requested.

The ayes were 30, nays 50.

Amendment H-5567, as amended, lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn and Siegrist of Pottawattamie, both until their return, on request of Gipp of Winneshiek.

Houser of Pottawattamie offered amendment H-5554 filed by him. Division was requested as follows:

H-5554

- 1 Amend Senate File 2442 as amended, passed, and  
 2 reprinted by the Senate, as follows:

H-5554A

- 3 1. Page 27, by striking lines 23 through 26.  
 4 2. Page 37, by inserting after line 28 the  
 5 following:  
 6 "\_. The department may modify the reimbursement  
 7 methodology for skilled nursing facilities which

H-5554A

8 participated in the medical assistance program on or  
 9 before May 31, 1993, and which met the departmental  
 10 disproportionate share payment provisions as of May  
 11 31, 1993, if it is possible to demonstrate that the  
 12 modification would result in a cost savings to the  
 13 medical assistance program."

H-5554B

14 3. Page 39, by striking lines 27 and 28 and  
 15 inserting the following:  
 16 "8. The department, in cooperation and in  
 17 consultation with the Iowa medical society, the Iowa  
 18 osteopathic medical association, and the Iowa  
 19 pharmacists association, may propose a pilot project  
 20 for an".

H-5554A

21 4. Page 43, by striking lines 19 through 21 and  
 22 inserting the following: "debt for the three months  
 23 preceding the earlier of the following:  
 24 a. The provision by the child support recovery  
 25 unit of the initial notice to the parent or guardian  
 26 of the amount of the support obligation.  
 27 b. The date that the written request for a court  
 28 hearing is received by the child support recovery unit  
 29 as provided in section 252C.3 or 252F.3."  
 30 5. By renumbering as necessary.

On motion by Houser of Pottawattamie, amendment H-5554A was adopted.

Murphy of Dubuque offered the following amendment H-5555 filed by him and moved its adoption:

H-5555

1 Amend Senate File 2442, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 33, by striking lines 26 and 27 and  
 4 inserting the following:  
 5 "..... \$ 39,051,000  
 6 ..... FTEs 2,052.00"

Amendment H-5555 lost.

Houser of Pottawattamie called up for consideration amendment H-5554B.

Osterhaus of Jackson offered the following amendment H-5599, to amendment H-5554B, filed by him from the floor and moved its adoption:

H-5599

- 1 Amend the amendment, H-5554, to Senate File 2442,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 19, by striking the word "may"
- 5 and inserting the following: "shall".

A non-record roll call was requested.

The ayes were 35, nays 51.

Amendment H-5599 lost.

On motion by Houser of Pottawattamie, amendment H-5554B was adopted.

Weigel of Chickasaw offered the following amendment H-5556 filed by him and Harper and moved its adoption:

H-5556

- 1 Amend Senate File 2442, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 40, by striking lines 13 through 18 and
- 4 inserting the following:
- 5 "11. The department shall negotiate with providers
- 6 of services under the department's medical assistance
- 7 rehabilitative treatment program for children and
- 8 families, to revise the department's rules providing
- 9 reimbursement rates under the program, including a
- 10 review of cost principles. The goals for the revision
- 11 are to simplify the reimbursement process, reduce
- 12 paperwork for providers, and provide full payment for
- 13 necessary services provided under contract with the
- 14 department. Prior to adoption of the rules and no
- 15 later than October 1, 1996, the department".
- 16 2. By renumbering as necessary.

Amendment H-5556 lost.

Kreiman of Davis offered the following amendment H-5548 filed by him and moved its adoption:

H-5548

- 1 Amend Senate File 2442 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 43, by striking lines 5 through 11.
- 4 2. By renumbering as necessary.

Amendment H-5548 was adopted.

Pursuant to House Rule 31.8, relating to the timely filing of amendments, amendment H-5583, filed by Jochum of Dubuque from the floor, was out of order.

Houser 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. 2442)

The ayes were, 60:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

The nays were, 37:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

Absent or not voting, 3:

Corbett, Spkr.	Grubbs	Siegrist
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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

Gipp of Winneshiek asked and received unanimous consent that Senate File 2442 be immediately messaged to the Senate.



## Regular Calendar

Senate File 2140, a bill for an act increasing the speed limit on certain highways, requiring a report on safety in construction zones, and providing an effective date, was taken up for consideration.

The following amendments, to amendment H-5372 previously withdrawn, on page 936 of the House Journal, were out of order:

H-5517 filed by Blodgett of Cerro Gordo on March 21, 1996.

H-5545 filed by Kremer of Buchanan on March 25, 1996.

H-5552 filed by Schrader of Marion on March 25, 1996.

H-5590 filed by McCoy of Polk from the floor.

Rants of Woodbury offered amendment H-5485 filed by him as follows:

H-5485

1 Amend Senate File 2140, 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 321.210, subsection 2,  
6 paragraph d, Code 1995, is amended to read as follows:  
7 d. The first two speeding violations within any  
8 twelve-month period of ten miles per hour or less over  
9 the legal speed limit in speed zones having a legal  
10 speed limit ~~between thirty-four equal to or greater~~  
11 ~~than thirty-five miles per hour and fifty-six miles~~  
12 ~~per-hour.~~  
13 Sec. 2. Section 321.285, subsection 6, unnumbered  
14 paragraph 1, Code 1995, is amended to read as follows:  
15 Notwithstanding any other speed restrictions, the  
16 speed limit for ~~all vehicular traffic on fully~~  
17 ~~controlled-access, divided, multilaned highways~~  
18 ~~including the national system of interstate highways~~  
19 ~~designated by the federal highway administration and~~  
20 ~~this state (23 U.S.C. § 103 (e)) is sixty-five miles~~  
21 ~~per hour. The speed limit for vehicular traffic on~~  
22 ~~the national system of interstate highways and on~~  
23 ~~fully controlled-access, divided, multilaned highways~~  
24 ~~is seventy miles per hour.~~ However, the department or  
25 ~~cities political subdivisions~~ with the approval of the  
26 department may establish a lower speed limit ~~upon such~~  
27 ~~for~~ highways located within the ~~corporate limits of a~~  
28 ~~city jurisdiction of the political subdivision.~~ For  
29 the purposes of this subsection, a fully controlled-  
30 access highway is a highway that gives preference to  
31 through traffic by providing access connections with  
32 selected public roads only and by prohibiting

33 crossings at grade or direct private driveway  
34 connections. A minimum speed of forty miles per hour,  
35 road conditions permitting, is established on the  
36 highways referred to in this subsection.  
37 Sec. 3. Section 321A.3, subsection 4, Code 1995,  
38 is amended to read as follows:  
39 4. The abstract of operating record provided under  
40 this section shall designate which speeding violations  
41 occurring on or after July 1, 1986, but before May 12,  
42 1987, are for violations of ten miles per hour or less  
43 over the legal speed limit in speed zones that have a  
44 legal speed limit greater than thirty-five miles per  
45 hour. For speeding violations occurring on or after  
46 May 12, 1987, the abstract provided under this section  
47 shall designate which speeding violations are for ten  
48 miles per hour or less over the legal speed limit in  
49 speed zones that have a legal speed limit equal to or  
50 greater than thirty-five miles per hour but not

Page 2

1 greater than fifty-five miles per hour.  
2 Sec. 4. Section 516B.3, subsection 1, Code 1995,  
3 is amended to read as follows:  
4 1. The commissioner shall require that insurance  
5 companies transacting business in this state not  
6 consider speeding violations occurring on or after  
7 July 1, 1986, but before May 12, 1987, which are for  
8 speeding violations for ten miles per hour or less  
9 over the legal speed limit in speed zones that have a  
10 legal speed limit greater than thirty-five miles per  
11 hour or speeding violations occurring on or after May  
12 12, 1987, which are for speeding violations for ten  
13 miles per hour or less over the legal speed limit in  
14 speed zones that have a legal speed limit equal to or  
15 greater than thirty-five miles per hour but not  
16 greater than fifty-five miles per hour for the purpose  
17 of establishing rates for motor vehicle insurance  
18 charged by the insurer and shall require that  
19 insurance companies not cancel or refuse to renew any  
20 such policy for such violations. In any twelve-month  
21 period, this section applies only to the first two  
22 such violations which occur.  
23 Sec. 5. CONSTRUCTION AREA SAFETY STUDY. The state  
24 department of transportation and the department of  
25 public safety shall study and prepare a joint report  
26 relating to vehicle speed management, enhanced speed  
27 limit enforcement, and work zone safety in  
28 construction areas. The departments shall confer with  
29 representatives of the private sector construction  
30 industry to develop guidelines to promote motorist and  
31 construction worker safety. The departments shall  
32 file the joint report with the general assembly by  
33 January 1, 1997.

34 Sec. 6. EFFECTIVE DATE. This Act, being deemed of  
35 immediate importance, takes effect upon enactment.”  
36 2. Title page, by striking line 1 and inserting  
37 the following: “An Act relating to speed limits, by  
38 increasing the speed limit on certain highways,  
39 relating to speeding violations and license suspension  
40 and motor vehicle liability coverage, requiring”.

Renken of Grundy in the chair at 4:56 p.m.

McCoy of Polk offered the following amendment H-5591, to amend-  
ment H-5485, filed by him from the floor and moved its adoption:

H-5591

1 Amend the amendment, H-5485, to Senate File 2140,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 21, by inserting after the word  
5 “traffic” the following: “, other than motor  
6 trucks,”  
7 2. Page 1, line 24, by inserting after the word  
8 “hour” the following: “and the speed limit for motor  
9 trucks is sixty-five miles per hour”.

Amendment H-5591 adopted.

Blodgett of Cerro Gordo offered the following amendment H-5516,  
to amendment H-5485, filed by him and moved its adoption:

H-5516

1 Amend the amendment, H-5485, to Senate File 2140,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by inserting after line 36 the  
5 following:  
6 “Sec. \_\_\_\_ Section 321.299, Code 1995, is amended  
7 by adding the following new unnumbered paragraph:  
8 NEW UNNUMBERED PARAGRAPH. A vehicle shall not  
9 operate in the farthest lane to the left on a rural  
10 multilaned highway unless the vehicle is overtaking or  
11 passing another vehicle in accordance with this  
12 section or unless the vehicle is not impeding  
13 traffic.”  
14 2. Page 2, line 38, by inserting after the word  
15 “highways,” the following: “delineating passing  
16 violations.”  
17 3. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 26, nays 38.

Amendment H-5516 lost.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H-5546, to amendment H-5485, filed by him on March 25, 1996.

Schrader of Marion asked and received unanimous consent to withdraw amendment H-5551, to amendment H-5485, filed by him on March 25, 1996.

Speaker Corbett in the chair at 5:25 p.m.

Rants of Woodbury, moved the adoption of amendment H-5485, as amended.

Roll call was requested by Shoultz of Black Hawk and Koenigs of Mitchell.

Rule 75 was invoked.

On the question "Shall amendment H-5485, as amended, be adopted?" (S.F. 2140)

The ayes were, 52:

Baker	Blodgett	Boddicker	Bradley
Brauns	Brunkhorst	Cataldo	Churchill
Cohoon	Coon	Cormack	Disney
Ertl	Garman	Gipp	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Houser	Jacobs	Klemme
Lamberti	Larkin	Larson	Main
Martin	May	McCoy	Meyer
Millage	Moreland	Murphy	Nutt
Ollie	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Taylor
Teig	Thomson	Van Fossen	Van Maanen
Weigel	Welter	Wise	Mr. Speaker Corbett

The nays were, 48:

Arnold	Bell	Bernau	Bogges
Brammer	Brand	Branstad	Burnett
Carrroll	Connors	Daggett	Dinkla
Doderer	Drake	Drees	Eddie
Fallon	Greig	Greiner	Grundberg
Harper	Harrison	Heaton	Holveck
Hurley	Huseman	Jochum	Koenigs
Kreiman	Kremer	Lord	Mascher
Mertz	Metcalf	Mundie	Myers
Nelson, B.	Nelson, L.	O'Brien	Osterhaus
Schrader	Shoultz	Tyrrell	Vande Hoef
Veenstra	Warnstadt	Weidman	Witt

Absent or not voting, none.

Amendment H-5485, as amended was adopted, placing the following amendments out of order.

H-5367 filed by Rants of Woodbury on March 12, 1996.  
 H-5369 filed by Rants of Woodbury on March 12, 1996.  
 H-5371 filed by Heaton of Henry, et. al., on March 12, 1996.  
 H-5376 filed by Mundie of Webster on March 13, 1996.  
 H-5505 filed by Blodgett of Cerro Gordo on March 20, 1996.  
 H-5553 filed by Schrader of Marion on March 25, 1996.

Rants of Woodbury 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. 2140)

The ayes were, 57:

Baker	Blodgett	Boddicker	Bradley
Brauns	Brunkhorst	Cataldo	Churchill
Cohoon	Coon	Cormack	Disney
Drees	Ertl	Garman	Gipp
Greig	Gries	Grubbs	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Houser	Jacobs	Klemme	Lamberti
Larkin	Larson	Main	Martin
May	McCoy	Meyer	Millage
Moreland	Mundie	Murphy	Nutt
Ollie	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Taylor
Teig	Thomson	Van Fossen	Van Maanen
Veenstra	Weigel	Welter	Wise
Mr. Speaker Corbett			

The nays were, 42:

Arnold	Bell	Bernau	Bogges
Brammer	Brand	Branstad	Burnett
Carroll	Connors	Daggett	Dinkla
Doderer	Drake	Eddie	Fallon
Greiner	Grundberg	Harper	Heaton
Holveck	Hurley	Huseman	Jochum
Koenigs	Kreiman	Kremer	Lord
Mascher	Mertz	Metcalf	Myers
Nelson, B.	Nelson, L.	O'Brien	Osterhaus
Schrader	Shoultz	Tyrrell	Warnstadt
Weidman	Witt		

Absent or not voting, 1:

Vande Hoef

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

### IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that **Senate File 2140** 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 26, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 455, a bill for an act relating to the filing of complaints with the board of educational examiners.

Also: That the Senate has on March 26, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2001, a bill for an act extending an exemption from federal motor carrier safety regulations for medically unqualified drivers and providing an effective date.

Also: That the Senate has on March 26, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2036, a bill for an act relating to certain telephone companies and permitting their reorganization as cooperative associations.

Also: That the Senate has on March 26, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2081, a bill for an act relating to legalizing official acts performed by notaries public more than ten years earlier.

Also: That the Senate has on March 26, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2177, a bill for an act relating to the exclusion of century farms from economic development areas for purposes of urban renewal and providing for the Act's applicability.

Also: That the Senate has on March 26, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2229, a bill for an act relating to unemployment insurance benefits by providing for employer contributions and liability for benefits regarding successor employers.

Also: That the Senate has on March 26, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2316, a bill for an act relating to sex offenses, including enticing away a child and sentences for persons convicted of sexually predatory offenses.

Also: That the Senate has on March 26, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2324, a bill for an act relating to state employee disclosures of information and making penalties applicable and providing an effective date.

Also: That the Senate has on March 26, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2397, a bill for an act relating to linked investments and establishing an effective date.

Also: That the Senate has on March 26, 1996, 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 legal publications and related products prepared and distributed under the authority of the general assembly.

Also: That the Senate has on March 26, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2456, a bill for an act relating to the rights of victims of criminal acts.

Also: That the Senate has on March 26, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2462, a bill for an act relating to public access to motor vehicle records and providing a conditional repeal and an effective date.

Also: That the Senate has on March 26, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 73, a bill for an act requiring licensure of certain social workers, providing an effective date, imposing fees, and making penalties applicable.

Also: That the Senate has on March 26, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2035, a bill for an act relating to the control and eradication of ecologically harmful exotic species and Eurasian milfoil and establishing a penalty.

JOHN F. DWYER, Secretary

## EXPLANATIONS OF VOTE

I was temporarily absent from the House chamber on Tuesday, March 26, 1996. Had I been present, I would have voted "aye" on amendment H—5559, to the committee amendment H—5478, to Senate File 2442.

HARRISON of Scott

I was necessarily absent from the House chamber on Monday, March 25, 1996. Had I been present, I would have voted "aye" on Senate File 2423.

SUKUP of Franklin

**BILL 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 bill 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 Twenty-sixth day of March, 1996: House File 2225.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

Report adopted.

**BILL SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 20, 1996, he approved and transmitted to the Secretary of State the following bill:

House File 2247, an act relating to permissible fees and commission to be paid to certified public accountants and accounting practitioners.

**PRESENTATION OF VISITORS**

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

Boy Scout Troop from Trinity Lutheran Church, Mason City, accompanied by Jim Shinn, Steve Meyer and Lynn O'Leary. By Blodgett of Cerro Gordo.

Fifty-five fifth grade students from Stowe Elementary, Des Moines, accompanied by Jennifer Hayes, Odessa Peake, Ms. Crawford and Karen Radke. By Connors of Polk.

Seventy-five fourth grade students from Terrace Elementary, Ankeny, accompanied by Judy Gronemeyer, Barb Reiff and Marcia Neighbour. By Lamberti of Polk.

Thirteen seventh grade students from Blakesburg and Eddyville Community School, Blakesburg, accompanied by Maura Young. By Van Maanen of Marion, Greiner of Washington, Moreland of Wapello and Kreiman of Davis.

**CERTIFICATES OF RECOGNITION**

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House



- 1996\337 Vey and Warren Nelson, Davenport – For celebrating their Fiftieth wedding anniversary.
- 1996\338 Edna and Harold Stillwell, Davenport – For celebrating their Fiftieth wedding anniversary.
- 1996\339 Nola Nelson, Davenport – For celebrating her Ninety-second birthday.
- 1996\340 Ola Grubbs, Davenport – For celebrating her Ninety-second birthday.
- 1996\341 Velma Piersall, Davenport – For celebrating her Ninetieth birthday.
- 1996\342 Lillian Rochau, Davenport – For celebrating her Ninety-fifth birthday.
- 1996\343 Sandra Lake-Bullock, Davenport – For receiving a Women's Encouragement Board Leader Award.
- 1996\344 Molony Family, Bernard – For winning the Iowa Pioneer Family Farm Contest for having the longest farm owned by a single family established in 1840, Crop Reporting District 3.
- 1996\345 Jean and Raymond Baker, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\346 Nellie and J.V. Swanson, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\347 Mary and William Hall, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\348 Marjorie and George Yochum, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\349 Mary Husske, Ft. Dodge – For celebrating her Ninetieth birthday.
- 1996\350 Leona McCaulley, Lake City – For celebrating her Ninetieth birthday.
- 1996\351 Pearl Hoshaw, Stratford – For celebrating her Eighty-seventh birthday.
- 1996\352 John McCurdy, Cumberland – For placing 3rd in the National Global Challenge.
- 1996\353 Highland Happy Hustlers 4-H Club, Ruthven – For their contribution to the Iowa 4-H Foundation's Capitol campaign.
- 1996\354 Emily Zimmer, Vinton-Shellsburg High School – For being selected for the 1996 Large Groups and Individual All-State Speech Festival.

- 1996\355 Monica Huelman, Vinton-Shellsburg High School – For being named to the 1996 Class 3A Girls Basketball First Team.
- 1996\356 Andrea Robertson, Vinton-Shellsburg High School – For being named to the 1996 Class 3A Girls Basketball First Team.
- 1996\357 Chad Wunderlich, Newton– For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\358 Kevin Riley, Newton– For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\359 Joel Garretson, Salem – For winning the Iowa Pioneer Family Farm Contest for having the longest settled farm by a single family established in 1837.
- 1996\360 Dale Cammack, Salem – For winning the Iowa Pioneer Family Farm Contest for the family farm established in 1838.
- 1996\361 Lottie Peterson, Missouri Valley – For celebrating her Eightieth birthday.
- 1996\362 Gwen and Harold Porter, Modale – For celebrating their Fiftieth wedding anniversary.
- 1996\363 Eileen and Joe Schraeder, Woodbine – For celebrating their Fiftieth wedding anniversary.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 2485

Appropriations: Houser, Chair; Brand and Grundberg.

##### Senate File 2322

Appropriations: Millage, Chair; Grundberg and Ollie.

#### 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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

#### COMMITTEE ON ECONOMIC DEVELOPMENT

**Senate File 2351**, a bill for an act relating to department of economic development programs, including the workforce development fund program and the Iowa small business new jobs training Act, providing a supplemental new jobs credit from withholding, establishing a rural microbusiness assistance program, increasing the funds available for the value-added agricultural products and processes program, making an annual allocation from an appropriation, and establishing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5602 March 21, 1996.

**Pursuant to Rule 31.7, Senate File 2351 was referred to the committee on ways and means.**

**Senate File 2409**, a bill for an act relating to workforce development by establishing a workforce development department, by eliminating the department of employment services, and including workforce development programs in the new department, by providing for state privatization contracts, and by establishing a workforce development board and regional advisory boards.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—5600 March 21, 1996.

### RESOLUTION FILED

**SCR 112**, by Hansen, a concurrent resolution supporting the 185th Fighter Wing of the Air National Guard of Iowa in its peacekeeping patrols in the United Nations "No-Fly Zone" over Iraq.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—5575	H.F.	2472	Senate Amendment
H—5589	H.F.	2416	Senate Amendment
H—5600	S.F.	2409	Committee on Economic Development
H—5601	H.F.	334	Senate Amendment
H—5602	S.F.	2351	Committee on Economic Development
H—5603	H.F.	2298	Grundberg of Polk
H—5604	H.F.	2298	Halvorson of Clayton
H—5605	S.F.	2208	Kreiman of Davis
H—5606	S.F.	2208	Kreiman of Davis
H—5607	S.F.	2215	Brunkhorst of Bremer
H—5608	S.F.	2265	Kreiman of Davis
H—5609	S.F.	2300	Greiner of Washington
H—5610	S.F.	2366	Gipp of Winneshiek
H—5611	S.F.	2406	Kreiman of Davis Grubbs of Scott
H—5612	S.F.	2409	Nelson of Marshall
H—5613	S.F.	2446	Greiner of Washington
H—5614	S.F.	2446	Mertz of Kossuth Mundie of Webster
			Koenigs of Mitchell May of Worth

H—5615	S.F.	2446	Mertz of Kossuth
			Wise of Lee
			Brammer of Linn
			Bell of Jasper
			Moreland of Wapello
H—5616	S.F.	2446	Fallon of Polk
H—5617	S.F.	2446	Shoultz of Black Hawk
H—5618	S.F.	2446	Shoultz of Black Hawk
H—5621	H.F.	2370	Senate Amendment
H—5622	H.F.	2298	Jacobs of Polk
			Carroll of Poweshiek
			Halvorson of Clayton
H—5623	S.F.	2448	Kremer of Buchanan
H—5624	H.F.	2481	Warnstadt of Woodbury
H—5625	S.F.	2448	Nelson of Marshall
H—5626	S.F.	2448	Kremer of Buchanan
			Garman of Story
			Mundie of Webster
H—5628	S.F.	2446	Koenigs of Mitchell
H—5629	S.F.	2446	Weigel of Chickasaw
H—5630	S.F.	2449	Fallon of Polk
H—5631	S.F.	2446	Weigel of Chickasaw
H—5632	S.F.	2446	Greig of Emmet
H—5633	S.F.	2449	Shoultz of Black Hawk
			Ollie of Clinton
H—5634	S.F.	2446	Witt of Black Hawk
			Salton of Palo Alto
H—5635	S.F.	2448	Eddie of Buena Vista
			Mertz of Kossuth
H—5636	S.F.	259	Bradley of Clinton
			Tyrrell of Iowa
			Cataldo of Polk
H—5637	S.F.	2446	Koenigs of Mitchell
			Weigel of Chickasaw
			Osterhaus of Jackson
			Holveck of Polk
			Witt of Black Hawk
			Burnett of Story
			Nelson of Pottawattamie
			Harper of Black Hawk
			Larkin of Lee
			Doderer of Johnson
			McCoy of Polk

	Warnstadt of Woodbury		Murphy of Dubuque
	Taylor of Linn		Brand of Benton
	Ollie of Clinton		Kreiman of Davis
	Schrader of Marion		Myers of Johnson
H—5638	H.F.	2304	Brauns of Muscatine
H—5639	S.F.	454	Martin of Scott
	Daggett of Union		Ertl of Dubuque
	Blodgett of Cerro Gordo		
H—5640	S.F.	2446	Hahn of Muscatine
H—5641	S.F.	2449	Shoultz of Black Hawk
H—5642	S.F.	2012	Jacobs of Polk
H—5643	S.F.	2012	Moreland of Wapello
H—5644	H.F.	2407	Senate Amendment
H—5645	H.F.	2324	Senate Amendment
H—5646	H.F.	2316	Senate Amendment
H—5647	H.F.	2229	Senate Amendment
H—5648	S.F.	2446	Hahn of Muscatine
H—5649	H.F.	2456	Senate Amendment
H—5650	H.F.	2462	Senate Amendment
H—5651	S.F.	259	Grundberg of Polk
H—5652	S.F.	2449	Wise of Lee
H—5653	S.F.	2449	Bernau of Story
	Witt of Black Hawk		Weigel of Chickasaw
	Doderer of Johnson		Warnstadt of Woodbury
	McCoy of Polk		Burnett of Story
	Bell of Jasper		Mascher of Johnson
	Kreiman of Davis		Harper of Black Hawk
	Brand of Benton		Ollie of Clinton
	Cohoon of Des Moines		Brammer of Linn
	O'Brien of Boone		Fallon of Polk
	Moreland of Wapello		Cataldo of Polk
	Baker of Polk		Osterhaus of Jackson
	Shoultz of Black Hawk		Jochum of Dubuque
	Taylor of Linn		Schrader of Marion
	Larkin of Lee		Mertz of Kossuth
	Mundie of Webster		Nelson of Pottawattamie
	Drees of Carroll		Koenigs of Mitchell
	Murphy of Dubuque		Myers of Johnson
	Connors of Polk		
H—5654	S.F.	2446	Witt of Black Hawk
			Koenigs of Mitchell

On motion by Siegrist of Pottawattamie, the House adjourned at 6:30 p.m., until 8:45 a.m., Wednesday, March 27, 1996.

# JOURNAL OF THE HOUSE

Eightieth Calendar Day – Fifty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 27, 1996

The House met pursuant to adjournment at 8:53 a.m., Speaker Corbett in the chair.

Prayer was offered by Imam Farooq Abo-Elzahab, Islamic Center, Cedar Rapids.

The Journal of Tuesday, March 26, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnold of Lucas and Dinkla of Guthrie, both until their arrival, on request of Siegrist of Pottawattamie; Baker of Polk, until his arrival, on request of Schrader of Marion.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 2122**, a bill for an act relating to unclaimed property held by the state, fraudulent practices to obtain the property, and establishing a penalty, with report of committee recommending passage, was taken up for consideration.

Bradley 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. 2122)

The ayes were, 95:

Bell	Bernau	Blodgett	Boddicker
Boguess	Bradley	Brand	Branstad
Brauns	Brunckhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Huseman
Jacobs	Jochum	Klemme	Koenigs

Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker Corbett	

The nays were, none.

Absent or not voting, 5:

Arnold	Baker	Brammer	Hurley
McCoy			

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

**Senate File 2013**, a bill for an act requiring the licensure of respiratory care therapists and creating a board for respiratory care practitioners, with report of committee recommending passage, was taken up for consideration.

Thomson 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. 2013)

The ayes were 80:

Bell	Bernau	Blodgett	Boddicker
Bogges	Bradley	Brammer	Brand
Brauns	Burnett	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammit Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Huseman	Jacobs	Jochum
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Main	Martin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie

Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Veenstra	Warnstadt
Weidman	Weigel	Wise	Mr. Speaker Corbett

The nays were, 16:

Branstad	Brunkhorst	Carroll	Fallon
Garman	Grundberg	Klemme	Larson
Lord	Metcalf	Meyer	Millage
Shoultz	Vande Hoef	Welter	Witt

Absent or not voting, 4:

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

**Senate File 2127**, a bill for an act relating to the confidentiality of social security numbers of the owners of unclaimed property, with report of committee recommending passage, was taken up for consideration.

Bradley 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. 2127)

The ayes were, 96:

Bell	Bernau	Blodgett	Boddicker
Bogges	Bradley	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drees
Eddie	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland



Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Arnold	Baker	Drake	Ertl
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2013, 2122, 2127.**

#### HOUSE FILE 2174 WITHDRAWN

Bradley of Clinton asked and received unanimous consent to withdraw House File 2174 from further consideration by the House.

**Senate File 2235**, a bill for an act relating to the use of alternative licensing for nursing facilities and providing for a contingent effective date, with report of committee recommending passage, was taken up for consideration.

Murphy of Dubuque asked and received unanimous consent to withdraw amendment H-5503 filed by him on March 20, 1996.

Martin 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. 2235)

The ayes were, 95:

Bell	Bernau	Blodgett	Boddicker
Bogess	Bradley	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett

Dinkla	Disney	Doderer	Drake
Drees	Eddie	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 2:

Millage                      Schulte

Absent or not voting, 3:

Arnold                      Baker                      Ertl

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

Cataldo of Polk in the chair at 9:27 a.m.

**Senate File 2062**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates, with report of committee recommending amendment and passage, was taken up for consideration.

Nutt of Woodbury offered the following amendment H-5496 filed by the committee on judiciary and moved its adoption:

H-5496

- 1 Amend Senate File 2062, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by inserting after line 14 the
- 4 following:

5 "Sec. \_\_\_\_ Section 85.36, subsection 9, paragraph  
6 a, Code Supplement 1995, is amended to read as  
7 follows:

8 a. In computing the compensation to be allowed a  
9 volunteer fire fighter, emergency medical care  
10 provider, reserve peace officer, volunteer ambulance  
11 driver, volunteer emergency rescue technician as  
12 defined in section 147A.1, or emergency medical  
13 technician trainee, the earnings as a fire fighter,  
14 emergency medical care provider, reserve peace  
15 officer, volunteer ambulance driver, volunteer  
16 emergency rescue technician, or emergency medical  
17 technician trainee shall be disregarded and the  
18 volunteer fire fighter, emergency medical care  
19 provider, reserve peace officer, volunteer ambulance  
20 driver, volunteer emergency rescue technician, or  
21 emergency medical technician trainee shall be paid an  
22 amount equal to the compensation the volunteer fire  
23 fighter, emergency medical care provider, reserve  
24 peace officer, volunteer ambulance driver, volunteer  
25 emergency rescue technician, or emergency medical  
26 technician trainee would be paid if injured in the  
27 normal course of the volunteer fire fighter's,  
28 emergency medical care provider's, reserve peace  
29 officer's, volunteer ambulance driver's, volunteer  
30 emergency rescue technician's, or emergency medical  
31 technician trainee's regular employment or an amount  
32 equal to one hundred and forty percent of the  
33 statewide average weekly wage, whichever is greater.

34 Sec. \_\_\_\_ Section 85.61, subsection 2, Code  
35 Supplement 1995, is amended to read as follows:

36 2. "Employer" includes and applies to a person,  
37 firm, association, or corporation, state, county,  
38 municipal corporation, school corporation, area  
39 education agency, township as an employer of volunteer  
40 fire fighters, volunteer emergency rescue technicians,  
41 and emergency medical care providers only, benefited  
42 fire district, and the legal representatives of a  
43 deceased employer. "Employer" includes and applies to  
44 a rehabilitation facility approved for purchase-of-  
45 service contracts or for referrals by the department  
46 of human services or the department of education.

47 Sec. \_\_\_\_ Section 85.61, subsection 7, unnumbered  
48 paragraph 3, Code Supplement 1995, is amended to read  
49 as follows:

50 Personal injuries sustained by volunteer emergency

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1 rescue technicians or emergency medical care providers  
2 as defined in section 147A.1 arise in the course of  
3 employment if the injuries are sustained at any time  
4 from the time the volunteer emergency rescue  
5 technicians or emergency medical care providers are

6 summoned to duty until the time those duties have been  
7 fully discharged.

8 Sec. \_\_\_\_ Section 85.61, subsection 11, unnumbered  
9 paragraph 3, Code Supplement 1995, is amended to read  
10 as follows:

11 "Worker" or "employee" includes an emergency  
12 medical care provider as defined in section 147A.1, a  
13 volunteer emergency rescue technician as defined in  
14 section 147A.1, a volunteer ambulance driver, or an  
15 emergency medical technician trainee, only if an  
16 agreement is reached between such worker or employee  
17 and the employer for whom the volunteer services are  
18 provided that workers' compensation coverage under  
19 chapters 85, 85A, and 85B is to be provided by the  
20 employer. An emergency medical care provider or  
21 volunteer emergency rescue technician who is a worker  
22 or employee under this paragraph is not a casual  
23 employee. "Volunteer ambulance driver" means a person  
24 performing services as a volunteer ambulance driver at  
25 the request of the person in charge of a fire  
26 department or ambulance service of a municipality.  
27 "Emergency medical technician trainee" means a person  
28 enrolled in and training for emergency medical  
29 technician certification."

30 2. Page 8, by inserting after line 12 the  
31 following:

32 "Sec. \_\_\_\_ Section 707A.1, subsection 1, as  
33 enacted by 1996 Iowa Acts, Senate File 2066, section  
34 1, is amended to read as follows:

35 1. "Licensed health care professional" means a  
36 physician and surgeon, ~~pediatrist~~ podiatric physician,  
37 osteopath, osteopathic physician and surgeon,  
38 physician assistant, nurse, dentist, or pharmacist  
39 required to be licensed under chapter 147."

40 3. Page 9, line 10, by inserting before the word  
41 "Section" the following: "1."

42 4. Page 9, by inserting after line 12 the  
43 following:

44 "2. The sections of this Act which amend section  
45 85.36, subsection 9, paragraph "a", and section 85.61,  
46 subsection 2, subsection 7, unnumbered paragraph 3,  
47 and subsection 11, unnumbered paragraph 3, being  
48 deemed of immediate importance, take effect upon  
49 enactment and apply retroactively to July 1, 1995."

50 5. By renumbering and correcting internal

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1 references as necessary.

The committee amendment H-5496 was adopted.

Nutt of Woodbury 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. 2062)

The ayes were, 95:

Bell	Bernau	Blodgett	Boddicker
Boguess	Bradley	Brammer	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Churchill	Cohoon	Connors
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammit Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Cataldo, Presiding	

The nays were, 3:

Doderer	Grundberg	Martin
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Absent or not voting, 2:

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

**Senate File 2282**, a bill for an act relating to the requirement of notifying a consumer of a change in the terms of an open-end credit agreement, with report of committee recommending passage, was taken up for consideration.

Van Fossen 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. 2282)

The ayes were, 95:

Bell	Bernau	Blodgett	Boddicker
Bogges	Bradley	Brammer	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Ertl	Fallon	Garman	Gipp
Greig	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Cataldo, Presiding	

The nays were, none.

Absent or not voting, 5:

Arnold	Baker	Brand	Eddie
Greiner			

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 2449**, a bill for an act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations and their shareholders; increasing inheritance tax exemptions for certain relatives; increasing the amount of the appropriations for homestead credit, military service credit, and low-income credit and reimbursement claims; providing income tax credits for investing in a qualified venture capital company; establishing

incentives for family farm animal feeding operations and making an appropriation; adjusting the funding for the family farm and agricultural land tax credits; establishing a study of the property tax system as the sole or major source of local funding and of alternate sources of funding for school, city, and county services, the repayment of bonds or other debt obligations, and capital improvements; and providing effective and applicability date provisions, with report of committee recommending passage, was taken up for consideration.

The House stood at ease at 9:47 a.m., until the fall of the gavel.

The House resumed session at 10:58 a.m., Speaker Corbett in the chair.

Halvorson of Clayton offered amendment H-5523 filed by him as follows:

H-5523

- 1 Amend Senate File 2449, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "DIVISION I
- 6 INCOME TAX INDEXATION
- 7 Section 1. Section 422.4, subsection 1, paragraphs
- 8 a and d, Code 1995, are amended to read as follows:
- 9 a. "Annual inflation factor" means an index,
- 10 expressed as a percentage, determined by the
- 11 department by October 15 of the calendar year
- 12 preceding the calendar year for which the factor is
- 13 determined, which reflects the purchasing power of the
- 14 dollar as a result of inflation during the fiscal year
- 15 ending in the calendar year preceding the calendar
- 16 year for which the factor is determined. In
- 17 determining the annual inflation factor, the
- 18 department shall use the annual percent change, but
- 19 not less than zero percent, in the ~~implicit price~~
- 20 ~~deflator for the gross national product gross domestic~~
- 21 ~~product price deflator~~ computed for the second quarter
- 22 of the calendar year by the bureau of economic
- 23 analysis of the United States department of commerce
- 24 and shall add ~~one-half~~ all of that percent change to
- 25 one hundred percent. The annual inflation factor and
- 26 the cumulative inflation factor shall each be
- 27 expressed as a percentage rounded to the nearest one-
- 28 tenth of one percent. The annual inflation factor
- 29 shall not be less than one hundred percent.
- 30 d. Notwithstanding the computation of the annual
- 31 inflation factor under paragraph "a", the annual
- 32 inflation factor is one hundred percent for any

33 calendar year in which the unobligated state general  
 34 fund balance on June 30 as certified by the director  
 35 of the department of management by October 10, is less  
 36 than sixty million dollars. Notwithstanding section  
 37 8.58, in determining the unobligated state general  
 38 fund balance on June 30, unobligated moneys in the  
 39 cash reserve fund and Iowa economic emergency fund on  
 40 June 30 shall be counted as part of the unobligated  
 41 state general fund balance for purposes of this  
 42 paragraph.

43 Sec. 2. Section 422.4, subsection 2, paragraph a,  
 44 Code 1995, is amended to read as follows:

45 a. "Annual standard deduction factor" means an  
 46 index, expressed as a percentage, determined by the  
 47 department by October 15 of the calendar year  
 48 preceding the calendar year for which the factor is  
 49 determined, which reflects the purchasing power of the  
 50 dollar as a result of inflation during the fiscal year

## Page 2

1 ending in the calendar year preceding the calendar  
 2 year for which the factor is determined. In  
 3 determining the annual standard deduction factor, the  
 4 department shall use the annual percent change, but  
 5 not less than zero percent, in the ~~implicit price~~  
 6 ~~deflator for the gross national product~~ gross domestic  
 7 product price deflator computed for the second quarter  
 8 of the calendar year by the bureau of economic  
 9 analysis of the United States department of commerce  
 10 and shall add ~~one-half~~ all of that percent change to  
 11 one hundred percent. The annual standard deduction  
 12 factor and the cumulative standard deduction factor  
 13 shall each be expressed as a percentage rounded to the  
 14 nearest one-tenth of one percent. The annual standard  
 15 deduction factor shall not be less than one hundred  
 16 percent.

17 Sec. 3. This division of this Act, being deemed of  
 18 immediate importance, takes effect upon enactment and  
 19 applies to the computation of the annual inflation  
 20 factor and annual standard deduction factor for  
 21 calendar years beginning on or after January 1, 1996.  
 22 The department of revenue and finance shall adjust the  
 23 annual inflation factor and annual standard deduction  
 24 factor previously computed for the 1996 calendar year  
 25 to reflect the change made in the computation of those  
 26 factors in this Act.

### DIVISION II

#### INHERITANCE TAXATION

29 Sec. 4. Section 450.7, subsection 1, unnumbered  
 30 paragraph 1, Code Supplement 1995, is amended to read  
 31 as follows:

32 Except for the share of the estate passing to the



33 surviving spouse, father or mother, each son and  
34 daughter, including legally adopted sons and daughters  
35 or biological sons and daughters, stepchildren, and  
36 grandchildren, the tax is a charge against and a lien  
37 upon the estate subject to tax under this chapter, and  
38 all property of the estate or owned by the decedent  
39 from the death of the decedent until paid, subject to  
40 the following limitation:

41 Sec. 5. Section 450.9, subsection 1, Code 1995, is  
42 amended to read as follows:

43 1. Surviving spouse, father or mother, son or  
44 daughter, including legally adopted sons and daughters  
45 or biological sons and daughters, stepchildren, or  
46 grandchild, the entire amount of property, interest in  
47 property, and income.

48 Sec. 6. Section 450.9, subsections 2 and 3, Code  
49 1995, are amended by striking the subsections.

50 Sec. 7. Section 450.10, subsection 1, unnumbered

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1 paragraph 1, Code 1995, is amended to read as follows:

2 When the property, interest, or income passes to  
3 ~~the father or mother, or to a child or a lineal~~  
4 descendant of the decedent, grantor, donor, or vendor,  
5 ~~including a legally adopted child or biological child~~  
6 ~~entitled to inherit under the laws of this state not~~  
7 ~~included in subsection 7~~, the tax imposed shall be on  
8 the individual share so passing in excess of the  
9 exemptions allowed as follows:

10 Sec. 8. Section 450.10, subsection 2, unnumbered  
11 paragraph 1, Code 1995, is amended to read as follows:

12 When the property or any interest ~~therein in~~  
13 ~~property~~, or income ~~therefrom from property~~ taxable  
14 under the provisions of this chapter passes to the  
15 brother or sister, son-in-law, or daughter-in-law, ~~or~~  
16 ~~step-children~~, the rate of tax imposed on the  
17 individual share so passing shall be as follows:

18 Sec. 9. Section 450.10, subsection 7, Code 1995,  
19 is amended to read as follows:

20 7. Property, interest in property, or income  
21 passing to the surviving spouse, father or mother, son  
22 or daughter, including legally adopted sons and  
23 daughters or biological sons and daughters, stepchild,  
24 or grandchild, is not taxable under this section.

25 Sec. 10. This division of this Act applies to  
26 estates of decedents dying on or after July 1, 1996.

#### DIVISION III

#### SCHOOL PROPERTY TAX

29 Sec. 11. Section 257.3, subsection 1, unnumbered  
30 paragraph 1, Code Supplement 1995, is amended to read  
31 as follows:

32 ~~Except as provided in subsections 2 and 3, a A~~

33 school district shall cause to be levied each year,  
34 for the school general fund, a foundation property tax  
35 equal to five four dollars and forty fifteen cents per  
36 thousand dollars of assessed valuation on all taxable  
37 property in the district. The county auditor shall  
38 spread the foundation levy over all taxable property  
39 in the district.

40 Sec. 12. Section 257.3, subsections 2 and 3, Code  
41 Supplement 1995, are amended by striking the  
42 subsections.

43 Sec. 13. Section 257.3, subsection 4, Code  
44 Supplement 1995, is amended to read as follows:

45 4. RAILWAY CORPORATIONS. For purposes of section  
46 257.1, the "amount per pupil of foundation property  
47 tax" does not include the tax levied under subsection  
48 ~~1, 2, or 3~~ on the property of a railway corporation,  
49 or on its trustee if the corporation has been declared  
50 bankrupt or is in bankruptcy proceedings.

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1 Sec. 14. Section 275.55, unnumbered paragraph 4,  
2 Code 1995, is amended by striking the unnumbered  
3 paragraph.

4 Sec. 15. Section 425A.3, subsection 1, Code 1995,  
5 is amended to read as follows:

6 1. The family farm tax credit fund shall be  
7 apportioned each year in the manner provided in this  
8 chapter so as to give a credit against the tax on each  
9 eligible tract of agricultural land within the several  
10 school districts of the state in which the levy for  
11 the general school fund exceeds five four dollars and  
12 forty fifteen cents per thousand dollars of assessed  
13 value. The amount of the credit on each eligible  
14 tract of agricultural land shall be the amount the tax  
15 levied for the general school fund exceeds the amount  
16 of tax which would be levied on each eligible tract of  
17 agricultural land were the levy for the general school  
18 fund five four dollars and forty fifteen cents per  
19 thousand dollars of assessed value for the previous  
20 year. However, in the case of a deficiency in the  
21 family farm tax credit fund to pay the credits in  
22 full, the credit on each eligible tract of  
23 agricultural land in the state shall be proportionate  
24 and applied as provided in this chapter.

25 Sec. 16. Section 425A.5, Code 1995, is amended to  
26 read as follows:

27 425A.5 COMPUTATION BY COUNTY AUDITOR.

28 The family farm tax credit allowed each year shall  
29 be computed as follows: On or before March 1, the  
30 county auditor shall list by school districts all  
31 tracts of agricultural land which are entitled to  
32 credit, the taxable value for the previous year, the

33 budget from each school district for the previous  
34 year, and the tax rate determined for the general fund  
35 of the school district in the manner prescribed in  
36 section 444.3 for the previous year, and if the tax  
37 rate is in excess of five four dollars and forty  
38 fifteen cents per thousand dollars of assessed value,  
39 the auditor shall multiply the tax levy which is in  
40 excess of five four dollars and forty fifteen cents  
41 per thousand dollars of assessed value by the total  
42 taxable value of the agricultural land entitled to  
43 credit in the school district, and on or before March  
44 1, certify the total amount of credit and the total  
45 number of acres entitled to the credit to the  
46 department of revenue and finance.

47 Sec. 17. Section 426.3, Code 1995, is amended to  
48 read as follows:

49 426.3 WHERE CREDIT GIVEN.

50 The agricultural land credit fund shall be

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1 apportioned each year in the manner hereinafter  
2 provided in this chapter so as to give a credit  
3 against the tax on each tract of agricultural lands  
4 within the several school districts of the state in  
5 which the levy for the general school fund exceeds  
6 five four dollars and forty fifteen cents per thousand  
7 dollars of assessed value; the amount of ~~such~~ credit  
8 on each tract of ~~such~~ lands shall be the amount the  
9 tax levied for the general school fund exceeds the  
10 amount of tax which would be levied on ~~said the~~ tract  
11 of ~~such~~ lands were the levy for the general school  
12 fund five four dollars and forty fifteen cents per  
13 thousand dollars of assessed value for the previous  
14 year, except in the case of a deficiency in the  
15 agricultural land credits fund to pay ~~said~~ credits in  
16 full, in which case the credit on each eligible tract  
17 of ~~such~~ lands in the state shall be proportionate and  
18 shall be applied as hereinafter provided in this  
19 chapter.

20 Sec. 18. Section 426.6, unnumbered paragraph 1,  
21 Code 1995, is amended to read as follows:

22 The agricultural land tax credit allowed each year  
23 shall be computed as follows: On or before the first  
24 of June the county auditor shall list by school  
25 districts all tracts of agricultural lands which they  
26 are entitled to credit, together with the taxable  
27 value for the previous year, together with the budget  
28 from each school district for the previous year, and  
29 the tax rate determined for the general fund of the  
30 district in the manner prescribed in section 444.3 for  
31 the previous year, and if ~~such the~~ tax rate is in  
32 excess of five four dollars and forty fifteen cents

33 per thousand dollars of assessed value, the auditor  
 34 shall multiply the tax levy which is in excess of ~~five~~  
 35 ~~four~~ dollars and ~~forty~~ fifteen cents per thousand  
 36 dollars of assessed value by the total taxable value  
 37 of the agricultural lands entitled to credit in the  
 38 district, and on or before the first of June certify  
 39 the amount to the department of revenue and finance.  
 40 Sec. 19.

41 1. Sections 11 through 14 of this division of this  
 42 Act, being deemed of immediate importance, take effect  
 43 upon enactment, and apply to the computation of school  
 44 foundation property taxes payable during school budget  
 45 years beginning on or after July 1, 1996.

46 2. Sections 15 through 18 of this division of this  
 47 Act take effect January 1, 1997, and apply to the  
 48 computation of family farm tax credits and  
 49 agricultural land tax credits granted for property  
 50 taxes payable in school budget years beginning on or

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1 after July 1, 1997.”

2 2. Title page, by striking lines 1 through 17 and  
 3 inserting the following: “An Act relating to taxation  
 4 within the state by changing the computation of the  
 5 inflation factors for the tax brackets and standard  
 6 deduction of the state individual income tax,  
 7 exemptions from the state inheritance tax, and  
 8 reducing the school district uniform levy for purposes  
 9 of providing tax relief and providing effective and  
 10 retroactive and other applicability date provisions.”

Wise of Lee offered the following amendment H-5652, to amend-  
 ment H-5523, filed by him and moved its adoption:

H-5652

1 Amend the amendment, H-5523, to Senate File 2449,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 1, line 6, by striking the word  
 5 “INDEXATION”.

6 2. Page 2, by inserting after line 16 the  
 7 following:

8 “Sec. 100. NEW SECTION. 422.120 LIVESTOCK  
 9 PRODUCTION TAX CREDIT ALLOWED.

10 1. a. There is allowed a state tax credit for  
 11 livestock production operations located in the state.  
 12 The amount of the credit equals ten cents for each  
 13 corn equivalent consumed by the livestock in the  
 14 production operation as specified under this section.  
 15 The credit shall be refunded as provided in section  
 16 422.122.

17 b. The credit shall be available to an individual  
 18 or corporate taxpayer who owns livestock and who  
 19 receives, or accrues in the case of an accrual-basis  
 20 taxpayer, more than one half of the taxpayer's gross  
 21 income from farming or ranching operations during the  
 22 tax year. Gross income from farming or ranching is  
 23 the amount reported as gross income on schedule F, or  
 24 the equivalent schedule, of the taxpayer's income tax  
 25 return, the total gains from sales of breeding  
 26 livestock, and, if applicable, the taxpayer's  
 27 distributive share of income from farming or ranching  
 28 from a partnership, limited liability company,  
 29 subchapter S corporation, or an estate or trust. To  
 30 determine whether a taxpayer receives more than one-  
 31 half of gross income from farming or ranching, the  
 32 taxpayer's amount of gross income from farming or  
 33 ranching shall be divided by the taxpayer's total  
 34 gross income as defined in section 61 of the federal  
 35 Internal Revenue Code.

36 2. The amount of the credit per operation is  
 37 determined by adding together for each head of  
 38 livestock in the operation the product of ten cents  
 39 times the number of corn equivalents consumed by that  
 40 head of livestock. The amount of livestock production  
 41 credit per operation per tax year shall not exceed  
 42 three thousand dollars and the amount of livestock  
 43 production credit per taxpayer per tax year shall not  
 44 exceed three thousand dollars.

45 The maximum amount of corn equivalents for a head  
 46 of livestock in a production operation is the  
 47 following:

48 a. Hog operations:	Corn equivalents:
49 (1) Farrow to finish	13.0
50 (2) Farrow to feeder pig	2.6

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1 (3) Finishing feeder pigs	10.4
2 b. Poultry operations:	
3 (1) Layers	0.88
4 (2) Turkeys	1.5
5 (3) Broilers	0.15
6 c. Beef operations:	
7 (1) Cow-calf	111.5
8 (2) Stocker	41.5
9 (3) Feedlot	75.0
10 (4) Dairy	350.0
11 d. Sheep operations:	
12 (1) Ewe flock	20.5
13 (2) Feedlot	4.1

14 3. If the livestock operation is carried on partly  
 15 within and partly without the state, the portion of  
 16 the operation attributable to this state shall be

17 determined pursuant to rules adopted by the  
18 department. The department may adjust the allocation  
19 upon request of the taxpayer in order to reflect the  
20 actual livestock operation carried on within this  
21 state.

22 4. An individual may claim the livestock  
23 production tax credit allowed a partnership, limited  
24 liability company, subchapter S corporation, or estate  
25 or trust electing to have the income taxed directly to  
26 the individual. The amount claimed by the individual  
27 shall be based upon the pro rata share of the  
28 individual's earning of the partnership, limited  
29 liability company, subchapter S corporation, or estate  
30 or trust.

31 5. A fraudulent claim for a credit refund under  
32 this division shall cause the forfeiture of any right  
33 or interest to a tax credit refund in subsequent tax  
34 years under this division.

35 Sec. 101. NEW SECTION. 422.121 APPROPRIATION.

36 There is appropriated annually from the general  
37 fund of the state ten million dollars to refund the  
38 credits allowed under this division.

39 Sec. 102. NEW SECTION. 422.122 REFUND OF  
40 LIVESTOCK PRODUCTION CREDIT CLAIMS.

41 1. For the tax year the total amount of livestock  
42 production credit refund claims that shall be paid  
43 shall not exceed ten million dollars. If the total  
44 dollar amount of the refund claims exceeds that  
45 amount, each claim shall be paid an amount equal to  
46 ten million dollars divided by the total number of  
47 claims, not to exceed the amount of the taxpayer's  
48 claim. Remaining funds shall be prorated among those  
49 claims not paid in full in the proportion that each  
50 such claim bears to the total amount of such claims

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1 not paid in full.

2 2. In the case where refund claims are not paid in  
3 full, the amount of the refund to which the taxpayer  
4 is entitled is the amount computed in subsection 1,  
5 and paid to the taxpayer, and the taxpayer is not  
6 entitled to any unpaid portion of a claim and is not  
7 entitled to carry forward or backward to another tax  
8 year any unpaid portion of a claim. A taxpayer shall  
9 not use a refund as an estimated payment for the  
10 succeeding tax year.

11 3. A taxpayer must file a claim for refund within  
12 ten months from the close of the taxpayer's tax year.  
13 An extension for filing shall not be allowed. The  
14 department shall determine by February 28 of the  
15 calendar year following the calendar year in which the  
16 claims were filed if the total amount of claims for

17 refund exceeds ten million dollars for the tax year.  
 18 If the claim is not payable on February 28 because the  
 19 taxpayer is a fiscal year filer, the claim shall be  
 20 considered as a claim filed for the following tax  
 21 year.

22 4. A claim for refund shall be made on claim forms  
 23 to be made available by the department. In order for  
 24 a taxpayer to have a valid refund claim, the taxpayer  
 25 must supply legible copies of documents the director  
 26 deems necessary to verify the amount of the refund."

27 3. Page 2, by inserting after line 26 the  
 28 following:

29 "Sec. \_\_. APPLICABILITY. Sections 100 through  
 30 102 of this division of this Act apply to tax years  
 31 beginning on or after January 1, 1997."

32 4. Page 6, line 9, by inserting after the word  
 33 "relief" the following: ", providing a livestock  
 34 production income tax credit,".

35 5. By renumbering as necessary.

Roll call was requested by Bernau of Story and Mascher of Johnson.

Rule 75 was invoked.

On the question "Shall amendment H-5652, to amendment H-5523, be adopted?" (S.F. 2449)

The ayes were, 38:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Jochum	Koenigs	Kreiman
Larkin	Main	Mascher	May
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Salton	Schrader	Shoultz
Taylor	Teig	Warnstadt	Weigel
Wise	Witt		

The nays were, 59:

Blodgett	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Daggett
Dinkla	Disney	Drake	Eddie
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harrison	Heaton
Holveck	Houser	Hurley	Huseman

Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Martin	McCoy
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Schulte
Siegrist	Sukup	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

Absent or not voting, 3:

Arnold	Ertl	Grubbs
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Amendment H-5652 lost.

Fallon of Polk offered the following amendment H-5630, to amendment H-5523, filed by him and moved its adoption:

H-5630

- 1 Amend the amendment, H-5523, to Senate File 2449,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking line 6 and inserting the
- 5 following: "INCOME TAXATION".
- 6 2. Page 2, by inserting after line 16 the
- 7 following:
- 8 "Sec. \_\_\_\_ Section 422.7, Code Supplement 1995, is
- 9 amended by adding the following new subsection:
- 10 NEW SUBSECTION. 35. Subtract the portion of the
- 11 special assessment installment paid during the tax
- 12 year which constitutes interest, as determined by the
- 13 director."
- 14 3. Page 2, line 21, by inserting after the figure
- 15 "1996." the following: "This division of this Act
- 16 applies retroactively to January 1, 1996, to tax years
- 17 beginning on or after that date."
- 18 4. Page 6, line 6, by striking the word "of" and
- 19 inserting the following: "and allowing an interest
- 20 deduction for special assessments for".

Amendment H-5630 lost.

Speaker pro tempore Van Maanen of Marion in the chair at 11:33 a.m.

Brammer of Linn offered the following amendment H-5655, to amendment H-5523, filed by him from the floor and moved its adoption:



H-5655

1 Amend the amendment, H-5523, to Senate File 2449,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 2, by inserting after line 26 the  
5 following:

6 "DIVISION

7 INCOME AND TOBACCO TAXES

8 Sec. 55. Section 142B.6, Code 1995, is amended to  
9 read as follows:

10 142B.6 CIVIL PENALTY FOR VIOLATION — UNIFORM  
11 APPLICATION ENFORCEMENT.

12 A person who smokes in those areas prohibited in  
13 section 142B.2, or who violates section 142B.4, shall  
14 pay a civil fine pursuant to section 805.8, subsection  
15 11, for each violation.

16 Judicial magistrates shall hear and determine  
17 violations of this chapter. The civil penalties paid  
18 pursuant to this chapter shall be deposited in the  
19 county treasury.

20 ~~Enforcement of this chapter shall be implemented in~~  
21 ~~an equitable manner throughout the state. For the~~  
22 ~~purpose of equitable and uniform implementation,~~  
23 ~~application, and enforcement of state and local laws~~  
24 ~~and regulations, the provisions of this chapter shall~~  
25 ~~supersede any local law or regulation which is~~  
26 ~~inconsistent with or conflicts with the provisions of~~  
27 ~~this chapter. The Iowa department of public health~~  
28 ~~shall adopt rules to enforce this chapter.~~

29 Sec. 56. NEW SECTION. 142C.1 LEGISLATIVE  
30 FINDINGS — CIGARETTE AND TOBACCO PRODUCTS.

31 Following an analysis of data regarding cigarettes  
32 and tobacco products and the addictive nature of the  
33 nicotine contained in these products which was  
34 provided by the Iowa department of public health, the  
35 United States environmental protection agency, the  
36 United States public health service, the world health  
37 organization, the American cancer society, the  
38 American heart association, the American lung  
39 association, the American medical association, the  
40 American dental association, the American public  
41 health association, the national cancer institute, and  
42 the international agency for research on cancer, the  
43 general assembly finds and declares all of the  
44 following:

45 1. That cigarettes and tobacco products, with  
46 their inherent and supplemented quantities of  
47 nicotine, are highly addictive and that use of these  
48 products threatens the health and lives of Iowans.

49 2. That environmental tobacco smoke is a group A  
50 carcinogen known to cause lung cancer in nonsmokers as

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1 well as in smokers.

2 3. That tobacco and resultant environmental  
3 tobacco smoke are the highest causative agents in  
4 increased mortality and morbidity in the state.  
5 4. That the federal Americans with Disabilities  
6 Act specifies that persons sensitive to tobacco smoke,  
7 including persons with asthma, are "handicapped  
8 persons" and that businesses are required to make  
9 reasonable accommodations to allow handicapped persons  
10 access to offices and workplaces.

11 5. That a principal manufacturer of tobacco  
12 products has admitted to these findings, has agreed to  
13 a financial settlement based upon the damage caused by  
14 the effects of these products, and has agreed to limit  
15 advertising in accordance with the limitations  
16 established by the United States environmental  
17 protection agency.

18 6. That based upon all of the above, the general  
19 assembly declares the use of cigarettes and tobacco  
20 products to be an immediate health emergency of  
21 epidemic proportions and a menace as an entry-level  
22 drug in the youth population of the state and will  
23 enact legislation to address this public health  
24 problem.

25 Sec. 57. NEW SECTION. 249A.30 RECOVERY OF  
26 MEDICAL ASSISTANCE EXPENDITURE — CIGARETTE AND  
27 TOBACCO PRODUCTS — RELATED MEDICAL EXPENSES BY  
28 RESIDENT RECIPIENTS.

29 1. Notwithstanding chapter 668, the attorney  
30 general shall institute a civil action on behalf of  
31 the state against any manufacturer of cigarettes or  
32 other tobacco products to recover the full amount of  
33 medical assistance provided by the state to a resident  
34 of the state for the payment of medical services which  
35 are reasonably attributable to the use of cigarettes  
36 or tobacco products and all reasonable expenses  
37 associated with instituting the action.

38 2. In determining liability in an action under  
39 this section, all of the following shall apply:

40 a. Any manufacturer of cigarettes or other tobacco  
41 products shall be strictly liable for the medical  
42 expenses reasonably attributable to the use of the  
43 manufacturer's product, without regard to any  
44 negligence, intent, warnings, or other conduct or  
45 knowledge on the part of the manufacturer.

46 b. The state may recover medical expenses, without  
47 regard to the defenses of assumption of the risk,  
48 contributory or comparative negligence, or other  
49 defenses which might be asserted.

50 c. Any action instituted by the attorney general

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1 is independent of any rights or causes of action of  
2 any individual.

3 3. In determining the extent of the liability of  
4 any manufacturer under this section, the court shall  
5 apply the following evidentiary presumptions:

6 a. The ratio of the expenses attributable to the  
7 use of cigarettes or tobacco products produced by any  
8 manufacturer to the expenses of all manufacturers is  
9 presumed to be equivalent to the ratio of the sales by  
10 the manufacturer within the state during the most  
11 recent year for which data are available to the sales  
12 of all manufacturers for that year.

13 b. The medical expenses for individuals  
14 attributable to the use of cigarettes or tobacco  
15 products shall be based on reliable estimates for the  
16 class of persons affected, rather than proof of the  
17 cause of expenses in the case of any particular  
18 individual.

19 c. Estimates of medical expenses shall be based on  
20 epidemiological, scientific, survey, and other data,  
21 determined by the director of public health to be  
22 reliable and reasonably available. The Iowa  
23 department of public health shall adopt rules to  
24 specify the methodology for making the estimates in  
25 any action under this section.

26 d. A defendant shall have the opportunity to rebut  
27 any presumption by clear and convincing evidence,  
28 provided that the court shall take reasonable steps to  
29 ensure that determination of damages is concluded in a  
30 timely and expeditious manner and that no party to the  
31 action is permitted to unduly delay the conclusion of  
32 the action.

33 4. For the purposes of this section, "cigarette"  
34 and "tobacco products" mean cigarette and tobacco  
35 products as defined in section 453A.1.

36 Sec. 58. Section 422.9, subsection 1, Code  
37 Supplement 1995, is amended to read as follows:

38 1. An optional standard deduction, after deduction  
39 of federal income tax, equal to ~~one~~ two thousand ~~two~~  
40 four hundred ~~thirty~~ sixty dollars for a married person  
41 who files separately or a single person or equal to  
42 ~~three~~ six thousand ~~thirty~~ sixty dollars for a husband  
43 and wife who file a joint return, a surviving spouse,  
44 or an unmarried head of household. The optional  
45 standard deduction shall not exceed the amount  
46 remaining after deduction of the federal income tax.

47 Sec. 59. Section 422B.1, subsections 3, 4, 5, 6,  
48 8, and 9, Code Supplement 1995, are amended to read as  
49 follows:

50 3. A local option tax shall be imposed only after

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1 an election at which a majority of those voting on the  
2 question favors imposition and shall then be imposed  
3 until repealed as provided in subsection 6, paragraph  
4 "a". If the tax is a local vehicle tax imposed by a  
5 county, it shall apply to all incorporated and  
6 unincorporated areas of the county. If the tax is a  
7 local sales and services tax or a local cigarette and  
8 tobacco tax imposed by a county, it shall only apply  
9 to those incorporated areas and the unincorporated  
10 area of that county in which a majority of those  
11 voting in the area on the tax favors its imposition.  
12 For purposes of the local sales and services tax or a  
13 local cigarette and tobacco tax, all cities contiguous  
14 to each other shall be treated as part of one  
15 incorporated area and the tax would be imposed in each  
16 of those contiguous cities only if the majority of  
17 those voting in the total area covered by the  
18 contiguous cities favors its imposition. For purposes  
19 of the local sales and services tax or a local  
20 cigarette and tobacco tax, a city is not contiguous to  
21 another city if the only road access between the two  
22 cities is through another state.

23 4. a. A county board of supervisors shall direct  
24 within thirty days the county commissioner of  
25 elections to submit the question of imposition of a  
26 local vehicle tax, ~~or~~ a local sales and services tax,  
27 or a local cigarette and tobacco tax to the registered  
28 voters of the incorporated and unincorporated areas of  
29 the county upon receipt of a petition, requesting  
30 imposition of a local vehicle tax, ~~or~~ a local sales  
31 and services tax, or a local cigarette and tobacco  
32 tax, signed by eligible electors of the whole county  
33 equal in number to five percent of the persons in the  
34 whole county who voted at the last preceding state  
35 general election. In the case of a local vehicle tax,  
36 the petition requesting imposition shall specify the  
37 rate of tax and the classes, if any, that are to be  
38 exempt. If more than one valid petition is received,  
39 the earliest received petition shall be used.

40 b. The question of the imposition of a local sales  
41 and services tax or a local cigarette and tobacco tax  
42 shall be submitted to the registered voters of the  
43 incorporated and unincorporated areas of the county  
44 upon receipt by the county commissioner of elections  
45 of the motion or motions, requesting such submission,  
46 adopted by the governing body or bodies of the city or  
47 cities located within the county or of the county, for  
48 the unincorporated areas of the county, representing  
49 at least one half of the population of the county.  
50 Upon adoption of such motion, the governing body of

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1 the city or county, for the unincorporated areas,  
2 shall submit the motion to the county commissioner of  
3 elections and in the case of the governing body of the  
4 city shall notify the board of supervisors of the  
5 adoption of the motion. The county commissioner of  
6 elections shall keep a file on all the motions  
7 received and, upon reaching the population  
8 requirements, shall publish notice of the ballot  
9 proposition concerning the imposition of the local  
10 sales and services tax or a local cigarette and  
11 tobacco tax. A motion ceases to be valid at the time  
12 of the holding of the regular election for the  
13 election of members of the governing body which  
14 adopted the motion. The county commissioner of  
15 elections shall eliminate from the file any motion  
16 that ceases to be valid. The manner provided under  
17 this paragraph for the submission of the question of  
18 imposition of a local sales and services tax or a  
19 local cigarette and tobacco tax is an alternative to  
20 the manner provided in paragraph "a".

21 5. The county commissioner of elections shall  
22 submit the question of imposition of a local option  
23 tax at a state general election or at a special  
24 election held at any time other than the time of a  
25 city regular election. The election shall not be held  
26 sooner than sixty days after publication of notice of  
27 the ballot proposition. The ballot proposition shall  
28 specify the type and rate of tax and in the case of a  
29 vehicle tax the classes that will be exempt and in the  
30 case of a local sales and services tax or a local  
31 cigarette and tobacco tax the date it will be imposed.  
32 The ballot proposition shall also specify the  
33 approximate amount of local option tax revenues that  
34 will be used for property tax relief and shall contain  
35 a statement as to the specific purpose or purposes for  
36 which the revenues shall otherwise be expended. If  
37 the county board of supervisors decides under  
38 subsection 6 to specify a date on which the local  
39 option sales and services tax or a local cigarette and  
40 tobacco tax shall automatically be repealed, the date  
41 of the repeal shall also be specified on the ballot.  
42 The rate of the vehicle tax shall be in increments of  
43 one dollar per vehicle as set by the petition seeking  
44 to impose the tax. The rate of a local sales and  
45 services tax shall not be more than one percent as set  
46 by the governing body. The rate of the cigarette and  
47 tobacco tax shall not be more than ten percent as set  
48 by the governing body. The state commissioner of  
49 elections shall establish by rule the form for the  
50 ballot proposition which form shall be uniform

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1 throughout the state.  
2 6. a. If a majority of those voting on the  
3 question of imposition of a local option tax favor  
4 imposition of a local option tax, the governing body  
5 of that county shall impose the tax at the rate  
6 specified for an unlimited period. However, in the  
7 case of a local sales and services tax or a local  
8 cigarette and tobacco tax, the county shall not impose  
9 the tax in any incorporated area or the unincorporated  
10 area if the majority of those voting on the tax in  
11 that area did not favor its imposition. For purposes  
12 of the local sales and services tax or a local  
13 cigarette and tobacco tax, all cities contiguous to  
14 each other shall be treated as part of one  
15 incorporated area and the tax shall be imposed in each  
16 of those contiguous cities only if the majority of  
17 those voting on the tax in the total area covered by  
18 the contiguous cities favored its imposition. The  
19 local option tax may be repealed or the rate increased  
20 or decreased or the use thereof changed after an  
21 election at which a majority of those voting on the  
22 question of repeal or rate or use change favored the  
23 repeal or rate or use change. The election at which  
24 the question of repeal or rate or use change is  
25 offered shall be called and held in the same manner  
26 and under the same conditions as provided in  
27 subsections 4 and 5 for the election on the imposition  
28 of the local option tax. However, in the case of a  
29 local sales and services tax or a local cigarette and  
30 tobacco tax where the tax has not been imposed  
31 countywide, the question of repeal or imposition or  
32 rate or use change shall be voted on only by the  
33 registered voters of the areas of the county where the  
34 tax has been imposed or has not been imposed, as  
35 appropriate. However, the governing body of the  
36 incorporated area or unincorporated area where the  
37 local sales and services tax or a local cigarette and  
38 tobacco tax is imposed may, upon its own motion,  
39 request the county commissioner of elections to hold  
40 an election in the incorporated or unincorporated  
41 area, as appropriate, on the question of the change in  
42 use of local sales and services tax revenues. The  
43 election may be held at any time but not sooner than  
44 sixty days following publication of the ballot  
45 proposition. If a majority of those voting in the  
46 incorporated or unincorporated area on the change in  
47 use favor the change, the governing body of that area  
48 shall change the use to which the revenues shall be  
49 used. The ballot proposition shall list the present  
50 use of the revenues, the proposed use, and the date

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1 after which revenues received will be used for the new  
2 use.

3 When submitting the question of the imposition of a  
4 local sales and services tax or a local cigarette and  
5 tobacco tax, the county board of supervisors may  
6 direct that the question contain a provision for the  
7 repeal, without election, of the local sales and  
8 services tax or a local cigarette and tobacco tax on a  
9 specific date, which date shall be the end of a  
10 calendar quarter.

11 b. Within ten days of the election at which a  
12 majority of those voting on the question favors the  
13 imposition, repeal, or change in the rate of a local  
14 option tax, the governing body shall give written  
15 notice to the director of revenue and finance or, in  
16 the case of a local vehicle tax, to the director of  
17 the department of transportation, of the result of the  
18 election.

19 8. Local option taxes authorized to be imposed as  
20 provided in this chapter are a local sales and  
21 services tax, a local cigarette and tobacco tax, and a  
22 local vehicle tax. The rate of the tax shall be in  
23 increments of one dollar per vehicle for a vehicle tax  
24 as set on the petition seeking to impose the vehicle  
25 tax. The rate of a local sales and services tax shall  
26 not be more than one percent as set by the governing  
27 body. The rate of the local cigarette and tobacco tax  
28 shall not be more than ten percent as set by the  
29 governing body.

30 9. In a county that has imposed a local option  
31 sales and services tax or a local option cigarette and  
32 tobacco tax, the board of supervisors shall,  
33 notwithstanding any contrary provision of this  
34 chapter, repeal the local option ~~sales and services~~  
35 tax in the unincorporated areas or in an incorporated  
36 city area in which the tax has been imposed upon  
37 adoption of its own motion for repeal in the  
38 unincorporated areas or upon receipt of a motion  
39 adopted by the governing body of that incorporated  
40 city area requesting repeal. The board of supervisors  
41 shall repeal the local option ~~sales and services~~ tax  
42 effective at the end of the calendar quarter during  
43 which it adopted the repeal motion or the motion for  
44 the repeal was received. For purposes of this  
45 subsection, incorporated city area includes an  
46 incorporated city which is contiguous to another  
47 incorporated city.

48 Sec. 60. NEW SECTION. 422B.5 LOCAL CIGARETTE AND  
49 TOBACCO TAX.

50 A local cigarette and tobacco tax at the rate of

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1 not more than ten percent may be imposed by a county  
2 on the gross receipts from sales of cigarettes and  
3 tobacco products sold at retail by a retailer as  
4 defined under chapter 422, division IV. A local  
5 cigarette and tobacco tax shall be imposed only if the  
6 retailer is required under section 422.53 to have a  
7 state tax permit to collect the state sales and  
8 services tax. A local cigarette and tobacco tax is  
9 applicable to transactions within those incorporated  
10 and unincorporated areas of the county where it is  
11 imposed and shall be collected by all persons required  
12 to collect state gross receipts taxes. All cities  
13 contiguous to each other shall be treated as part of  
14 one incorporated area and the tax would be imposed in  
15 each of those contiguous cities only if the majority  
16 of those voting in the total area covered by the  
17 contiguous cities favor its imposition.

18 The amount of the sale, for purposes of determining  
19 the amount of the local cigarette and tobacco tax,  
20 does not include the amount of any state gross  
21 receipts taxes but does include the amount of any tax  
22 imposed under chapter 453A.

23 A tax permit other than the state tax permit  
24 required under section 422.53 shall not be required by  
25 local authorities.

26 Sec. 61. NEW SECTION. 422B.6 ADMINISTRATION.

27 A local cigarette and tobacco tax shall be imposed  
28 either January 1, April 1, July 1 or October 1  
29 following the notification of the director of revenue  
30 and finance.

31 A local cigarette and tobacco tax shall be repealed  
32 only on March 31, June 30, September 30, or December  
33 31. However, a local cigarette and tobacco tax shall  
34 not be repealed before the tax has been in effect for  
35 one year. At least forty days before the imposition  
36 or repeal of the tax, a county shall provide notice of  
37 the action by certified mail to the director of  
38 revenue and finance.

39 The director of revenue and finance shall  
40 administer a local cigarette and tobacco tax as nearly  
41 as possible in conjunction with the administration of  
42 state gross receipts tax laws. The director shall  
43 provide appropriate forms or provide on the regular  
44 state tax forms for reporting local cigarette and  
45 tobacco tax liability.

46 The ordinance of a county board of supervisors  
47 imposing a local cigarette and tobacco tax shall adopt  
48 by reference the applicable provisions of the  
49 appropriate sections of chapter 422, division IV. All  
50 powers and requirements of the director to administer



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1 the state gross receipts tax law are applicable to the  
2 administration of a local cigarette and tobacco tax  
3 law, including but not limited to, the provisions of  
4 sections 422.25, subsection 4, 422.30, 422.48 to  
5 422.52, 422.54 to 422.58, 422.67, 422.68, 422.69,  
6 subsection 1, and 422.70 to 422.75. Local officials  
7 shall confer with the director of revenue and finance  
8 for assistance in drafting the ordinance imposing a  
9 local cigarette and tobacco tax. A certified copy of  
10 the ordinance shall be filed with the director as soon  
11 as possible after passage.

12 The director, in consultation with local officials,  
13 shall collect and account for a local cigarette and  
14 tobacco tax. The director shall certify each quarter  
15 the amount of local cigarette and tobacco tax receipts  
16 and any interest and penalties to be credited to the  
17 "local cigarette and tobacco tax fund" established in  
18 the office of the treasurer of state.

19 All local tax moneys and interest and penalties  
20 received or refunded one hundred eighty days or more  
21 after the date on which the county repeals its local  
22 cigarette and tobacco tax shall be deposited in or  
23 withdrawn from the state general fund.

24 Sec. 62. NEW SECTION. 422B.7 PAYMENT TO LOCAL  
25 GOVERNMENTS.

26 1. The director shall credit the local cigarette  
27 and tobacco tax receipts and interest and penalties  
28 from the tax imposed in the unincorporated area of a  
29 county to the county's account in the local cigarette  
30 and tobacco tax fund and from the tax imposed in the  
31 unincorporated area of a city to the city's account in  
32 the local cigarette and tobacco tax fund. If the  
33 director is unable to determine from which county any  
34 of the receipts were collected, those receipts shall  
35 be allocated among the possible counties based on  
36 allocation rules adopted by the director.

37 2. a. The director of revenue and finance within  
38 fifteen days of the beginning of each fiscal year  
39 shall send to each city or county where the local  
40 option tax is imposed, an estimate of the amount of  
41 tax moneys each city or county will receive for the  
42 year and for each quarter of the year. At the end of  
43 each quarter, the director may revise the estimates  
44 for the year and remaining quarters.

45 b. The director of revenue and finance shall remit  
46 ninety percent of the estimate tax receipts for the  
47 city or county to the city or county after the end of  
48 each quarter no later than the following dates:  
49 November 10, February 10, May 10, and August 10.

50 c. The director of revenue and finance shall remit

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1 a final payment of the remainder of tax moneys due the  
2 city or county for the fiscal year before the due date  
3 for the payment of the first quarter of the next  
4 fiscal year. If an overpayment has resulted during  
5 the previous fiscal year, the first payment of the new  
6 fiscal year shall be adjusted to reflect any  
7 overpayment.

8 3. Local cigarette and tobacco tax moneys received  
9 by a city or county shall be expended by the city or  
10 county for the purpose of educating minors on the  
11 addictiveness and harmful effects of cigarettes and  
12 tobacco products and enforcing federal, state, and  
13 local cigarette and tobacco laws.

14 Sec. 63. Section 422B.8, unnumbered paragraph 1,  
15 Code Supplement 1995, is amended to read as follows:

16 A local sales and services tax at the rate of not  
17 more than one percent may be imposed by a county on  
18 the gross receipts taxed by the state under chapter  
19 422, division IV. A local sales and services tax  
20 shall be imposed on the same basis as the state sales  
21 and services tax and may not be imposed on the sale of  
22 any property or on any service not taxed by the state,  
23 except the tax shall not be imposed on the gross  
24 receipts from the sale of motor fuel or special fuel  
25 as defined in chapter 452A, on the gross receipts from  
26 the sale of cigarettes and tobacco products as defined  
27 in chapter 453A during the period of local cigarette  
28 and tobacco tax is imposed. on the gross receipts from  
29 the rental of rooms, apartments, or sleeping quarters  
30 which are taxed under chapter 422A during the period  
31 the hotel and motel tax is imposed, on the gross  
32 receipts from the sale of natural gas or electric  
33 energy in a city or county where the gross receipts  
34 are subject to a franchise fee or user fee during the  
35 period the franchise or user fee is imposed, on the  
36 gross receipts from the sale of equipment by the state  
37 department of transportation, and on the gross  
38 receipts from the sale of a lottery ticket or share in  
39 a lottery game conducted pursuant to chapter 99E. A  
40 local sales and services tax is applicable to  
41 transactions within those incorporated and  
42 unincorporated areas of the county where it is imposed  
43 and shall be collected by all persons required to  
44 collect state gross receipts taxes. All cities  
45 contiguous to each other shall be treated as part of  
46 one incorporated area and the tax would be imposed in  
47 each of those contiguous cities only if the majority  
48 of those voting in the total area covered by the  
49 contiguous cities favor its imposition.

50 Sec. 64. Section 453A.1, subsections 3 and 4, Code

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1 1995, are amended by striking the subsections.  
2 Sec. 65. Section 453A.2, Code 1995, is amended by  
3 adding the following new subsection:  
4 NEW SUBSECTION. 5. A violation of subsection 1 is  
5 a violation of section 714.16, subsection 2, paragraph  
6 "a".  
7 Sec. 66. Section 453A.3, unnumbered paragraph 1,  
8 Code 1995, is amended to read as follows:  
9 A person who violates section 453A.2, subsection 1,  
10 ~~or section 453A.3~~ is guilty of a simple misdemeanor.  
11 Sec. 67. Section 453A.6, subsection 1, Code 1995,  
12 is amended to read as follows:  
13 1. There is imposed, and shall be collected and  
14 paid to the department, ~~the following taxes~~ on all  
15 cigarettes used or otherwise disposed of in this state  
16 for any purpose ~~whatsoever~~:  
17 ~~Class A. On cigarettes weighing not more than~~  
18 ~~three pounds per thousand, eighteen mills a tax at the~~  
19 ~~rate of three and six-tenths cents~~ on each such  
20 cigarette.  
21 ~~Class B. On cigarettes weighing more than three~~  
22 ~~pounds per thousand, eighteen mills on each such~~  
23 ~~cigarette.~~  
24 Sec. 68. Section 453A.13, subsections 1 and 2,  
25 Code 1995, are amended to read as follows:  
26 1. PERMITS REQUIRED. Every distributor,  
27 wholesaler, ~~cigarette vendor~~, and retailer, now  
28 engaged or who desires to become engaged in the sale  
29 or use of cigarettes, upon which a tax is required to  
30 be paid, shall obtain a state or retail cigarette  
31 permit as a distributor, wholesaler, ~~cigarette vendor~~,  
32 or retailer, as the case may be.  
33 2. ISSUANCE OR DENIAL.  
34 a. The department shall issue state permits to  
35 distributors, and wholesalers, ~~and cigarette vendors~~  
36 subject to the conditions provided in this division.  
37 Cities may issue retail permits to dealers within  
38 their respective limits. County boards of supervisors  
39 may issue retail permits to dealers in their  
40 respective counties, outside of the corporate limits  
41 of cities.  
42 b. The department may deny the issuance of a  
43 permit to a distributor, wholesaler, ~~vendor~~ or  
44 retailer who is substantially delinquent in the  
45 payment of a tax due, or the interest or penalty on  
46 the tax, administered by the department at the time of  
47 application. If the applicant is a partnership, a  
48 permit may be denied if a partner is substantially  
49 delinquent on any delinquent tax, penalty or interest.  
50 If the applicant is a corporation, a permit may be

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1 denied if any officer having a substantial legal or  
2 equitable interest in the ownership of the corporation  
3 owes any delinquent tax, interest or penalty of the  
4 applicant corporation.

5 Sec. 69. Section 453A.13, subsection 3, unnumbered  
6 paragraph 1, Code 1995, is amended to read as follows:

7 All permits provided for in this division shall  
8 expire on June 30 of each year. A permit shall not be  
9 granted or issued until the applicant has paid for the  
10 period ending June 30 next, to the department or the  
11 city or county granting the permit, the fees provided  
12 for in this division. The annual state permit fee for  
13 a distributor, ~~cigarette vendor~~, and wholesaler is one  
14 hundred dollars when the permit is granted during the  
15 months of July, August, or September. However,  
16 whenever a state permit holder operates more than one  
17 place of business, a duplicate state permit shall be  
18 issued for each additional place of business on  
19 payment of five dollars for each duplicate state  
20 permit, but refunds as provided in this division do  
21 not apply to any duplicate permit issued.

22 Sec. 70. Section 453A.13, subsection 6, Code 1995,  
23 is amended to read as follows:

24 6. NO SALES WITHOUT PERMIT. No distributor,  
25 wholesaler, ~~cigarette vendor~~, or retailer shall sell  
26 any cigarettes until such application has been filed  
27 and the fee prescribed paid for a permit and until  
28 such permit is obtained and only while such permit is  
29 unrevoked and unexpired.

30 Sec. 71. Section 453A.22, subsection 2, unnumbered  
31 paragraph 1, Code 1995, is amended to read as follows:

32 If a retailer or employee of a retailer has  
33 violated section 453A.2, or 453A.36, subsection 6, ~~or~~  
34 ~~453A.39~~, the department or local authority, in  
35 addition to the other penalties fixed for such  
36 violations in this section, shall assess a penalty  
37 upon the same hearing and notice as prescribed in  
38 subsection 1 as follows:

39 Sec. 72. Section 453A.22, subsection 2, unnumbered  
40 paragraph 1, Code 1995, is amended to read as follows:

41 If a retailer or employee of a retailer has  
42 violated section 453A.2, or 453A.36, subsection 6, ~~or~~  
43 ~~453A.39~~ 8, or 9, the department or local authority, in  
44 addition to the other penalties fixed for such  
45 violations in this section, shall assess a penalty  
46 upon the same hearing and notice as prescribed in  
47 subsection 1 as follows:

48 Sec. 73. Section 453A.36, subsection 6, Code 1995,  
49 is amended by striking the subsection and inserting in  
50 lieu thereof the following:

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1 6. a. A person shall not sell cigarettes or  
2 tobacco products through a vending machine or through  
3 self-service displays in this state.

4 b. A manufacturer, distributor, wholesaler,  
5 retailer, distributing agent or agent thereof shall  
6 not give away cigarettes or tobacco products at any  
7 time in connection with the manufacturer's,  
8 distributor's, wholesaler's, retailers', distributing  
9 agent's or agent's thereof promotion of the business  
10 or product.

11 c. It is unlawful for any manufacturer,  
12 distributor, wholesaler, retailer, distributing agent  
13 or agent thereof to advertise on any advertising  
14 device cigarettes or other tobacco products within one  
15 thousand feet of any playground, elementary school,  
16 middle school, high school, or other facility when  
17 such facility is being used primarily by persons under  
18 age eighteen for recreational, educational, or other  
19 purposes.

20 d. A manufacturer, distributor, wholesaler,  
21 retailer, distributing agent or agent thereof shall  
22 not advertise cigarettes or tobacco products on  
23 advertising devices in this state, no matter where  
24 located, including but not limited to advertising  
25 devices located on public transportation or at the  
26 point-of-sale, shall be in black and white text only.

27 e. A manufacturer, distributor, wholesaler,  
28 retailer, distributing agent or agent thereof shall  
29 not sell or distribute in this state promotional items  
30 and prizes, including but not limited to caps, T-  
31 shirts, and bags, which bear the logo or name of a  
32 cigarette or tobacco product, and shall not utilize  
33 proof-of-purchase exchanges for cigarettes or other  
34 tobacco products in this state.

35 f. Any cigarettes or tobacco products or related  
36 items sold or distributed in this state are subject to  
37 all of the following, as applicable:

38 (1) All sales of cigarettes and tobacco products  
39 shall be made in face-to-face sales, and age  
40 verification shall be required for each sale.

41 (2) All cigarettes and tobacco products shall be  
42 located behind a counter or in another location which  
43 is under the exclusive control of the seller and which  
44 is not directly accessible to the general public.

45 g. In addition to any other penalty which applies  
46 to a violation of this subsection, any person, as  
47 specified in this subsection, who violates this  
48 subsection, is guilty of a serious misdemeanor.

49 Sec. 74. Section 453A.42, subsection 8, Code 1995,  
50 is amended to read as follows:

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1 8. "Place of business" means any place where  
2 tobacco products are sold or where tobacco products  
3 are manufactured, stored, or kept for the purpose of  
4 sale or consumption, including any vessel, vehicle,  
5 airplane, ~~or train, or vending machine.~~

6 Sec. 75. Section 453A.43, subsection 1, unnumbered  
7 paragraph 1, Code 1995, is amended to read as follows:

8 A tax is imposed upon all tobacco products in this  
9 state and upon any person engaged in business as a  
10 distributor of tobacco products, at the rate of  
11 ~~twenty-two~~ forty-four percent of the wholesale sales  
12 price of the tobacco products, except little cigars as  
13 defined in section 453A.42. Little cigars shall be  
14 subject to the same rate of tax imposed upon  
15 cigarettes in section 453A.6, payable at the time and  
16 in the manner provided in section 453A.6; and stamps  
17 shall be affixed as provided in division I of this  
18 chapter. The tax on tobacco products, excluding  
19 little cigars, shall be imposed at the time the  
20 distributor does any of the following:

21 Sec. 76. Section 453A.43, subsection 2, unnumbered  
22 paragraph 1, Code 1995, is amended to read as follows:

23 A tax is imposed upon the use or storage by  
24 consumers of tobacco products in this state, and upon  
25 the consumers, at the rate of ~~twenty-two~~ forty-four  
26 percent of the cost of the tobacco products.

27 Sec. 77. Section 453A.56, Code 1995, is amended to  
28 read as follows:

29 453A.56 UNIFORM APPLICATION.

30 Enforcement of this chapter shall be implemented in  
31 an equitable manner throughout the state. For the  
32 purpose of equitable and uniform implementation,  
33 application, and enforcement of state and local laws  
34 and regulations, the provisions of this chapter shall  
35 supersede any local law or regulation which is  
36 inconsistent with or conflicts with the provisions of  
37 this chapter, unless the local law or regulation is  
38 more restrictive in application in which case the more  
39 restrictive portion of the local law or regulation  
40 shall supersede any inconsistent or conflicting  
41 provision of this chapter. This section and any other  
42 provision in this chapter shall not prohibit the  
43 imposition of a local option cigarette and tobacco tax  
44 under chapter 422B.

45 Sec. 78. NEW SECTION. 453A.57 IOWA DO NOT START-  
46 STOP SMOKING FUND ESTABLISHED.

47 1. An Iowa do not start-stop smoking fund is  
48 created within the state treasury under the control of  
49 the Iowa department of public health. Moneys received  
50 by the department from fees collected and designated

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1 for this purpose shall be deposited in the state  
2 treasury to the credit of the fund and are  
3 appropriated for the purposes specified in this  
4 section. Notwithstanding section 8.33, any unexpended  
5 balance in the fund at the end of each fiscal year  
6 shall be retained in the fund. Any interest and  
7 earnings on investments from money in the fund shall  
8 be credited to the fund, section 12C.7  
9 notwithstanding.

10 2. Every manufacturer, distributor, distributing  
11 agent, wholesaler, retailer, or subjobber who engages  
12 in the sale, distribution, or use of cigarettes or  
13 tobacco products in this state, upon which a tax is  
14 required to be paid, and who is required to obtain a  
15 permit or license, shall pay, in addition to any fee  
16 for a permit, a fee of one hundred dollars at the time  
17 of application for a permit or license. If a state  
18 permit holder operates more than one place of  
19 business, the fee shall only be paid at the time of  
20 the initial application for a permit or license. The  
21 moneys collected shall be deposited in the Iowa do not  
22 start-stop smoking fund created in this section.

23 3. The Iowa department of public health shall  
24 develop and implement a do not start-stop smoking  
25 education campaign to educate minors and others about  
26 the hazards of using cigarettes and tobacco products.

27 Sec. 79. Section 453A.39, Code 1995, is repealed.

28 Sec. 80. Section 57 of this Act, relating to the  
29 recovery of medical assistance expenditures due to  
30 smoking, being deemed of immediate importance, takes  
31 effect upon enactment.

32 Sec. 81. This division of this Act with the  
33 exception of section 57 takes effect July 1, 1996, and  
34 section 58 of this division applies to tax years  
35 ending on or after that date.

36 Sec. 82. RETROACTIVE APPLICABILITY. The state may  
37 recover, pursuant to section 249A.30, in addition to  
38 any subsequent damages, any applicable damages  
39 incurred within the two years preceding the date of  
40 enactment of section 249A.30 of this Act."

41 2. Page 6, line 6, by inserting after the word  
42 "tax," the following: "increasing the standard  
43 deduction for individual income tax purposes,  
44 increasing the tax rate on cigarettes and tobacco  
45 products, and making other changes relating to  
46 cigarette and tobacco products,".

47 3. Page 6, line 9, by inserting after the word  
48 "relief" the following: ", providing penalties,".

Amendment H-5655 lost.

Bernau of Story offered the following amendment H-5653, to amend-  
ment H-5523, filed by Bernau, et. al., and moved its adoption:

H-5653

1 Amend the amendment, H-5523, to Senate File 2449,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 3, by inserting after line 26 the  
5 following:

6 "DIVISION

7 PROPERTY TAX CREDITS FUNDING

8 Sec. \_\_\_\_ Section 8.59, Code 1995, is amended to  
9 read as follows:

10 8.59 APPROPRIATIONS FREEZE.

11 Notwithstanding contrary provisions of the Code,  
12 the amounts appropriated under the applicable sections  
13 of the Code for fiscal years commencing on or after  
14 July 1, 1993, are limited to those amounts expended  
15 under those sections for the fiscal year commencing  
16 July 1, 1992. If an applicable section appropriates  
17 moneys to be distributed to different recipients and  
18 the operation of this section reduces the total amount  
19 to be distributed under the applicable section, the  
20 moneys shall be prorated among the recipients. As  
21 used in this section, "applicable sections" means the  
22 following sections: 53.50, 229.35, 230.8, 230.11,  
23 405A.8, 411.20, ~~425.1, 425.39, 426A.1,~~ 663.44, and  
24 822.5.

25 Sec. \_\_\_\_ Section 425.40, subsection 1, Code 1995,  
26 is amended to read as follows:

27 1. A low-income tax credit and reimbursement fund  
28 is created. There is appropriated annually from the  
29 general fund of the state to the department of revenue  
30 and finance to be credited to the low-income tax  
31 credit and reimbursement fund an amount sufficient to  
32 implement this division."

33 2. Page 6, line 7, by inserting after the word  
34 "tax," the following: "fully funding the homestead  
35 and military tax credits and the low-income credit and  
36 reimbursement programs,".

Roll call was requested by Bernau of Story and McCoy of Polk.

Rule 75 was invoked.

On the question "Shall amendment H-5653, to amendment  
H-5523, be adopted?" (S.F. 2449)

The ayes were, 36:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May



McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shultz
Taylor	Warnstadt	Weigel	Witt

The nays were, 60:

Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 4:

Arnold	Greiner	Houser	Wise
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Amendment H-5653 lost.

Shultz of Black Hawk offered the following amendment H-5641, to amendment H-5523, filed by him and moved its adoption:

H-5641

1 Amend the amendment, H-5523, to Senate File 2449,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 3, by inserting after line 26 the  
 5 following:  
 6 "DIVISION  
 7 ABATEMENT OF TAXES  
 8 Sec. \_\_\_\_ NEW SECTION. 427.8A PETITION FOR  
 9 SUSPENSION AND ABATEMENT OF TAXES DUE TO A DISASTER.  
 10 The board of supervisors may suspend or abate all  
 11 or part of taxes on a parcel of private property in  
 12 order to prevent or abate a public nuisance and to  
 13 encourage repair or reconstruction of private property  
 14 damaged due to a disaster. The owner of property  
 15 damaged due to a disaster may file a petition, duly  
 16 sworn to, with the board of supervisors, stating the  
 17 circumstances of the disaster and giving a statement

18 of parcels, as defined in section 445.1, damaged by  
 19 the disaster, and other information as the board may  
 20 require. The board of supervisors may order the  
 21 county treasurer to suspend the collection of the  
 22 taxes, special assessments, and rates or charges,  
 23 including interest, fees, and costs, which are  
 24 assessed against the petitioner or the petitioner's  
 25 estate for the current year and those unpaid for prior  
 26 years. If the owner agrees to repair the damage or  
 27 reconstruct the property, the board may also abate  
 28 future taxes, special assessments, and rates or  
 29 charges, including interest, fees, and costs for a  
 30 period not to exceed five years. The petition, when  
 31 approved, shall be filed by March 1 of the current tax  
 32 year with the treasurer.

33 For purposes of this section, "disaster" means  
 34 manmade and natural occurrences including, but not  
 35 limited to, fire, flood, earthquake, tornado, or  
 36 windstorm which results in damage exceeding fifty  
 37 percent of the property's assessed value."

38 2. Page 6, line 7, by inserting after the word  
 39 "tax," the following: "allowing for the suspension or  
 40 abatement of property taxes as a result of a  
 41 disaster,".

Amendment H-5641 lost.

Weigel of Chickasaw offered the following amendment H-5662, to  
 amendment H-5523, filed by him from the floor and moved its adoption:

H-5662

1 Amend the amendment, H-5523, to Senate File 2449,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 3, by inserting after line 26 the  
 5 following:

6 "DIVISION  
 7 FAMILY FARM AND AGRICULTURAL LAND TAX CREDITS

8 Sec. \_\_\_\_ Section 425A.1, Code 1995, is amended to  
 9 read as follows:

10 425A.1 FAMILY FARM TAX CREDIT FUND.

11 The family farm tax credit fund is created in the  
 12 office of the treasurer of state. There shall be  
 13 ~~transferred~~ appropriated annually to the fund the  
 14 ~~first ten million dollars of the amount annually~~  
 15 ~~appropriated to the agricultural land credit fund,~~  
 16 ~~provided in section 426.1~~ an amount sufficient to  
 17 implement this chapter. Any balance in the fund on  
 18 June 30 shall revert to the general fund.

19 Sec. \_\_\_\_ Section 425A.2, subsection 4, Code 1995,  
 20 is amended to read as follows:

21 4. "Designated person" means one of the following:

- 22 a. If the owner is an individual, the designated  
23 person includes the owner of the tract ~~or a person~~  
24 ~~related to the owner as, the owner's spouse, parent,~~  
25 ~~grandparent, the owner's child, grandchild, or~~  
26 ~~stepchild, and their spouses, or the owner's relative~~  
27 ~~within the third degree of consanguinity, and the~~  
28 ~~relative's spouse.~~
- 29 b. If the owner is a partnership, a partner, or  
30 the partner's spouse.
- 31 c. If the owner is a family farm corporation, a  
32 family member who is a shareholder of the family farm  
33 corporation or the shareholder's spouse.
- 34 d. If the owner is an authorized farm corporation,  
35 a shareholder who owns at least fifty-one percent of  
36 the stock of the authorized farm corporation or the  
37 shareholder's spouse.
- 38 e. If the owner is an individual who leases the  
39 tract to a family farm corporation, a shareholder of  
40 the corporation if the combined stock of the family  
41 farm corporation owned by the owner of the tract and  
42 persons related to the owner as enumerated in  
43 paragraph "a" is equal to at least fifty-one percent  
44 of the stock of the family farm corporation.
- 45 f. If the owner is an individual who leases the  
46 tract to a partnership, a partner if the combined  
47 partnership interest owned by the owner of the tract  
48 and persons related to the owner as enumerated in  
49 paragraph "a" is equal to at least fifty-one percent  
50 of the ownership interest of the partnership.

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- 1 Sec. \_\_\_\_ Section 426.1, Code 1995, is amended to  
2 read as follows:  
3 426.1 AGRICULTURAL LAND CREDIT FUND.  
4 There is created as a permanent fund in the office  
5 of the treasurer of state a fund to be known as the  
6 agricultural land credit fund, and for the purpose of  
7 establishing and maintaining this fund for each fiscal  
8 year there is appropriated ~~thereto to the fund~~ from  
9 funds in the general fund not otherwise appropriated  
10 the sum of ~~thirty-nine~~ twenty-nine million one hundred  
11 thousand dollars ~~of which the first ten million~~  
12 ~~dollars shall be transferred to and deposited into the~~  
13 ~~family farm tax credit fund created in section 425A.1.~~  
14 Any balance in said fund on June 30 shall revert to  
15 the general fund.
- 16 Sec. \_\_\_\_ This division of this Act, being deemed  
17 of immediate importance, takes effect upon enactment  
18 and applies to family farm tax credits and  
19 agricultural land credits allowed for property taxes  
20 due and payable in fiscal years beginning on or after  
21 July 1, 1996."

- 22 2. Page 6, line 7, by inserting after the word  
 23 "tax," the following: "increasing the funding for the  
 24 family farm tax credit,".

Roll call was requested by Bernau of Story and Weigel of Chickasaw.

Rule 75 was invoked.

On the question "Shall amendment H-5662, to amendment H-5523, be adopted?" (S.F. 2449)

The ayes were, 37:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

The nays were, 61:

Blodgett	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Coon	Corbett, Spkr.	Cormack	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 2:

Arnold	Boddicker
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Amendment H-5662 lost.

Shoultz of Black Hawk offered the following amendment H-5633, to amendment H-5523, filed by him and Ollie and moved its adoption:

H-5633

1 Amend the amendment, H-5523, to Senate File 2449,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. By striking page 3, line 28, through page 6,  
5 line 1, and inserting the following:

6 "SCHOOL FUNDING

7 Sec. \_\_\_\_ Section 256B.9, Code 1995, is amended by  
8 adding the following new subsection:

9 NEW SUBSECTION. 10. For the school year  
10 commencing July 1, 1996, the director of the  
11 department of education shall report to the school  
12 budget review committee the total statewide deficit,  
13 actual or estimate for the most recent school year  
14 available, in costs for providing instruction for  
15 children requiring special education in the categories  
16 of the weighting plan established under this section,  
17 and for providing services to nonpublic school  
18 students pursuant to section 256.12, subsection 2.  
19 The school budget review committee shall adjust the  
20 weighting plan beginning with the school year  
21 beginning July 1, 1996, so as to eliminate the amount  
22 of the statewide deficit as reported by the director.  
23 Any adjustment to weightings made under this  
24 subsection shall be in addition to any adjustments  
25 made pursuant to subsection 4.

26 Sec. \_\_\_\_ Section 257.1, subsection 2, unnumbered  
27 paragraph 2, Code Supplement 1995, is amended to read  
28 as follows:

29 For the budget year commencing July 1, ~~1991~~ 1996,  
30 ~~and for each succeeding budget year the regular~~  
31 ~~program foundation base per pupil is eighty-three~~  
32 eighty-five percent of the regular program state cost  
33 per pupil, ~~except that the regular program foundation~~  
34 ~~base per pupil for the portion of weighted enrollment~~  
35 ~~that is additional enrollment because of special~~  
36 ~~education is seventy-nine percent of the regular~~  
37 ~~program state cost per pupil. For each succeeding~~  
38 budget year, the regular program foundation base shall  
39 increase one-half of one percent per year until the  
40 regular program foundation base reaches ninety percent  
41 of the regular program state cost per pupil. For the  
42 budget year commencing July 1, ~~1991~~ 1996, and for each  
43 succeeding budget year the special education support  
44 services foundation base is seventy-nine eighty-five  
45 percent of the special education support services  
46 state cost per pupil. It shall increase at the same  
47 rate as the regular program foundation base. The  
48 combined foundation base is the sum of the regular  
49 program foundation base and the special education  
50 support services foundation base.

## Page 2

1 Sec. \_\_\_\_ Section 257.11, unnumbered paragraph 1,  
2 Code Supplement 1995, is amended to read as follows:

3 In order to provide additional funds for school  
4 districts which send their resident pupils to another  
5 school district or to a community college for classes,  
6 which jointly employ and share the services of  
7 teachers under section 280.15, which use the services  
8 of a teacher employed by another school district, or  
9 which jointly employ and share the services of a  
10 school superintendent under section 280.15 or 273.7A,  
11 have established programs for returning dropouts and  
12 dropout prevention, or which have established gifted  
13 and talented children programs, a supplementary  
14 weighting plan for determining enrollment is adopted  
15 as follows:

16 Sec. \_\_\_\_ Section 257.11, Code Supplement 1995, is  
17 amended by adding the following new subsections:

18 **NEW SUBSECTION. 8. GIFTED AND TALENTED CHILDREN**

19 **PROGRAMS.** School districts that have established  
20 gifted and talented children programs approved  
21 pursuant to sections 257.42 through 257.49 may receive  
22 supplementary weighting for each pupil enrolled in the  
23 program equal to two-tenths. However, the total  
24 additional weighting allowed under this subsection for  
25 a budget year for a school district shall not result  
26 in additional funding in excess of the lesser of the  
27 product of one-fifth of the district cost per pupil  
28 multiplied by one-twentieth of the budget enrollment,  
29 or of the amount established by the department of  
30 management, as required in section 257.46, to be  
31 raised from supplementary weighting.

32 **NEW SUBSECTION. 9. RETURNING DROPOUTS AND DROPOUT**

33 **PREVENTION PROGRAMS.** School districts that have  
34 established returning dropouts and dropout prevention  
35 programs approved pursuant to sections 257.38 through  
36 257.41 may receive supplementary weighting for each  
37 pupil enrolled in the program equal to two-tenths.  
38 However, the total additional weighting allowed under  
39 this subsection for a budget year for a school  
40 district shall not result in additional funding in  
41 excess of the lesser of the product of one-fifth of  
42 the district cost per pupil multiplied by one-  
43 twentieth of the budget enrollment, or of the amount  
44 established by the department of management, as  
45 required in section 257.41, to be raised from  
46 supplementary weighting.

47 Sec. \_\_\_\_ Section 257.20, subsection 1, Code 1995,  
48 is amended to read as follows:

49 1. In order to determine the amount of  
50 instructional support state aid and the amount of

Page 3

1 local funding for the instructional support program  
2 for a district, the department of management shall  
3 divide the total assessed valuation in the state by  
4 the total budget enrollment for the budget year in the  
5 state to determine a state assessed valuation per  
6 pupil and shall divide the assessed valuation in each  
7 district by the district's budget enrollment for the  
8 budget year to determine the district assessed  
9 valuation per pupil. The department of management  
10 shall multiply the ratio of the state's valuation per  
11 pupil to the district's valuation per pupil by twenty-  
12 five hundredths and subtract that result from one to  
13 determine the portion of the instructional support  
14 program budget that is local funding. The remaining  
15 portion of the budget shall be funded by instructional  
16 support state aid. ~~However, for the budget year~~  
17 ~~beginning July 1, 1992, only, the amount of state aid~~  
18 ~~is three and one quarter percent less than the amount~~  
19 ~~computed under this paragraph for that budget year.~~

20 Sec. \_\_\_\_ Section 257.20, subsection 2, paragraphs  
21 a and b, Code 1995, are amended by striking the  
22 paragraphs.

23 Sec. \_\_\_\_ Section 257.20, subsection 3, Code 1995,  
24 is amended by striking the subsection.

25 Sec. \_\_\_\_ Section 257.38, unnumbered paragraphs 1  
26 and 2, Code 1995, are amended to read as follows:

27 Boards of school districts, individually or jointly  
28 with boards of other school districts, requesting to  
29 ~~use additional allowable growth~~ receive supplementary  
30 weighting for programs for returning dropouts and  
31 dropout prevention, shall annually submit  
32 comprehensive program plans for the programs and  
33 budget costs, including requests for ~~additional~~  
34 ~~allowable growth~~ supplementary weighting for funding  
35 the programs, to the department of education as  
36 provided in this chapter. The program plans shall  
37 include:

38 Program plans shall identify the parts of the plan  
39 that will be implemented first upon approval of the  
40 application. If a district is requesting to ~~use~~  
41 ~~additional allowable growth~~ receive supplementary  
42 weighting to finance the program, it shall not  
43 identify more than five percent of its budget  
44 enrollment for the budget year as returning dropouts  
45 and potential dropouts.

46 Sec. \_\_\_\_ Section 257.40, Code 1995, is amended to  
47 read as follows:

48 257.40 PLANS FOR RETURNING DROPOUTS AND DROPOUT  
49 PREVENTION.

50 The board of directors of a school district

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1 requesting to use ~~additional allowable growth~~ receive  
2 supplementary weighting for programs for returning  
3 dropouts and dropout prevention shall submit  
4 applications for approval for the programs to the  
5 department not later than November 1 preceding the  
6 budget year during which the program will be offered.  
7 The department shall review the program plans and  
8 shall prior to January 15 either grant approval for  
9 the program or return the request for approval with  
10 comments of the department included. An unapproved  
11 request for a program may be resubmitted with  
12 modifications to the department not later than  
13 February 1. Not later than February 15, the  
14 department shall notify the department of management  
15 and the school budget review committee of the names of  
16 the school districts for which programs using  
17 ~~additional allowable growth~~ receiving supplementary  
18 weighting for funding have been approved and the  
19 approved budget of each program listed separately for  
20 each school district having an approved program.  
21 Sec. \_\_\_\_ Section 257.41, Code 1995, is amended to  
22 read as follows:

23 257.41 FUNDING FOR PROGRAMS FOR RETURNING DROPOUTS  
24 AND DROPOUT PREVENTION.

25 The budget of an approved program for returning  
26 dropouts and dropout prevention for a school district,  
27 after subtracting funds received from other sources  
28 for that purpose, shall be funded annually on a basis  
29 of one-fourth or more from the district cost of the  
30 school district and up to three-fourths by ~~an increase~~  
31 ~~in allowable growth as defined in section 257.8~~  
32 receipt of supplementary weighting as provided in  
33 section 257.11, subsection 9. Annually, the  
34 department of management shall establish a ~~modified~~  
35 ~~allowable growth~~ the amount of additional funding  
36 needed to be raised from the supplementary weighting  
37 for each such district equal to the difference between  
38 the approved budget for the program for returning  
39 dropouts and dropout prevention for that district and  
40 the sum of the amount funded from the district cost of  
41 the school district plus funds received from other  
42 sources.

43 Sec. \_\_\_\_ Section 257.42, unnumbered paragraph 1,  
44 Code 1995, is amended to read as follows:

45 Boards of school districts, individually or jointly  
46 with the boards of other school districts, requesting  
47 to use ~~additional allowable growth~~ receive  
48 supplementary weighting for gifted and talented  
49 children programs, may annually submit program plans  
50 for gifted and talented children programs and budget



Page 5

1 costs, including requests for ~~additional allowable~~  
2 ~~growth supplementary weighting~~ for funding the  
3 programs, to the department of education and to the  
4 applicable gifted and talented children advisory  
5 council, if an advisory council has been established,  
6 as provided in this chapter.

7 Sec. \_\_\_\_ Section 257.42, unnumbered paragraphs 4  
8 and 5, Code 1995, are amended to read as follows:

9 The department of education shall adopt rules under  
10 chapter 17A relating to the administration of sections  
11 257.42 through 257.49. The rules shall prescribe the  
12 format of program plans submitted under section 257.43  
13 and shall require that programs fulfill specified  
14 objectives. The department shall encourage and assist  
15 school districts to provide programs for gifted and  
16 talented children whether or not ~~additional allowable~~  
17 ~~growth supplementary weighting~~ is requested under this  
18 chapter.

19 The department may request that the staff of the  
20 auditor of state conduct an independent program audit  
21 to verify that the gifted and talented children  
22 programs funded by ~~additional allowable growth~~  
23 supplementary weighting conform to a district's  
24 program plans.

25 Sec. \_\_\_\_ Section 257.45, subsection 1, Code 1995,  
26 is amended to read as follows:

27 1. The board of directors of a school district  
28 requesting to use ~~additional allowable growth~~ receive  
29 supplementary weighting for gifted and talented  
30 children programs shall submit applications for  
31 approval for the programs to the department not later  
32 than November 1 preceding the fiscal year during which  
33 the program will be offered. The board shall also  
34 submit a copy of the program plans to the gifted and  
35 talented children advisory council, if an advisory  
36 council has been established. The department shall  
37 review the program plans and shall prior to January 15  
38 either grant approval for the program or return the  
39 request for approval with comments of the department  
40 included. Any unapproved request for a program may be  
41 resubmitted with modifications to the department not  
42 later than a date established by the department. Not  
43 later than February 15 the department shall notify the  
44 department of management and the school budget review  
45 committee of the names of the school districts for  
46 which gifted and talented children programs using  
47 ~~additional allowable growth~~ receiving supplementary  
48 weighting for funding have been approved and the  
49 approved budget of each program listed separately for  
50 each school district having an approved program.

## Page 6

1 Sec. \_\_\_\_ Section 257.46, Code 1995, is amended to  
2 read as follows:

3 257.46 FUNDING.

4 The budget of an approved gifted and talented  
5 children program for a school district, after  
6 subtracting funds received from other sources for that  
7 purpose, shall be funded annually on a basis of one-  
8 fourth or more from the district cost of the school  
9 district and up to three-fourths by ~~an increase in~~  
10 ~~allowable growth as defined in section 257.8~~ receipt  
11 of supplementary weighting as provided in section  
12 257.11, subsection 8. The approved budget for a  
13 gifted and talented children program shall not exceed  
14 an amount equal to one and twenty-four-hundredths  
15 percent of the district cost per pupil of the district  
16 for the base year multiplied by the budget enrollment  
17 of the district for the budget year. Annually, the  
18 department of management shall establish a ~~modified~~  
19 ~~allowable growth~~ the amount of additional funding  
20 needed to be raised from the supplementary weighting  
21 for each such district equal to the difference between  
22 the approved budget for the gifted and talented  
23 children program for that district and the sum of the  
24 amount funded from the district cost of the school  
25 district plus funds received from other sources.

26 If any portion of the gifted and talented program  
27 budget remains unexpended at the end of the budget  
28 year, the part of the remainder equal to the  
29 proportion of the original budget which was funded by  
30 ~~an increase in allowable growth, as defined in section~~  
31 ~~257.8,~~ supplementary weightings shall be carried over  
32 to the subsequent budget year and added to the gifted  
33 and talented program budget for that year.

34 Sec. \_\_\_\_ This division of this Act, being deemed  
35 of immediate importance, takes effect upon enactment,  
36 and applies to the computation of school funding for  
37 school budget years commencing on or after July 1,  
38 1996."

39 2. Page 6, by striking line 8 and inserting the  
40 following: "providing additional state aid for  
41 purposes".

A non-record roll call was requested.

The ayes were 30, nays 49.

Amendment H-5633 lost.

Brand of Benton offered amendment H-5668, to amendment  
H-5523, filed by him from the floor as follows:

H-5668

1 Amend the amendment, H-5523, to Senate File 2449,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 6, by striking the word  
5 "INDEXATION".

6 2. Page 2, by inserting after line 16 the  
7 following:

8 "Sec. \_\_\_\_ NEW SECTION. 422.12F CAPITAL GAIN  
9 CREDIT.

10 1. The taxes imposed under this division shall be  
11 reduced by a capital gain credit equal to fifty  
12 percent of the net capital gain of the taxpayer on the  
13 sale of agricultural land to a beginning farmer under  
14 the "Farm-On" program of the agricultural extension  
15 service. However, to receive the credit both the  
16 taxpayer and the beginning farmer must be enrolled in  
17 the "Farm-On" program prior to the sale of the  
18 agricultural land.

19 2. The taxpayer must completely fill out the  
20 return and determine the taxpayer's tax liability  
21 without deduction for the credit allowed in subsection  
22 1 and pay the amount of tax owed. The taxpayer shall  
23 then recompute the taxpayer's income tax liability  
24 pursuant to this division with the deduction for the  
25 credit allowed in subsection 1 on a special return.  
26 This special return shall be filed with the regular  
27 return and constitutes a claim for refund of the  
28 difference between the amount of tax the taxpayer paid  
29 on the regular return and the amount of tax determined  
30 on the special return.

31 3. For any tax year, the aggregate amount of  
32 refund claims that shall be paid pursuant to this  
33 section shall not exceed ten million dollars. If, for  
34 a tax year, the aggregate amount of refund claims  
35 filed pursuant to this section exceeds ten million  
36 dollars, each claim for refund shall be paid on a pro  
37 rata basis so that the aggregate amount of refund  
38 claims does not exceed ten million dollars. In the  
39 case where refund claims are not allowed in full, the  
40 amount of the refund to which the taxpayer is entitled  
41 under this section is the pro rata amount that was  
42 paid and the taxpayer is not entitled to a refund of  
43 the unpaid portion and is not entitled to carry that  
44 amount forward or backward to another tax year.  
45 Taxpayers shall not use refunds as estimated payments  
46 for the succeeding tax year. The department shall  
47 determine by October 1 of the tax year following the  
48 tax year for which the refund claim is filed if the  
49 aggregate amount of refund claims exceeds ten million  
50 dollars for the tax year. Notwithstanding any

## Page 2

1 provision, interest shall not be due on any refund  
 2 claims that are paid by December 31 of the tax year  
 3 following the tax year for which the refund claim is  
 4 filed. For taxpayers that are fiscal year filers, the  
 5 amount of the refund claim allowed shall be in the  
 6 same ratio as the refund claims allowed for the tax  
 7 year in which the taxpayer's fiscal year began."

8 3. Page 2, line 21, by inserting after the figure  
 9 "1996." the following: "This division of this Act  
 10 applies retroactively to January 1, 1996, to tax years  
 11 beginning on or after that date."

12 4. Page 6, line 6, by striking the word "of" and  
 13 inserting the following: "and providing a credit for  
 14 the sale of farmland to a beginning farmer under".

Speaker Corbett in the chair at 1:04 p.m.

Brand of Benton moved the adoption of amendment H-5668, to amendment H-5523.

A non-record roll call was requested.

The ayes were 25, nays 57.

Amendment H-5668 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tyrrell of Iowa, until his return, on request of Siegrist of Pottawattamie.

Wise of Lee offered the following amendment H-5670, to amendment H-5523, filed by Wise, Shoultz and Ollie from the floor and moved its adoption:

H-5670

1 Amend amendment, H-5523, to Senate File 2449, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

4 1. Page 3, line 28, by striking the words  
 5 "PROPERTY TAX" and inserting the following:  
 6 "FUNDING".

7 2. By striking page 3, line 29, through page 6,  
 8 line 1, and inserting the following:

9 "Sec. \_\_\_\_ Section 257.1, subsection 2, unnumbered  
 10 paragraph 2, Code Supplement 1995, is amended to read  
 11 as follows:

12 For the budget year commencing July 1, ~~1991~~ 1996,  
 13 ~~and for each succeeding budget year~~ the regular  
 14 program foundation base per pupil is ~~eighty-three~~

15 ~~eighty-seven~~ percent of the regular program state cost  
 16 per pupil, ~~except that the regular program foundation~~  
 17 ~~base per pupil for the portion of weighted enrollment~~  
 18 ~~that is additional enrollment because of special~~  
 19 ~~education is seventy-nine percent of the regular~~  
 20 ~~program state cost per pupil. For each succeeding~~  
 21 ~~budget year, the regular program foundation base shall~~  
 22 ~~increase one-half of one percent per year until the~~  
 23 ~~regular program foundation base reaches ninety percent~~  
 24 ~~of the regular program state cost per pupil. For the~~  
 25 ~~budget year commencing July 1, 1991 1996, and for each~~  
 26 ~~succeeding budget year the special education support~~  
 27 ~~services foundation base is seventy-nine eighty-seven~~  
 28 ~~percent of the special education support services~~  
 29 ~~state cost per pupil. It shall increase at the same~~  
 30 ~~rate as the regular program foundation base. The~~  
 31 ~~combined foundation base is the sum of the regular~~  
 32 ~~program foundation base and the special education~~  
 33 ~~support services foundation base.~~  
 34 Sec. \_\_\_\_ This division of this Act, being deemed  
 35 of immediate importance, takes effect upon enactment,  
 36 and applies to the computation of school funding for  
 37 school budget years commencing on or after July 1,  
 38 1996."

39 3. Page 6, by striking line 8 and inserting the  
 40 following: "providing additional state aid to school  
 41 districts for purposes".

42 4. By renumbering as necessary.

Roll call was requested by Wise of Lee and Ollie of Clinton.

On the question "Shall amendment H-5670, to amendment H-5523, be adopted?" (S.F. 2449)

The ayes were, 36:

Bell	Bernau	Brammer	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Hanson
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 57:

Blodgett	Boddicker	Bogges	Branstad
Brauns	Brunkhorst	Churchill	Coon
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries

Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Martin
Mertz	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

Absent or not voting, 7:

Arnold	Baker	Bradley	Carroll
Lord	Main	Tyrrell	

Amendment H-5670 lost.

Carroll of Poweshiek in the chair at 1:52 p.m.

Speaker Corbett in the chair at 1:55 p.m.

Halvorson of Clayton moved the adoption of amendment H-5523.

Roll call was requested by Siegrist of Pottawattamie and Rants of Woodbury.

On the question "Shall amendment H-5523 be adopted?" (S.F. 2449)

The ayes were, 62:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Mertz	Metcalf	Meyer
Millage	Mundie	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Van Fossen	Van Maanen	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

The nays were, 34:

Bell	Bernau	Brammer	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Ertl	Fallon

Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Moreland	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Wise	Witt		

Absent or not voting, 4:

Baker	Murphy	Tyrrell	Vande Hoef
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Amendment H-5523 was adopted.

Halvorson of Clayton 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. 2449)

The ayes were, 95:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, 4:

Brammer	Fallon	Harper	Myers
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Absent or not voting, 1:

Baker

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2062, 2235, 2282 and 2449.**

### SPECIAL PRESENTATION

Nelson of Pottawattamie presented to the House Brian Heithoff and Joseph Reid, representatives of the Fourth and Fifth Grade Classes of Gunn Elementary School, Council Bluffs. The classes, and their teacher Mrs. Heithoff, have taken "The Capitol Building Restoration" as an ongoing project. Through bake sales, car washes, and donations from organizations, companies and families, the students were able to present a check for \$2,153.82 to Speaker Corbett to be used for the Capitol Building restoration project.

The House rose and expressed its appreciation.

### 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, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 514, a bill for an act relating to Iowa motor vehicle registration plates, by providing for special United States armed forces retired plates, special plates for education and an Iowa education transportation enhancement fund, and special silver and bronze star plates, providing for special registration plates with distinguishing processed emblems, providing for required plate specifications, making penalties applicable, and providing an effective date.

Also: That the Senate has on March 27, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2230, a bill for an act relating to the duties of the department of inspections and appeals concerning liens on improper provider payments from the department of human services, the administration of certain health care statutes, and the conducting of audits.

Also: That the Senate has on March 27, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2409, a bill for an act relating to the regulation of activities of state banks and state bank affiliates, interstate branching or banking, and personnel of the banking division, state banks, and state bank affiliates, and the regulation of financial transactions involving such entities and personnel.

Also: That the Senate has on March 4, 1996, passed the following bill in which the concurrence of the House is asked:



Senate File 2216, a bill for an act providing that the examination for commercial applicators of pesticides be given at each community college.

Also: That the Senate has on March 27, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2280, a bill for an act relating to filing fees charged by county recorders and eliminating a surcharge fee.

Also: That the Senate has on March 27, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2368, a bill for an act providing for the regulation of investment securities under Article 8 of the Uniform Commercial Code, and providing conforming changes, and an effective date.

Also: That the Senate has on March 18, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2411, a bill for an act providing the state auditor with the right to examine documents of state officers and departments.

Also: That the Senate has on March 27, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 113, a concurrent resolution declaring Miss Iowa an official hostess for the State of Iowa.

Also: That the Senate has on March 27, 1996, adopted the following resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 116, a Senate concurrent resolution to urge the federal government to restore requirements for the reporting of information regarding cattle fed in Iowa feedlots.

JOHN F. DWYER, Secretary

### SENATE MESSAGES CONSIDERED

**Senate File 2216**, by committee on agriculture, a bill for an act providing that the examination for commercial applicators of pesticides be given at each community college.

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

**Senate File 2280**, by committee on local government, a bill for an act relating to filing fees charged by county recorders and eliminating a surcharge fee.

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

**Senate File 2411**, by committee on state government, a bill for an act providing the state auditor with the right to examine documents of state officers and departments.

Read first time and referred to committee on **state government**.

On motion by Siegrist of Pottawattamie, the House was recessed at 2:30 p.m., until 3:30 p.m.

## AFTERNOON SESSION

The House reconvened at 3:43 p.m., Speaker Corbett in the chair.

## QUORUM CALL

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

## MOTIONS TO RECONSIDER WITHDRAWN

(Senate File 2423)

Kreiman of Davis and Greiner of Washington asked and received unanimous consent to withdraw the motions to reconsider **Senate File 2423**, a bill for an act prohibiting a person from soliciting another person to arrange a sex act with a child and making a penalty applicable, filed by each of them on March 25, 1996.

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2423** be immediately messaged to the Senate.

## RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for immediate consideration of **Senate File 2446**.

## CONSIDERATION OF BILLS

## Appropriations Calendar

**Senate File 2446**, a bill for an act relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing effective dates, with report of committee recommending amendment and passage, was taken up for consideration.

Hahn of Muscatine offered amendment H-5482 filed by the committee on appropriations as follows:

H-5482

- 1 Amend Senate File 2446, 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 "DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP
- 6 Section 1. GENERAL APPROPRIATION. There is

7 appropriated from the general fund of the state to the  
 8 department of agriculture and land stewardship for the  
 9 fiscal year beginning July 1, 1996, and ending June  
 10 30, 1997, the following amounts, or so much thereof as  
 11 is necessary, to be used for the purposes designated:

12 1. ADMINISTRATIVE DIVISION

13 a. For salaries, support, maintenance, the support  
 14 of the state 4-H foundation, support of the statistics  
 15 bureau, and miscellaneous purposes, and for the  
 16 salaries and support of not more than the following  
 17 full-time equivalent positions:

18 ..... \$ 1,586,111  
 19 ..... FTEs 41.45

20 (1) Of the funds appropriated in this paragraph  
 21 "a", \$322,406 and 7.00 FTEs shall be used to support  
 22 horticulture. The president of the state horticulture  
 23 society or the president's designee and the department  
 24 shall consult and mutually agree on all expenditures  
 25 of moneys in this subparagraph and on the filling of  
 26 full-time equivalent positions, as allocated in this  
 27 subparagraph.

28 (2) Of the amount appropriated in this paragraph  
 29 "a", \$50,000 shall be allocated to the state 4-H  
 30 foundation to foster the development of Iowa's youth  
 31 and to encourage them to study the subject of  
 32 agriculture.

33 (3) Of the amount appropriated and full-time  
 34 equivalent positions authorized in this paragraph "a",  
 35 \$130,519 and 4.00 FTEs shall be allocated to the  
 36 statistics bureau to provide county-by-county  
 37 information on land in farms, production by crop,  
 38 acres by crop, and county prices by crop. This  
 39 information shall be made available to the department  
 40 of revenue and finance for use in the productivity  
 41 formula for valuing and equalizing the values of  
 42 agricultural land.

43 (4) Of the amount appropriated in this paragraph  
 44 "a", not more than \$5,000 shall be allocated to the  
 45 Iowa limousin cattle junior association in connection  
 46 with the 1996 national junior limousin cattle show.

47 b. For the operations of the dairy trade practices  
 48 bureau:

49 ..... \$ 66,846

50 c. For the purpose of performing commercial feed

Page 2

1 audits:  
 2 ..... \$ 64,698

3 d. For the purpose of performing fertilizer  
 4 audits:  
 5 ..... \$ 64,697

6 2. REGULATORY DIVISION

7 a. For salaries, support, maintenance,  
 8 miscellaneous purposes, and for not more than the  
 9 following full-time equivalent positions:

10 ..... \$ 3,848,960  
 11 ..... FTEs 122.50

12 b. For the costs of inspection, sampling,  
 13 analysis, and other expenses necessary for the  
 14 administration of chapters 192, 194, and 195:  
 15 ..... \$ 651,220

16 3. LABORATORY DIVISION

17 a. For salaries, support, maintenance, and  
 18 miscellaneous purposes, including the administration  
 19 of the gypsy moth program, and for not more than the  
 20 following full-time equivalent positions:  
 21 ..... \$ 875,475  
 22 ..... FTEs 85.10

23 (1) Of the amount appropriated in this paragraph  
 24 "a", \$110,000 shall be used to administer a program  
 25 relating to the detection, surveillance, and  
 26 eradication of the gypsy moth. The department shall  
 27 allocate and use the appropriation made in this  
 28 paragraph before moneys other than those appropriated  
 29 in this paragraph are used to support the program.

30 (2) Of the amount appropriated and the number of  
 31 full-time equivalent positions authorized in this  
 32 paragraph "a", \$49,850 and 1.00 FTE shall be used to  
 33 support a regional entomologist for purposes of  
 34 conducting laboratory inspection activities.

35 (3) Of the amount appropriated in this paragraph  
 36 "a", \$82,000 shall be used for the acquisition of  
 37 laboratory equipment, including, but not limited to, a  
 38 fat analyzer and a nitrogen protein combustion  
 39 analyzer.

40 (4) Of the number of full-time equivalent  
 41 positions authorized in this paragraph "a" and funded  
 42 in paragraph "c", 1.00 FTE shall be used to support an  
 43 organics program coordinator who shall assure  
 44 compliance of organic foods sold commercially within  
 45 the state with federal regulations relating to organic  
 46 foods.

47 b. For the operations of the commercial feed  
 48 programs:  
 49 ..... \$ 742,499

50 c. For the operations of the pesticide programs:

Page 3

1 ..... \$ 1,291,781

2 Of the amount appropriated in this paragraph "c",  
 3 \$200,000 shall be allocated to Iowa state university  
 4 for purposes of training commercial pesticide  
 5 applicators.

6 d. For the operations of the fertilizer programs:

7 ..... \$ 633,832

8 4. SOIL CONSERVATION DIVISION

9 a. For salaries, support, maintenance, assistance  
10 to soil conservation districts, miscellaneous  
11 purposes, and for not more than the following full-  
12 time equivalent positions:

13 ..... \$ 5,805,591

14 ..... FTEs 171.28

15 Of the amount appropriated in this paragraph "a",  
16 \$330,000 shall be used to reimburse commissioners of  
17 soil and water conservation districts for  
18 administrative expenses. Moneys used for the payment  
19 of meeting dues by counties shall be matched on a  
20 dollar-for-dollar basis by the soil conservation  
21 division.

22 b. To provide financial incentives for soil  
23 conservation practices under chapter 161A:

24 ..... \$ 6,418,606

25 c. The following requirements apply to the moneys  
26 appropriated in paragraph "b":

27 (1) Not more than 5 percent of the moneys  
28 appropriated in paragraph "b" may be allocated for  
29 cost sharing to abate complaints filed under section  
30 161A.47.

31 (2) Of the moneys appropriated in paragraph "b", 5  
32 percent shall be allocated for financial incentives to  
33 establish practices to protect watersheds above  
34 publicly owned lakes of the state from soil erosion  
35 and sediment as provided in section 161A.73.

36 (3) Not more than 30 percent of a district's  
37 allocation of moneys as financial incentives may be  
38 provided for the purpose of establishing management  
39 practices to control soil erosion on land that is row  
40 cropped, including but not limited to no-till  
41 planting, ridge-till planting, contouring, and contour  
42 strip-cropping as provided in section 161A.73.

43 (4) The state soil conservation committee created  
44 in section 161A.4 may allocate moneys to conduct  
45 research and demonstration projects to promote  
46 conservation tillage and nonpoint source pollution  
47 control practices.

48 (5) The financial incentive payments may be used  
49 in combination with department of natural resources  
50 moneys.

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1 d. The provisions of section 8.33 shall not apply  
2 to the moneys appropriated in paragraph "b".  
3 Unencumbered or unobligated moneys remaining on June  
4 30, 2000, from moneys appropriated in paragraph "b"  
5 for the fiscal year beginning July 1, 1996, shall  
6 revert to the general fund on August 31, 2000.

## 7 Sec. 2. AUTHORITY OF ADMINISTRATIVE UNITS.

8 Notwithstanding any other provision of law or  
9 departmental policy or practice, for the fiscal year  
10 beginning July 1, 1996, and ending June 30, 1997, the  
11 following shall apply to the department of agriculture  
12 and land stewardship:

13 1. Each division director of the department, and  
14 not the secretary of agriculture or the secretary's  
15 designee, shall be responsible for carrying out  
16 functions of that division as required by law  
17 including this Act. Each division director shall be  
18 the sole authority within the department for  
19 establishing and approving a budget and for  
20 authorizing the expenditure of moneys for purposes  
21 provided in this Act, including functions described in  
22 section 1 of this Act for that director's division,  
23 including but not limited to authorizing the payment  
24 of salaries, support, and maintenance; the support of  
25 full-time equivalent positions; and the filling of  
26 full-time equivalent positions.

27 2. The divisions of the department shall not be  
28 reorganized or restructured. The head of an  
29 administrative unit of the department serving at the  
30 secretary's pleasure, including each division  
31 director, shall not be subject to action by the  
32 department, including the secretary of agriculture or  
33 the secretary's designee, that affects the employment  
34 position or status of the unit's head, unless the  
35 action increases the salary or benefits, or increases  
36 the powers and duties, of the administrative unit's  
37 head.

38 This section shall not affect accounting or payroll  
39 requirements, policies, or practices. This section  
40 shall not affect the powers and duties of the  
41 department of management, the department of personnel,  
42 or affect the provisions of any collective bargaining  
43 agreement.

## 44 Sec. 3. FARMERS' MARKET COUPON PROGRAM. There is

45 appropriated from the general fund of the state to the  
46 department of agriculture and land stewardship for the  
47 fiscal year beginning July 1, 1996, and ending June  
48 30, 1997, the following amount, or so much thereof as  
49 is necessary, to be used for the purposes designated:

50 For salaries, support, maintenance, and

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1 miscellaneous purposes, to be used by the department  
2 to continue and expand the farmers' market coupon  
3 program by providing federal special supplemental food  
4 program recipients with coupons redeemable at farmers'  
5 markets, and for not more than the following full-time  
6 equivalent positions:

7 ..... \$ 215,807  
 8 ..... FTEs 1.00

9 Sec. 4. PSEUDORABIES ERADICATION PROGRAM.

10 1. There is appropriated from the general fund of  
 11 the state to the department of agriculture and land  
 12 stewardship for the fiscal year beginning July 1,  
 13 1996, and ending June 30, 1997, the following amount,  
 14 or so much thereof as is necessary, to be used for the  
 15 purpose designated:

16 For support of the pseudorabies eradication  
 17 program:  
 18 ..... \$ 900,300

19 2. Persons, including organizations interested in  
 20 swine production in this state and in the promotion of  
 21 Iowa pork products who contribute support to the  
 22 program, are encouraged to increase financial support  
 23 for purposes of ensuring the program's effective  
 24 continuation.

25 Sec. 5. HORSE AND DOG RACING. There is  
 26 appropriated from the moneys available under section  
 27 99D.13 to the regulatory division of the department of  
 28 agriculture and land stewardship for the fiscal year  
 29 beginning July 1, 1996, and ending June 30, 1997, the  
 30 following amount, or so much thereof as is necessary,  
 31 to be used for the purpose designated:

32 For salaries, support, maintenance, and  
 33 miscellaneous purposes for the administration of  
 34 section 99D.22:  
 35 ..... \$ 192,560

36 Sec. 6. As a condition of the appropriations made  
 37 to the department of agriculture and land stewardship  
 38 in sections 1, 3, 4, and 5 of this Act, the position  
 39 of deputy secretary of agriculture, established  
 40 pursuant to section 14A.1, shall be eliminated.

41 Sec. 7. INTERSTATE COMPACT ON AGRICULTURAL GRAIN

42 MARKETING. There is appropriated from the general  
 43 fund of the state to the interstate agricultural grain  
 44 marketing commission for the fiscal year beginning  
 45 July 1, 1996, and ending June 30, 1997, the following  
 46 amount, or so much thereof as is necessary, to be used  
 47 for the purpose designated:

48 For carrying out duties of the commission as  
 49 provided in Article IV of the interstate compact on  
 50 agricultural grain marketing as provided in chapter

Page 6

1 183:  
 2 ..... \$ 80,000

3 DEPARTMENT OF NATURAL RESOURCES

4 Sec. 8. GENERAL APPROPRIATION. There is  
 5 appropriated from the general fund of the state to the  
 6 department of natural resources for the fiscal year

7 beginning July 1, 1996, and ending June 30, 1997, the  
8 following amounts, or so much thereof as is necessary,  
9 to be used for the purposes designated:

10 1. ADMINISTRATIVE AND SUPPORT SERVICES

11 For salaries, support, maintenance, miscellaneous  
12 purposes, and for not more than the following full-  
13 time equivalent positions:

14 ..... \$ 2,052,389  
15 ..... FTEs 119.25

16 Of the amount appropriated and the number of full-  
17 time equivalent positions authorized in this  
18 subsection 1, at least \$200,000 and 4.00 FTEs shall be  
19 used by administration and support services to support  
20 a compliance and permit assistance team to facilitate  
21 cooperation between the department and persons  
22 regulated by the department in order to ensure  
23 efficient compliance with applicable legal  
24 requirements.

25 2. PARKS AND PRESERVES DIVISION

26 For salaries, support, maintenance, miscellaneous  
27 purposes, and for not more than the following full-  
28 time equivalent positions:

29 ..... \$ 5,546,988  
30 ..... FTEs 195.73

31 3. FORESTS AND FORESTRY DIVISION

32 For salaries, support, maintenance, miscellaneous  
33 purposes, and for not more than the following full-  
34 time equivalent positions:

35 ..... \$ 1,494,908  
36 ..... FTEs 48.71

37 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION

38 For salaries, support, maintenance, miscellaneous  
39 purposes, and for not more than the following full-  
40 time equivalent positions:

41 ..... \$ 1,681,228  
42 ..... FTEs 52.00

43 5. a. ENVIRONMENTAL PROTECTION DIVISION

44 (1) For salaries, support, maintenance,  
45 miscellaneous purposes, and for not more than the  
46 following full-time equivalent positions:

47 ..... \$ 2,026,509  
48 ..... FTEs 218.00

49 (2) Of the amount appropriated and the number of  
50 full-time equivalent positions authorized in

1 subparagraph (1) at least \$480,600 and 9.00 FTEs shall  
2 be used to support the regulation of animal feeding  
3 operations.

4 (3) Of the number of full-time equivalent  
5 positions authorized in subparagraph (1), 1.00 FTE  
6 shall be used to support administration of the waste



7 tire management fund, if enacted in 1996 Iowa Acts,  
8 House File 2433.

9 b. WATER QUALITY PROTECTION FUND

10 For allocation to the administrative account of the  
11 water quality protection fund established pursuant to  
12 section 455B.183A, to carry out the purpose of that  
13 account:

14 ..... \$ 879,000

15 (1) Of the number of full-time equivalent  
16 positions authorized in paragraph "a", 36.00 FTEs  
17 shall be dedicated to carrying out the provisions of  
18 chapter 455B relating to the administration,  
19 regulation, and enforcement of the federal Safe  
20 Drinking Water Act and to support the program to  
21 assist water supply systems as provided in section  
22 455B.183B. However, the limitation on full-time  
23 equivalent positions provided in paragraph "a", shall  
24 not limit the number of additional full-time  
25 equivalent positions supported by moneys deposited in  
26 the water quality protection fund as provided in  
27 section 455B.183A, in order to carry out the  
28 provisions of division III of chapter 455B relating to  
29 the administration, regulation, and enforcement of the  
30 federal Safe Drinking Water Act, and the  
31 administration of the program to assist water supply  
32 systems pursuant to section 455B.183B.

33 (2) In providing assistance to water supply  
34 systems, the department shall provide priority to  
35 water supply systems serving a population of seven  
36 thousand or less. At least 2.00 FTEs shall be  
37 allocated to provide assistance to systems serving a  
38 population of seven thousand or less.

39 6. FISH AND WILDLIFE DIVISION

40 For not more than the following full-time  
41 equivalent positions:

42 ..... FTEs 342.18

43 7. WASTE MANAGEMENT ASSISTANCE DIVISION

44 For not more than the following full-time  
45 equivalent positions:

46 ..... FTEs 16.75

47 Sec. 9. STATE FISH AND GAME PROTECTION FUND —  
48 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.

49 1. There is appropriated from the state fish and  
50 game protection fund to the division of fish and

1 wildlife of the department of natural resources for  
2 the fiscal year beginning July 1, 1996, and ending  
3 June 30, 1997, the following amount, or so much  
4 thereof as is necessary, to be used for the purposes  
5 designated:

6 For administrative support, and for salaries,

7 support, maintenance, equipment, and miscellaneous  
 8 purposes:  
 9 ..... \$ 21,290,891

10 2. The department shall not expend more moneys  
 11 from the fish and game protection fund than provided  
 12 in this section, unless the expenditure derives from  
 13 contributions made by a private entity, or a grant or  
 14 moneys received from the federal government, and is  
 15 approved by the natural resource commission. The  
 16 department of natural resources shall promptly notify  
 17 the legislative fiscal bureau and the chairpersons and  
 18 ranking members of the joint appropriations  
 19 subcommittee on agriculture and natural resources  
 20 concerning the commission's approval.

21 Sec. 10. MARINE FUEL TAX RECEIPTS — BOATING  
 22 FACILITIES AND ACCESS. There is appropriated from the  
 23 marine fuel tax receipts deposited in the general fund  
 24 of the state to the department of natural resources  
 25 for the fiscal year beginning July 1, 1996, and ending  
 26 June 30, 1997, the following amount, or so much  
 27 thereof as is necessary, to be used for the purpose  
 28 designated:

29 For purposes of maintaining and developing boating  
 30 facilities and access to public waters by the parks  
 31 and preserves division:  
 32 ..... \$ 411,311

33 Sec. 11. SNOWMOBILE FEES — TRANSFER FOR  
 34 ENFORCEMENT PURPOSES. There is transferred on July 1,  
 35 1996, from the fees deposited under section 321G.7 to  
 36 the fish and game protection fund and appropriated to  
 37 the department of natural resources for the fiscal  
 38 year beginning July 1, 1996, and ending June 30, 1997,  
 39 the following amount, or so much thereof as is  
 40 necessary, to be used for the purpose designated:

41 For the purpose of enforcing snowmobile laws as  
 42 part of the state snowmobile program administered by  
 43 the department of natural resources:  
 44 ..... \$ 100,000

45 Sec. 12. VESSEL FEES — TRANSFER FOR ENFORCEMENT  
 46 PURPOSES. There is transferred on July 1, 1996, from  
 47 the fees deposited under section 462A.52 to the fish  
 48 and game protection fund and appropriated to the  
 49 department of natural resources for the fiscal year  
 50 beginning July 1, 1996, and ending June 30, 1997, the

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1 following amount, or so much thereof as is necessary,  
 2 to be used for the purpose designated:  
 3 For the administration and enforcement of  
 4 navigation laws and water safety:  
 5 ..... \$ 1,250,000  
 6 Of the amount appropriated in this section, \$50,000

7 may be used for purposes of controlling and  
 8 eradicating eurasian milfoil.  
 9 Notwithstanding section 8.33, moneys transferred  
 10 pursuant to this section which are unencumbered or  
 11 unobligated on June 30, 1997, shall be transferred on  
 12 July 1, 1997, to the special conservation fund  
 13 established by section 462A.52 to be used as provided  
 14 in that section, and shall not revert as provided in  
 15 section 8.33.

16 RESOURCES ENHANCEMENT AND PROTECTION

17 Sec. 13. GENERAL APPROPRIATION. Notwithstanding  
 18 the amount of the standing appropriation from the  
 19 general fund of the state under section 455A.18,  
 20 subsection 3, there is appropriated from the general  
 21 fund of the state to the Iowa resources enhancement  
 22 and protection fund, in lieu of the appropriation made  
 23 in section 455A.18, for the fiscal year beginning July  
 24 1, 1996, and ending June 30, 1997, the sum of  
 25 \$8,000,000, of which all moneys shall be allocated as  
 26 provided in section 455A.19.

27 RELATED APPROPRIATIONS

28 Sec. 14. APPROPRIATION FROM ORGANIC NUTRIENT  
 29 MANAGEMENT FUND. There is appropriated from the  
 30 organic nutrient management fund to the following  
 31 entities in the fiscal year beginning July 1, 1996,  
 32 and ending June 30, 1997, the following amounts, or so  
 33 much thereof as is necessary, to be used for the  
 34 purpose designated:

35 To Iowa state university for supporting odor  
 36 control applications of animal feeding operations,  
 37 including confinement feeding operations, regulated by  
 38 the department of natural resources pursuant to  
 39 chapter 455B:

40 ..... \$ 500,000

41 1. Moneys provided under this section for odor  
 42 control applications of animal feeding operations  
 43 shall be provided on a dollar-for-dollar match with an  
 44 individual owner or operator and shall not exceed the  
 45 amount actually spent by or on behalf of the owner or  
 46 operator for odor control.

47 2. Notwithstanding section 8.33, moneys provided  
 48 under this subsection for odor control applications of  
 49 animal feeding operations shall not revert to the  
 50 organic nutrient management fund but shall remain

1 available for use as provided in this subsection  
 2 during the fiscal year beginning July 1, 1997, and  
 3 ending June 30, 1998. The moneys appropriated in this  
 4 section which remain unexpended or unobligated on June  
 5 30, 1998, shall revert to the organic nutrient  
 6 management fund on August 31, 1998.

7 Sec. 15. MULTIFLORA ROSE ERADICATION.

8 1. There is appropriated from the general fund of  
9 the state to Iowa state university for the fiscal year  
10 beginning July 1, 1996, and ending June 30, 1997, the  
11 following amount, or so much thereof as is necessary,  
12 to be used for the purpose designated:

13 For supporting multiflora rose eradication research  
14 and projects:

15 ..... \$ 25,000

16 2. Notwithstanding 1995 Iowa Acts, chapter 216,  
17 section 19, subsection 2, moneys allocated pursuant to  
18 1995 Iowa Acts, chapter 216, section 19, subsection 1,  
19 paragraph "d", which remain unencumbered or  
20 unobligated on June 30, 1996, shall not revert  
21 pursuant to section 8.33, but shall remain available  
22 to Iowa state university for purposes of supporting  
23 multiflora rose eradication research and projects, for  
24 subsequent fiscal years.

25 Sec. 16. NONREVERSION OF MONEYS ALLOCATED TO IOWA  
26 GRAIN QUALITY INITIATIVE. Notwithstanding 1995 Iowa

27 Acts, chapter 216, section 19, subsection 2, moneys  
28 allocated pursuant to 1995 Iowa Acts, chapter 216,  
29 section 19, subsection 1, paragraph "f", subparagraph  
30 (1), which remain unencumbered or unobligated on June  
31 30, 1996, shall not revert pursuant to section 8.33,  
32 but shall remain available to Iowa state university  
33 for purposes of supporting the Iowa cooperative  
34 extension service in agriculture and home economics in  
35 establishing and administering an Iowa grain quality  
36 initiative in subsequent fiscal years.

37 Sec. 17. TRANSFERS OF MONEYS REQUIRED TO BE  
38 DEPOSITED IN THE WATER PROTECTION FUND.

39 Notwithstanding section 161C.4 and the reversion and  
40 allocation provisions in section 455A.19, subsection  
41 1, paragraph "c", of the unencumbered and unobligated  
42 moneys remaining, which are required to be deposited  
43 in the water protection fund created in section  
44 161C.4, as provided in section 455A.19, subsection 1,  
45 paragraph "c", the following amount shall be  
46 transferred first from moneys required to be deposited  
47 in the water protection practices account, and if  
48 necessary from moneys required to be deposited in the  
49 water quality protection projects account, which shall  
50 be used for the following purposes:

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1 To the Loess Hills development and conservation  
2 authority, for deposit in the Loess Hills development  
3 and conservation fund created in section 161D.2 for  
4 the purposes specified in section 161D.1:

5 ..... \$ 400,000

6 Sec. 18. REVENUE ADMINISTERED BY THE IOWA

7 COMPREHENSIVE UNDERGROUND STORAGE TANK FUND BOARD —  
 8 TRANSFER. There is appropriated from the unassigned  
 9 revenue fund administered by the Iowa comprehensive  
 10 underground storage tank fund board, to the department  
 11 of natural resources for the fiscal year beginning  
 12 July 1, 1996, and ending June 30, 1997, the following  
 13 amount, or so much thereof as is necessary, to be used  
 14 for the purpose designated:

15 For administration expenses of the underground  
 16 storage tank section of the department of natural  
 17 resources:  
 18 ..... \$ 75,000

19 Sec. 19. TRANSFER — AIR QUALITY. For the fiscal  
 20 year beginning July 1, 1996, and ending June 30, 1997,  
 21 the department of natural resources shall transfer up  
 22 to \$430,000 from the hazardous substance remedial fund  
 23 created pursuant to section 455B.423, to support  
 24 purposes related to carrying out the duties of the  
 25 commission under section 455B.133, or the director  
 26 under section 455B.134, or for carrying out the  
 27 provisions of chapter 455B, division II.

28 MISCELLANEOUS

29 Sec. 20. DOLLIVER MEMORIAL STATE PARK — BRIDGE  
 30 CONSTRUCTION PROHIBITED — ROAD EXPENSES SHARED.

31 1. The department shall not construct a bridge at  
 32 or near the historic ford of a stream across a  
 33 secondary road in Dolliver memorial state park. The  
 34 department may make repairs or improvements at the  
 35 historic ford to provide for flood control.

36 2. The department, pursuant to section 306.4,  
 37 shall enter into an agreement to match the  
 38 expenditures, not to exceed fifty percent of the cost  
 39 of each project, with the board of supervisors for the  
 40 reconstruction, repair, and maintenance of the  
 41 secondary road entering and exiting Dolliver memorial  
 42 state park.

43 Sec. 21. WITHDRAWAL FROM THE AGRICULTURAL GRAIN  
 44 MARKETING COMPACT — REPEAL. Pursuant to article VI  
 45 of the agricultural grain marketing compact, the state  
 46 of Iowa withdraws from the compact by enacting this  
 47 section repealing the compact. Notwithstanding this  
 48 section, the state retains its membership in the  
 49 compact and shall continue to function under the  
 50 compact as if it were in effect, until one year

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1 following the effective date of this section and  
 2 notification of withdrawal by the governor of this  
 3 state to the interstate agricultural grain marketing  
 4 commission.

5 Sec. 22. STATE NURSERIES. Notwithstanding section  
 6 17A.2, subsection 10, paragraph "g", the department of

7 natural resources shall adopt administrative rules  
8 establishing a range of prices of plant material grown  
9 at the state forest nurseries to cover all expenses  
10 related to the growing of the plants.

11 1. The department shall develop programs to  
12 encourage the wise management and preservation of  
13 existing woodlands and shall continue its efforts to  
14 encourage forestation and reforestation on private and  
15 public lands in the state.

16 2. The department shall encourage a cooperative  
17 relationship between the state forest nurseries and  
18 private nurseries in the state in order to achieve  
19 these goals.

20 Sec. 23. TRANSFER OF MONEYS OR POSITIONS; CHANGES  
21 IN TABLES OF ORGANIZATION — NOTIFICATION. In

22 addition to the requirements of section 8.39, in each  
23 fiscal quarter, the department of agriculture and land  
24 stewardship and the department of natural resources  
25 shall notify the chairpersons, vice chairpersons, and  
26 ranking members of the joint appropriations  
27 subcommittee on agriculture and natural resources for  
28 the previous fiscal quarter of any transfer of moneys  
29 or full-time equivalent positions made by either  
30 department which is not authorized in this Act, or any  
31 permanent position added to or deleted from either  
32 department's table of organization.

33 Sec. 24. AIR QUALITY PROGRAM — NONGENERAL FUND  
34 SUPPORT. The department of natural resources for the

35 fiscal year beginning July 1, 1996, and ending June  
36 30, 1997, shall not use moneys appropriated from the  
37 general fund of the state pursuant to this Act, to  
38 support any purpose related to carrying out the duties  
39 of the commission under section 455B.133 or the  
40 director under section 455B.134, or for carrying out  
41 the provisions of chapter 455B, division II.

42 Notwithstanding section 455B.133B, the department  
43 may use moneys deposited in the air contaminant source  
44 fund created in section 455B.133B during the fiscal  
45 year beginning July 1, 1996, and ending June 30, 1997,  
46 for any purpose related to carrying out the duties of  
47 the commission under section 455B.133 or the director  
48 under section 455B.134, or for carrying out the  
49 provisions of chapter 455B, division II.

50 Sec. 25. STUDY OF LOCATING FIELD OFFICE IN NORTH

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1 CENTRAL DISTRICT. The department of natural resources  
2 shall conduct a study of the feasibility of locating a  
3 field office in the department's north central  
4 district. On or before January 1, 1997, the  
5 department of natural resources shall submit a report  
6 including findings and recommendations resulting from

7 the study to the committees of the general assembly  
8 which have jurisdiction over natural resources.

9 Sec. 26. NATIVE AMERICAN WAR MEMORIAL. The  
10 department of natural resources may purchase, with  
11 funds which become available under chapter 465A for  
12 the fiscal year beginning July 1, 1996, and ending  
13 June 30, 1997, lands on which to locate a native  
14 American war memorial.

15 Sec. 27. DEPARTMENTAL INFORMATION REQUIRED.

16 1. The department of agriculture and land  
17 stewardship and the department of natural resources,  
18 in cooperation as necessary with the department of  
19 management and the department of personnel, shall  
20 provide a list to the legislative fiscal bureau, on a  
21 quarterly basis, of all permanent positions added to  
22 or deleted from the departments' table of organization  
23 in the previous fiscal quarter. This list shall  
24 include at least the position number, salary range,  
25 projected funding source or sources of each position,  
26 and the reason for the addition or deletion. The  
27 legislative fiscal bureau may use this information to  
28 assist in the establishment of the full-time  
29 equivalent position limits authorized in law for the  
30 departments.

31 2. The department of natural resources shall  
32 provide the legislative fiscal bureau information and  
33 financial data by cost center, on at least a monthly  
34 basis, relating to the indirect cost accounting  
35 procedure, the amount of funding from each funding  
36 source for each cost center, and the internal budget  
37 system used by the department. The information shall  
38 include but is not limited to financial data covering  
39 the department's budget by cost center and funding  
40 source prior to the start of the fiscal year, and to  
41 the department's actual expenditures by cost center  
42 and funding source after the accounting system has  
43 been closed for that fiscal year.

44 3. The department of agriculture and land  
45 stewardship shall provide the legislative fiscal  
46 bureau information and financial data on at least a  
47 monthly basis, relating to the internal budget system  
48 used by the department. The information shall include  
49 but is not limited to financial data covering the  
50 department's budget prior to the start of the fiscal

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1 year, and to the department's actual expenditures  
2 after the accounting system has been closed for that  
3 fiscal year.

4 Sec. 28. TRUST FUND INFORMATION. The department  
5 of revenue and finance in cooperation with each  
6 appropriate agency shall track receipts to the general

7 fund of the state which under law were previously  
8 collected to be used for specific purposes, or to be  
9 credited to, or be deposited to a particular account  
10 or fund, as provided in section 8.60.

11 The department of revenue and finance and each  
12 appropriate agency shall prepare reports detailing  
13 revenue from receipts previously deposited into each  
14 of the funds. A report shall be submitted to the  
15 legislative fiscal bureau at least once for each  
16 three-month period as designated by the legislative  
17 fiscal bureau.

18 Sec. 29. SOIL AND WATER CONSERVATION. The  
19 division of soil conservation of the department of  
20 agriculture and land stewardship shall establish a  
21 voluntary financial incentive program under section  
22 161A.73 which provides for the allocation of cost-  
23 share moneys as financial incentives for the same  
24 purposes that are supported from the soil and water  
25 enhancement account of the resources enhancement and  
26 protection fund as provided in section 455A.19, or by  
27 the water protection practices account of the water  
28 protection fund established pursuant to section  
29 161C.4. The financial incentives shall not exceed  
30 fifty percent of the estimated cost of establishing  
31 the practices, or fifty percent of the actual cost,  
32 whichever is less.

33 Sec. 30. PREFERENCE PROVIDED — PERSONS MEETING  
34 ELIGIBILITY REQUIREMENTS OF THE GREEN THUMB PROGRAM.

35 In its employment of persons in temporary positions in  
36 conservation and outdoor recreation, the department of  
37 natural resources shall give preference to persons  
38 meeting eligibility requirements for the green thumb  
39 program under section 15.227 and to persons working  
40 toward an advanced education in natural resources and  
41 conservation.

42 Sec. 31. Section 14A.1, Code 1995, is amended to  
43 read as follows:

44 14A.1 DEPUTIES.

45 The secretary, auditor, and treasurer of state, ~~and~~  
46 ~~secretary of agriculture~~ may each appoint, in writing,  
47 any person, except one holding a state office, as  
48 deputy, for whose acts the appointing officer shall be  
49 responsible, and from whom the appointing officer  
50 shall require bond, which appointment and bond must be

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1 approved by the officer having the approval of the  
2 principal's bond, and such appointment may be revoked  
3 in the same manner. The appointment and revocation  
4 shall be filed with and kept by the secretary of  
5 state. The state shall pay the reasonable cost of the  
6 bonds required by this section.



7 Sec. 32. Section 159.14, Code 1995, is amended to  
8 read as follows:

9 159.14 BONDS.

10 The secretary shall require every inspector or  
11 employee who collects fees or handles funds belonging  
12 to the state to give an official bond, properly  
13 conditioned and signed by sufficient sureties, in a  
14 sum to be fixed by the secretary, which bond shall be  
15 approved by the secretary and filed in the office of  
16 the secretary of state. ~~This section shall not apply~~  
17 ~~to the deputy secretary of agriculture.~~ The state  
18 shall pay the reasonable cost of the bonds required by  
19 this section.

20 Sec. 33. REPEAL. Chapter 183, Code 1995, is  
21 repealed.

22 Sec. 34. EFFECTIVE DATES. Section 15, subsection  
23 2, and sections 16, 21, and 33 of this Act, being  
24 deemed of immediate importance, take effect upon  
25 enactment."

26 2. Title page, by striking lines 2 and 3 and  
27 inserting the following: "providing for  
28 appropriations, and providing effective dates."

Schrader of Marion offered amendment H-5513, to the committee amendment H-5482, filed by him and Koenigs as follows:

H-5513

1 Amend the amendment, H-5482, to Senate File 2446,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

- 4 1. Page 1, line 18, by striking the figure
- 5 "1,586,111" and inserting the following: "1,788,434".
- 6 2. Page 1, line 19, by striking the figure
- 7 "41.45" and inserting the following: "45.45".

Carroll of Poweshiek in the chair at 4:10 p.m.

Schrader of Marion moved the adoption of amendment H-5513, to the committee amendment H-5482.

Roll call was requested by Schrader of Marion and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-5513, to the committee amendment H-5482, be adopted?" (S.F. 2446)

The ayes were, 37:

Baker	Bell	Bernau	Brand
Branstad	Burnett	Cataldo	Cphoon
Connors	Doderer	Drees	Fallon
Garman	Harper	Holveck	Jochum

Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Witt			

The nays were, 58:

Arnold	Blodgett	Boguess	Bradley
Brauns	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Carroll, Presiding		

Absent or not voting, 5:

Boddicker	Brammer	Brunkhorst	Grundberg
Wise			

Amendment H-5513 lost.

Koenigs of Mitchell asked and received unanimous consent that amendment H-5572, to the committee amendment H-5482, be deferred.

Koenigs of Mitchell asked and received unanimous consent that amendment H-5628, to the committee amendment H-5482, be deferred.

Garman of Story offered amendment H-5536, to the committee amendment H-5482, filed by her. Division was requested as follows:

H-5536

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

H-5536A

- 4 1. Page 1, line 19, by striking the figure
- 5 "41.45" and inserting the following: "42.45".

H-5536B

6 2. Page 4, by striking lines 7 through 43.

H-5536A

7 3. Page 5, by striking lines 36 through 40.

8 4. By striking page 14, line 42, through page 15,  
9 line 19.

10 5. By renumbering as necessary.

The House stood at ease at 4:32 p.m., until the fall of the gavel.

The House resumed session at 5:40 p.m., Speaker Corbett in the chair.

Garman of Story moved the adoption of amendment H-5536A, to the committee amendment H-5482.

Roll call was requested by Connors of Polk and Schrader of Marion.

On the question "Shall amendment H-5536A, to the committee amendment H-5482, be adopted?" (S.F. 2446)

The ayes were, 38:

Baker	Bell	Brand	Burnett
Carroll	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Garman
Harper	Harrison	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Wise	Witt		

The nays were, 56:

Arnold	Bogges	Branstad	Brauns
Brunkhorst	Churchill	Coon	Cormack
Daggett	Disney	Drake	Eddie
Ertl	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 6:

Bernau	Blodgett	Boddicker	Bradley
Brammer	Dinkla		

Amendment H-5536A lost.

Mertz of Kossuth offered the following amendment H-5614, to the committee amendment H-5482, filed by Mertz, et. al., and moved its adoption:

H-5614

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 21, by striking the figure
- 5 "875,475" and inserting the following: "959,475".
- 6 2. Page 2, by inserting after line 46 the
- 7 following:
- 8 "( ) Of the amount appropriated in this
- 9 paragraph "a", \$25,000 shall be used for inspections
- 10 of bottled water sold commercially within the state."
- 11 3. By renumbering as necessary.

Roll call was requested by Doderer of Johnson and Mascher of Johnson.

On the question "Shall amendment H-5614, to the committee amendment H-5482, be adopted?" (S.F. 2446)

The ayes were, 35:

Arnold	Baker	Bell	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Taylor	Warnstadt
Weigel	Wise	Witt	

The nays were, 58:

Boggess	Branstad	Brauns	Carroll
Churchill	Coon	Cormack	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammit Barry	Hanson
Harrison	Heaton	Houser	Hurley

Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker Corbett		

Absent or not voting, 7:

Bernau	Blodgett	Boddicker	Bradley
Brammer	Brunkhorst	Shoultz	

Amendment H-5614 lost.

Hahn of Muscatine offered the following amendment H-5640, to the committee amendment H-5482, filed by him and requested division as follows:

H-5640

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

H-5640A

- 4 1. Page 2, line 34, by striking the word
- 5 "laboratory" and inserting the following: "field".
- 6 2. Page 2, line 36, by striking the word "shall"
- 7 and inserting the following: "may".

H-5640B

- 8 3. Page 13, line 10, by striking the word "may"
- 9 and inserting the following: "shall".

Hahn of Muscatine moved the adoption of amendment H-5640A, to the committee amendment H-5482.

Amendment H-5640A was adopted.

Mertz of Kossuth offered the following amendment H-5615, to the committee amendment H-5482, filed by Mertz, et. al., and moved its adoption:

H-5615

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 3, line 24, by striking the figure  
5 "6,418,606" and inserting the following: "6,750,850".

Roll call was requested by Schrader of Marion and Murphy of Dubuque.

On the question "Shall amendment H-5615, to the committee amendment H-5482, be adopted?" (S.F. 2446)

The ayes were, 34:

Baker	Bell	Bernau	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Wise	Witt		

The nays were, 61:

Arnold	Blodgett	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Coon	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammit Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

Absent or not voting, 5:

Boddicker	Brammer	Churchill	McCoy
O'Brien			

Amendment H-5615 lost.

Garman of Story called up for consideration amendment H-5536B, to the committee amendment H-5482, found on page 1073 of the House Journal.

Rants of Woodbury in the chair at 7:04 p.m.

Garman of Story moved the adoption of amendment H-5536B, to the committee amendment H-5482.

Roll call was requested by Schrader of Marion and Murphy of Dubuque

Rule 75 was invoked.

On the question "Shall amendment H-5536B, to the committee amendment H-5482, be adopted?" (S.F.2446)

The ayes were, 60:

Arnold	Baker	Bell	Bernau
Boggess	Bradley	Brand	Branstad
Burnett	Carroll	Cataldo	Cphoon
Connors	Dinkla	Doderer	Drees
Ertl	Fallon	Garman	Gipp
Gries	Grundberg	Harper	Harrison
Heaton	Holveck	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Lamberti	Larkin	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	Ollie	Osterhaus
Schrader	Shoultz	Taylor	Warnstadt
Weidman	Weigel	Wise	Witt

The nays were, 36:

Brauns	Brunkhorst	Churchill	Coon
Corbett, Spkr.	Cormack	Daggett	Disney
Drake	Eddie	Greig	Greiner
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Houser	Kremer	Larson
Meyer	Millage	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Welter	Rants, Presiding

Absent or not voting, 4:

Blodgett	Boddicker	Brammer	O'Brien
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Amendment H-5536B was adopted.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2446** be deferred and that the bill be placed on the **unfinished business calendar**.

(The committee amendment H-5482 pending.)

### SENATE FILE 2160 REFERRED

The Speaker announced that Senate File 2160, presently on the calendar, was referred to committee on **appropriations**.

### 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, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 308, a bill for an act relating to the election of workers' compensation coverage by a limited liability company member.

Also: That the Senate has on March 27, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2390, a bill for an act providing for the branding of livestock.

Also: That the Senate has on March 27, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2077, a bill for an act relating to a property tax exemption for a person who is totally disabled while on active duty with the armed forces of the United States and providing an effective date.

Also: That the Senate has on March 27, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2221, a bill for an act relating to alternate energy production and purchasing requirements, and providing an applicability provision and an effective date.

Also: That the Senate has on March 27, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2357, a bill for an act relating to school finance providing for an increase in the amount certified for levy in excess of that previously authorized for bonded indebtedness repayment.

Also: That the Senate has on March 27, 1996, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2443, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes.

Also: That the Senate has on March 27, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2452, a bill for an act relating to the modernization of the vital statistics process and establishing a fee.

JOHN F. DWYER, Secretary



### EXPLANATION OF VOTE

I was temporarily absent from the House chamber the morning of March 27, 1996. Had I been present, I would have voted "aye" on Senate Files 2013, 2062, 2122, 2127, 2235, 2282 and "aye" on amendments H-5652 and H-5662, to Senate File 2449, and "nay" on amendments H-5653 and H-5670 to Senate File 2449.

ARNOLD of Lucas

### PRESENTATION OF VISITORS

Holveck of Polk presented to the House the Honorable Janet Adams, former member of the House representing Hamilton County.

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

Twelve Government students from Monticello High School, Monticello, accompanied by Frank Frostestad. By Welter of Jones.

Thirty-eight junior students from Underwood Community High School, Underwood, accompanied by Nick Benling, Kathy Knott, Don Knudtson, Shelley Olberding and Craig Riemersma. By Drake of Pottawattamie.

Fourty-four fourth and fifth grade students from Gunn Elementary, Council Bluffs, accompanied by Mrs. Heithoff and Dr. Ann Fox. By Nelson of Pottawattamie.

High School students from Highland Community Schools, Riverside, accompanied by Mrs. Brennaman. By Greiner of Washington, Heaton of Henry and Brauns of Muscatine.

### COMMUNICATION RECEIVED

The following communication was received and filed in the office of the Chief Clerk:

#### IOWA COLLEGE STUDENT AID COMMISSION

The 1993-1994 Information Digest of Postsecondary Education in Iowa, pursuant to Chapter 261, Code of Iowa.

### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

1996\364 Commander R.L. "Reinie" Dobson, Keokuk - For being selected to attend the F.B.I. National Academy.

1996\365 Mark Rial, Ft. Dodge – For winning the Class 3A championship in the 125 lb. weight class of the 1996 State Wrestling Tournament.

1996\366 David J. Sohl, Hinton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

1996\367 Chad A. Greene, Hinton – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.

### 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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

#### COMMITTEE ON ADMINISTRATION AND RULES

**Committee Resolution**, a resolution relating to an annual budget for the daily operations of the House of Representatives.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 26, 1996.

**Committee Resolution**, a concurrent resolution to approve and confirm the appointment of the citizens' aide.

Fiscal Note is not required.

Recommended **Do Pass** March 26, 1996.

#### COMMITTEE ON APPROPRIATIONS

**Senate File 2195**, a bill for an act relating to the Iowa communications network by providing for state ownership of a Part III connection and for the connection and support of certain Part III users, making appropriations, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—5683** March 27, 1996.

**Committee Bill** (Formerly House Study Bill 750), appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated or if categorical grants are consolidated into new or existing block grants, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 27, 1996.

#### COMMITTEE ON ENVIRONMENTAL PROTECTION

**Senate File 2301**, a bill for an act relating to lead abatement and inspection, training and certification requirements, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1996.

### RESOLUTIONS FILED

**HCR 122**, by Schrader, a concurrent resolution to designate March 29, 1996, Iowa State Flag Day.

Laid over under **Rule 25**.

**HCR 123**, by committee on administration and rules, a concurrent resolution to approve and confirm the appointment of the citizens' aide.

Laid over under **Rule 25**.

**HR 105**, by Burnett and Bernau, a resolution congratulating the Iowa State Cyclones Men's Basketball Team.

Laid over under **Rule 25**.

**HR 106**, by committee on administration and rules, a resolution relating to an annual budget for the daily operations of the House of Representatives.

Laid over under **Rule 25**.

**SCR 113**, by Drake, a concurrent resolution declaring Miss Iowa an official hostess for the State of Iowa.

Laid over under **Rule 25**.

**SCR 116**, by Kibbie, a concurrent resolution to urge the federal government to restore requirements for the reporting of information regarding cattle fed in Iowa feedlots.

Referred to committee on **agriculture**.

### AMENDMENTS FILED

H-5656	S.F.	2446	Garman of Story
H-5657	S.F.	2446	Hahn of Muscatine
			Mertz of Kossuth
H-5658	S.F.	2446	Weigel of Chickasaw
H-5659	S.F.	2446	Weigel of Chickasaw
H-5660	S.F.	2446	Koenigs of Mitchell
H-5661	S.F.	2446	Brand of Benton
H-5663	S.F.	2446	Sukup of Franklin
H-5664	H.F.	2304	Brauns of Muscatine
H-5665	S.F.	2399	Kreiman of Davis

H—5666	S.F.	2406	Kreiman of Davis
H—5667	S.F.	2448	Blodgett of Cerro Gordo
H—5669	S.F.	2446	Hahn of Muscatine
H—5671	H.F.	2298	Jacobs of Polk
H—5672	H.F.	2298	Jacobs of Polk
H—5673	H.F.	2416	Garman of Story
H—5674	S.F.	2186	Harper of Black Hawk
H—5675	S.F.	2324	Boddicker of Cedar
H—5676	S.F.	2399	Cataldo of Polk
			Boddicker of Cedar
			Houser of Pottawattamie
			Moreland of Wapello
H—5677	H.F.	514	Senate Amendment
H—5678	S.F.	2301	Rants of Woodbury
H—5679	S.F.	2448	Weigel of Chickasaw
H—5680	S.F.	2448	Weigel of Chickasaw
H—5681	S.F.	2448	Murphy of Dubuque
H—5682	S.F.	2446	Hahn of Muscatine
H—5683	S.F.	2195	Committee on
			Appropriations
H—5684	H.F.	2390	Senate Amendment
H—5685	H.F.	2298	Metcalf of Polk
H—5686	H.F.	2298	Metcalf of Polk
H—5687	H.F.	2298	Metcalf of Polk
H—5688	H.F.	2298	Metcalf of Polk
H—5689	H.F.	2298	Metcalf of Polk
H—5690	H.F.	2298	Metcalf of Polk
H—5691	H.F.	2298	Metcalf of Polk
H—5692	H.F.	2298	Metcalf of Polk
H—5693	H.F.	2298	Metcalf of Polk
H—5694	H.F.	2298	Metcalf of Polk
H—5695	H.F.	2298	Metcalf of Polk
H—5696	H.F.	2298	Metcalf of Polk
H—5697	H.F.	2298	Metcalf of Polk
H—5698	H.F.	2481	Shoultz of Black Hawk
H—5699	H.F.	2481	Shoultz of Black Hawk
H—5700	S.F.	454	Witt of Black Hawk
			Carroll of Poweshiek
H—5701	S.F.	2448	Mascher of Johnson
			Mundie of Webster
H—5702	S.F.	2448	Mascher of Johnson
H—5703	S.F.	2448	Harrison of Scott
			Brunkhorst of Bremer

H—5704	S.F.	2448	Weigel of Chickasaw
	Murphy of Dubuque		Kreiman of Davis
	Mascher of Johnson		Brand of Benton
	Burnett of Story		Bernau of Story
	Witt of Black Hawk		Mundie of Webster
H—5705	S.F.	2147	Brunkhorst of Bremer
			Harrison of Scott
H—5706	S.F.	2375	Moreland of Wapello
H—5707	S.F.	2375	Kreiman of Davis
H—5708	S.F.	2448	Shoultz of Black Hawk
H—5709	S.F.	2448	Brand of Benton
H—5710	S.F.	2448	Brand of Benton

On motion by Siegrist of Pottawattamie, the House adjourned at 7:30 p.m., until 8:45 a.m., Thursday, March 28, 1996.

# JOURNAL OF THE HOUSE

Eighty-first Calendar Day – Fifty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 28, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend David Ohrt, United Methodist Church, Woodward.

The Journal of Wednesday, March 27, 1996 was approved.

## SENATE MESSAGES CONSIDERED

**Senate File 2077**, by Fink, a bill for an act relating to a property tax exemption for a person who is totally disabled while on active duty with the armed forces of the United States and providing an effective date.

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

**Senate File 2357**, by Rittmer, a bill for an act relating to school finance providing for an increase in the amount certified for levy in excess of that previously authorized for bonded indebtedness repayment.

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

**Senate File 2368**, by committee on commerce, a bill for an act providing for the regulation of investment securities under Article 8 of the Uniform Commercial Code, and providing conforming changes, and an effective date.

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

**Senate File 2452**, by committee on ways and means, a bill for an act relating to the modernization of the vital statistics process and establishing a fee.

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

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 122

Siegrist of Pottawattamie asked and received unanimous consent for the immediate consideration of House Concurrent Resolution 122, a concurrent resolution to designate March 29, 1996, Iowa State Flag Day, and moved its adoption.

The motion prevailed and the resolution was adopted.

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House Concurrent Resolution 122** be immediately messaged to the Senate.

## CONSIDERATION OF BILLS

## Regular Calendar

**Senate File 2213**, a bill for an act relating to the continued existence of the prevention of disabilities policy council and technical assistance committee and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Hammitt Barry of Harrison offered the following amendment H-5481 filed by the committee on human resources and moved its adoption:

H-5481

- 1 Amend Senate File 2213, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 1 and 2 and
- 4 inserting the following:
- 5 "Section 1. 1991 Iowa Acts, chapter 169, section
- 6 9, is amended to read as follows:
- 7 SEC. 9. This Act is repealed effective June 30,
- 8 ~~1996~~ 2000."

The committee amendment H-5481 was adopted.

Hammitt Barry of Harrison 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. 2213)

The ayes were, 92:

Arnold	Bell	Bernau	Blodgett
Bogges	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser

Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 8:

Baker	Boddicker	Brammer	Cataldo
Churchill	Grundberg	Hurley	Larson

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2213** be immediately messaged to the Senate.

#### HOUSE FILE 2442 WITHDRAWN

Hammitt Barry of Harrison asked and received unanimous consent to withdraw House File 2442 from further consideration by the House.

#### RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent to suspend the rules for the immediate consideration of **Senate File 2375** and Rule 31.8, relating to the timely filing of amendments, thereto.

**Senate File 2375**, a bill for an act relating to a limitation on qualifications for rebuttable presumptions for nuisance defenses for certain persons classified as chronic violators involved in confinement feeding operations, with report of committee recommending amendment and passage, was taken up for consideration.

Lamberti of Polk offered the following amendment H-5537 filed by the committee on judiciary and moved its adoption:



H-5537

- 1 Amend Senate File 2375 as follows:
- 2 1. Page 1, lines 5 and 6, by striking the words
- 3 "subsection, including a" and inserting the following:
- 4 "subsection as to any".

The committee amendment H-5537 was adopted.

Moreland of Wapello asked and received unanimous consent that amendment H-5706 be deferred.

Kreiman of Davis offered amendment H-5707 filed by him as follows:

H-5707

- 1 Amend Senate File 2375, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 657.11, subsection 2, Code
- 6 Supplement 1995, is amended by striking the subsection
- 7 and inserting in lieu thereof the following:
- 8 2. If an animal feeding operation is a small
- 9 animal feeding operation as defined in section
- 10 455B.161, there shall be a rebuttable presumption that
- 11 the small animal feeding operation is not a public or
- 12 private nuisance under this chapter or under
- 13 principles of common law, and that the small animal
- 14 feeding operation does not unreasonably interfere with
- 15 another person's comfortable use and enjoyment of the
- 16 person's life or property under any other cause of
- 17 action. The rebuttable presumption shall not apply if
- 18 the injury to a person or damage to property is
- 19 proximately caused by a failure to comply with a
- 20 federal statute or regulation or a state statute or
- 21 rule which applies to the animal feeding operation."
- 22 2. Title page, line 2, by striking the word
- 23 "persons" and inserting the following: "persons."
- 24 3. Title page, by striking lines 3 and 4.

Millage of Scott in the chair at 9:43 a.m.

Speaker Corbett in the chair at 9:47 a.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Boddicker of Cedar, until his arrival, on request of Siegrist of Pottawattamie.

Kreiman of Davis moved the adoption of amendment H-5707.

Roll call was requested by Kreiman of Davis and Eddie of Buena Vista.

On the question "Shall amendment H-5707 be adopted?" (S.F. 2375)

The ayes were, 33:

Baker	Bernau	Brammer	Brand
Burnett	Cataldo	Cohoon	Connors
Coon	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Lord	Mascher
McCoy	Moreland	Mundie	Murphy
Myers	Nelson, L.	Ollie	Osterhaus
Schrader	Taylor	Warnstadt	Weigel
Witt			

The nays were, 63:

Arnold	Bell	Blodgett	Bogges
Bradley	Branstad	Brauns	Carroll
Churchill	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Main	Martin	May	Mertz
Metcalf	Meyer	Millage	Nelson, B.
Nutt	O'Brien	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Wise	Mr. Speaker	
		Corbett	

Absent or not voting, 4:

Boddicker	Brunkhorst	Houser	Shoultz
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Amendment H-5707 lost.

Kreiman of Davis offered the following amendment H-5714 filed by him from the floor and moved its adoption:

H-5714

- 1 Amend Senate File 2375, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 657.11, subsection 2, Code
- 6 Supplement 1995, is amended by striking the subsection
- 7 and inserting in lieu thereof the following:

8 2. There shall be a rebuttable presumption that an  
 9 animal feeding operation, as defined in section  
 10 455B.161 is not a public or private nuisance under  
 11 this chapter or under principles of common law, and  
 12 that the animal feeding operation does not  
 13 unreasonably interfere with another person's  
 14 comfortable use and enjoyment of the person's life or  
 15 property under any other cause of action. The  
 16 rebuttable presumption shall not apply if the injury  
 17 to a person or damage to property is proximately  
 18 caused by a failure to comply with a federal statute  
 19 or regulation or a state statute or rule which applies  
 20 to the animal feeding operation. The rebuttable  
 21 presumption shall not apply to a confinement feeding  
 22 operation which confines swine, if the confinement  
 23 feeding operation is required to obtain a construction  
 24 permit pursuant to section 455B.173."

25 2. Title page, line 2, by striking the word  
 26 "persons" and inserting the following: "persons."

27 3. Title page, by striking lines 3 and 4.

Roll call was requested by Kreiman of Davis and Eddie of Buena Vista.

On the question "Shall amendment H-5714 be adopted?" (S.F. 2375)

The ayes were, 37:

Arnold	Baker	Bernau	Brammer
Brand	Burnett	Cataldo	Cphoon
Connors	Coon	Doderer	Drees
Fallon	Garman	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Lord	Mascher	McCoy	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Warnstadt	Weigel
Witt			

The nays were, 62:

Bell	Blodgett	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Main	Martin	May	Mertz
Metcalf	Meyer	Millage	Nelson, B.

Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Wise	Mr. Speaker Corbett		

Absent or not voting, 1:

Boddicker

Amendment H-5714 lost.

Moreland of Wapello asked and received unanimous consent to withdraw amendment H-5706, previously deferred, filed by him on March 27, 1996.

Lamberti 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. 2375)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertiz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker Corbett		

The nays were, none.

Absent or not voting, 2:

Boddicker                      Brammer

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2375** be immediately messaged to the Senate.

On motion by Siegrist of Pottawattamie, the House was recessed at 11:55 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:02 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-five members present, thirty-five absent.

#### INTRODUCTION OF BILLS

**House File 2486**, by committee on appropriations, a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

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

**House File 2487**, by committee on ways and means, a bill for an act relating to the price index for growth for purposes of the property tax limitation.

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

**House File 2488**, by committee on ways and means, a bill for an act relating to special census certification and providing an effective date.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 2221**, by Fink, a bill for an act relating to alternate energy production and purchasing requirements, and providing an applicability provision and an effective date.

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

### Unfinished Business Calendar

The House resumed consideration of **Senate File 2446**, a bill for an act relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing effective dates, previously deferred and placed on the unfinished business calendar, and the committee amendment H-5482 found on pages 1056 through 1071 of the House Journal, pending.

The Speaker announced that with the adoption of amendment H-5336B, to the committee amendment H-5482, amendment H-5563, to the committee amendment H-5482, filed by Wise of Lee, et. al., on March 25, 1996, was out of order.

Fallon of Polk asked and received unanimous consent that amendment H-5616, to the committee amendment H-5482, be deferred.

Koenigs of Mitchell asked and received unanimous consent that amendment H-5660, to the committee amendment H-5482, be deferred.

Gipp of Winneshiek in the chair at 1:26 p.m.

Speaker pro tempore Van Maanen of Marion in the chair at 1:28 p.m.

Witt of Black Hawk offered the following amendment H-5654, to the committee amendment H-5482, filed by him and Koenigs and moved its adoption:

H-5654

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, by striking lines 20 through 24, and
- 5 inserting the following: "an environmental compliance
- 6 assistance team which shall identify, list, and survey
- 7 manure storage structures constructed prior to 1988 in
- 8 order to develop a priority system for the monitoring
- 9 of such structures. The team shall provide for long-
- 10 term monitoring and remediation of the manure storage
- 11 structures and particularly manure storage structures
- 12 which pose a heightened risk to water quality."

Roll call was requested by Koenigs of Mitchell and Schrader of Marion.

On the question "Shall amendment H-5654, to the committee amendment H-5482, be adopted?" (S.F. 2446)

The ayes were, 39:

Arnold	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cphoon
Connors	Coon	Doderer	Drees

Fallon	Garman	Harper	Holveck
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Sukup	Taylor	Teig	Warnstadt
Weigel	Wise	Witt	

The nays were, 54:

Boggess	Bradley	Branstad	Brauns
Brunkhorst	Carroll	Churchill	Corbett, Spkr.
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 7:

Baker	Blodgett	Boddicker	Cormack
Grundberg	Jochum	Murphy	

Amendment H-5654 lost.

Speaker Corbett in the chair at 1:58 p.m.

Sukup of Franklin offered amendment H-5663, to the committee amendment H-5482 filed by him as follows:

H-5663

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 7, line 3, by inserting after the word
- 5 "operations." the following: "The department shall
- 6 allocate at least \$100,000 of this amount to counties
- 7 to support county enforcement of animal feeding
- 8 operations as provided in this Act."
- 9 2. Page 14, by inserting after line 41 the
- 10 following:
- 11 "Sec. \_\_\_\_ DEPARTMENT OF NATURAL RESOURCES —
- 12 CONSTRUCTION PERMITS. An application for a

13 construction permit for a confinement feeding  
14 operation which is filed with the department of  
15 natural resources before the effective date of this  
16 Act shall not be subject to requirements in this Act  
17 amending provisions in chapter 455B which affect the  
18 application. However, nothing relieves the  
19 application from complying with requirements in  
20 chapter 455B as amended by 1995 Iowa Acts, chapter  
21 195.

22 Sec. \_\_\_\_ ANIMAL AGRICULTURE CONSULTING  
23 ORGANIZATION. The animal agriculture consulting  
24 organization established pursuant to 1995 Iowa Acts,  
25 chapter 195, section 37, is requested to draft a  
26 proposal for a model building code applicable to  
27 formed manure storage structures as defined in section  
28 455B.161. The animal agriculture consulting  
29 organization shall submit the draft proposal to the  
30 general assembly not later than January 10, 1997."

31 3. Page 15, by inserting before line 20 the  
32 following:

33 "Sec. \_\_\_\_ NEW SECTION. 331.302A CONFINEMENT  
34 FEEDING OPERATIONS.

35 1. If a confinement feeding operation, including a  
36 related animal feeding operation structure, as  
37 provided in chapter 455B, is located in a county, that  
38 county board of supervisors may enforce the provisions  
39 in chapter 455B applicable to confinement feeding  
40 operations, including rules adopted by the department  
41 of natural resources as provided in section 455B.173  
42 against the owner of the confinement feeding  
43 operation.

44 2. In order to proceed in an enforcement action,  
45 the board must deliver a notice to the department,  
46 stating that a confinement feeding operation may be in  
47 violation of chapter 455B or departmental rules. The  
48 board shall deliver the notice after approval of the  
49 board action by resolution. The notice shall be in  
50 writing and shall state the location of the

Page 2

1 confinement feeding operation, the name and address of  
2 the owner, the name and address of the complainant,  
3 and an explanation of the possible violation. The  
4 board may inform the department that the board  
5 reserves its right to enforce chapter 455B and related  
6 rules as provided in this section, if the department  
7 fails to initiate an enforcement action or continue an  
8 enforcement action which results in an administrative  
9 hearing or a settlement of the case. The county may  
10 begin enforcement proceedings after fourteen calendar  
11 days following delivery of the notice, unless the  
12 county receives notice by the department that the



13 department has initiated an enforcement action in the  
14 case as provided in this subsection. The department  
15 shall proceed in the active enforcement of the case.

16 3. Once a county begins an enforcement action as  
17 provided in this section, it shall be the party in  
18 interest in the case and shall have sole authority and  
19 responsibility to carry out the action. The county  
20 may refer any case to the attorney general. The  
21 department of natural resources may assume prosecution  
22 of the enforcement action from the county. However,  
23 if the department assumes prosecution of the  
24 enforcement action, the department shall be required  
25 to resolve the action.

26 4. The county shall bring the enforcement action  
27 according to the same procedures used for a county  
28 infraction as provided in section 331.307. The  
29 department shall establish classifications for  
30 violations and the maximum amount that a county may  
31 assess as a civil penalty for each classification.  
32 However, the amount of the civil penalty shall not be  
33 more than could be assessed by the department for the  
34 same violation. The department shall reimburse the  
35 county for fifty percent of the costs incurred by the  
36 county in enforcing the action.

37 Sec. \_\_\_\_ Section 455B.161, subsection 3, Code  
38 Supplement 1995, is amended to read as follows:

39 3. a. "Animal feeding operation" means a lot,  
40 yard, corral, building, or other area in which animals  
41 are confined and fed and maintained for forty-five  
42 days or more in any twelve-month period, and all  
43 structures used for the storage of manure from animals  
44 in the operation.

45 b. Two or more animal feeding operations under  
46 shall be deemed to be a single animal feeding  
47 operation if the operations meet both of the following  
48 criteria:

49 (1) Are under common ownership or management are  
50 deemed to be a single animal feeding operation if they

Page 3

1 are adjacent or utilize.

2 (2) Utilize a common system for manure storage or  
3 are separated at their closest points by two thousand  
4 five hundred feet or less.

5 c. An animal feeding operation does not include a  
6 livestock market.

7 Sec. \_\_\_\_ Section 455B.171, Code Supplement 1995,  
8 is amended by adding the following new subsection:  
9 NEW SUBSECTION. 1A. "Earthen manure storage  
10 basin" means the same as defined in section 455B.161.

11 Sec. \_\_\_\_ Section 455B.172, Code 1995, is amended  
12 by adding the following new subsections:

13 NEW SUBSECTION. 9. A county board of supervisors  
 14 in the county where a confinement feeding operation is  
 15 located may enforce the provisions of this chapter  
 16 including rules adopted by the department pursuant to  
 17 section 455B.173, against the confinement feeding  
 18 operation, as provided in section 331.302A.

19 NEW SUBSECTION. 10. Pursuant to one or more  
 20 chapter 28E agreements entered into by the department  
 21 and the county boards of health for Appanoose, Clarke,  
 22 Decatur, Lucas, Monroe, and Wayne counties, the  
 23 department may delegate its authority to the county  
 24 boards of health in those counties, under the  
 25 authority granted to the county boards of health in  
 26 chapter 137, to inspect water in or originating from  
 27 the Rathbun water impoundment. The inspection may  
 28 include testing, monitoring, and analyzing water in or  
 29 originating from the water impoundment. The county  
 30 board of health shall only inspect water in or  
 31 originating from the water impoundment if all of the  
 32 following apply:

33 a. The inspection is within an area where the  
 34 point of pollution could occur between manure from an  
 35 animal feeding operation structure which is part of a  
 36 confinement feeding operation and water in or  
 37 originating from the water impoundment.

38 b. The confinement feeding operation confines and  
 39 feeds swine.

40 c. The total manure storage capacity of manure  
 41 storage structures connected to the confinement  
 42 feeding operation is four million gallons or more.

43 A county may impose a special annual fee on each  
 44 confinement feeding operation which has been assessed  
 45 a civil penalty during the year, in order to reimburse  
 46 the county board of health for administering this  
 47 subsection. The amount of the annual fee shall not  
 48 exceed one thousand dollars. If unpaid when due as  
 49 provided by the county, the amount shall be placed  
 50 upon the tax books and collected, with interest and

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1 penalties after due, in the same manner as other  
 2 unpaid property taxes.

3 Sec. \_\_\_\_ Section 455B.201, Code Supplement 1995,  
 4 is amended by adding the following new subsection:

5 NEW SUBSECTION. 5. A person shall not construct  
 6 or expand an earthen manure storage basin used in  
 7 conjunction with a confinement feeding operation in  
 8 which swine are confined, if all earthen manure  
 9 storage basins serving the confinement feeding  
 10 operation as constructed or expanded would have a  
 11 capacity to store more than four million gallons of  
 12 waste discharge.

- 13 Sec. \_\_\_\_ Section 455B.204, subsection 1,  
 14 unnumbered paragraph 1, Code Supplement 1995, is  
 15 amended to read as follows:  
 16 An animal feeding operation structure shall be  
 17 ~~located~~ constructed at least ~~five~~ one thousand two  
 18 hundred fifty feet away from an unplugged agricultural  
 19 drainage well or the surface intake of an agricultural  
 20 drainage well ~~or~~; at least five hundred feet away from  
 21 a known sinkhole; and at least two hundred feet away  
 22 from a lake, river, or stream located within the  
 23 territorial limits of the state, or any marginal river  
 24 area adjacent to the state, which can support a  
 25 floating vessel capable of carrying one or more  
 26 persons during a total of a six-month period in one  
 27 out of ten years, excluding periods of flooding.  
 28 However, no distance separation is required between a  
 29 location or object and a farm pond or privately owned  
 30 lake, as defined in section 462A.2.”  
 31 4. Page 15, by striking lines 26 through 28.  
 32 5. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-5663 was not germane, to committee amendment H-5482.

The Speaker ruled the point well taken and amendment H-5663 not germane, to the committee amendment H-5482.

Sukup of Franklin asked for unanimous consent to suspend the rules to consider amendment H-5663.

Objection was raised.

Sukup of Franklin moved to suspend the rules to consider amendment H-5663.

Roll call was requested by Schrader of Marion and Koenigs of Mitchell.

On the question “Shall the rules be suspended to consider amendment H-5663, to the committee amendment H-5482?” (S.F. 2446)

The ayes were, 38:

Arnold	Bernau	Brammer	Brand
Burnett	Cataldo	Cohoon	Connors
Coon	Doderer	Drees	Fallon
Garman	Harper	Holveck	Hurley
Koenigs	Kreiman	Larkin	Mascher
May	Mertz	Moreland	Mundie
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Sukup
Taylor	Teig	Warnstadt	Weigel
Wise	Witt		

The nays were, 53:

Bell	Boggess	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt Barry	Hanson	Heaton
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	McCoy	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

Absent or not voting, 9:

Baker	Blodgett	Boddicker	Churchill
Grundberg	Harrison	Houser	Jochum
Murphy			

The motion to suspend the rules lost.

Garman of Story offered amendment H-5656, to the committee amendment H-5482, filed by her. Division was requested as follows:

H-5656.

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

H-5656A

- 4 1. Page 7, by inserting after line 38 the
- 5 following:
- 6 "c. CONDITION OF APPROPRIATION. The amount
- 7 appropriated pursuant to this subsection shall be
- 8 conditional upon the division adopting by rule, which
- 9 shall become effective December 31, 1996, requirements
- 10 relating to the disposal of manure in close proximity
- 11 to a designated area. The rules shall prohibit a
- 12 person disposing of manure on cropland within two
- 13 hundred feet from a designated area, as defined in
- 14 section 159.27, Code Supplement 1995."

H-5656B

15 2. Page 15, by inserting before line 20 the  
16 following:

17 "Sec. \_\_\_\_ Section 455B.201, subsection 2, Code  
18 Supplement 1995, is amended to read as follows:  
19 2. Manure from an animal feeding operation shall  
20 be disposed of in a manner which will not cause  
21 surface water or groundwater pollution. Disposal in  
22 accordance with the provisions of state law, including  
23 this chapter, rules adopted pursuant to the provisions  
24 of state law, including this chapter, and guidelines  
25 adopted pursuant to this chapter, ~~and section 159.27,~~  
26 shall be deemed as compliance with this requirement.

27 Sec. \_\_\_\_ Section 455B.204, subsection 2, Code  
28 Supplement 1995, is amended by striking the  
29 subsection.

30 Sec. \_\_\_\_ REPEAL.

31 1. Section 159.27, Code Supplement 1995, is  
32 repealed.

33 2. This section takes effect December 31, 1996."

34 3. By renumbering as necessary.

Garman of Story moved the adoption of amendment H-5656A, to the committee amendment H-5482.

A non-record roll call was requested.

The ayes were 36, nays 44.

Amendment H-5656A lost.

Burnett of Story offered amendment H-5564, to the committee amendment H-5482, filed by Burnett, et. al., as follows:

H-5564

1 Amend the amendment, H-5482, to Senate File 2446,  
2 as amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 9, line 25, by striking the figure  
5 "8,000,000" and inserting the following:  
6 "10,000,000".

7 2. By renumbering as necessary.

Van Fossen of Scott in the chair at 2:25 p.m.

Burnett of Story moved the adoption of amendment H-5564, to the committee amendment H-5482.

Roll call was requested by Burnett of Story and Murphy of Dubuque.

Rule 75 was invoked.

On the question "Shall amendment H-5564, to the committee amendment H-5482, be adopted?" (S.F. 2446)

The ayes were, 45:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Dinkla	Doderer
Drees	Fallon	Garman	Gries
Grundberg	Harper	Heaton	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Shoultz	Taylor	Tyrrell
Warnstadt	Weigel	Welter	Wise
Witt			

The nays were, 54:

Blodgett	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Coon	Corbett, Spkr.	Cormack	Daggett
Disney	Drake	Eddie	Ertl
Gipp	Greig	Greiner	Grubbs
Hahn	Halvorson	Hammit Barry	Hanson
Harrison	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Van Maanen	Vande Hoef	Veenstra
Weidman	Van Fossen, Presiding		

Absent or not voting, 1:

Boddicker

Amendment H-5564 lost.

Hahn of Muscatine offered the following amendment H-5657, to the committee amendment H-5482, filed by him and Mertz and moved its adoption:

H-5657

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 9, line 34, by striking the word
- 5 "purpose" and inserting the following: "purposes".
- 6 2. Page 9, line 35, by inserting before the word
- 7 "To" the following: "1."

- 8 3. Page 9, line 41, by striking the figure "1."
- 9 and inserting the following: "a."
- 10 4. Page 9, line 41, by striking the word
- 11 "section" and inserting the following: "subsection".
- 12 5. Page 9, line 47, by striking the figure "2."
- 13 and inserting the following: "b."
- 14 6. Page 10, line 4, by striking the word
- 15 "section" and inserting the following: "subsection".
- 16 7. Page 10, by inserting after line 6 the
- 17 following:
- 18 "2. To the Iowa agricultural development authority
- 19 as established pursuant to section 175.3, to support
- 20 the establishment of an agri-entrepreneurship
- 21 education project to provide beginning agriculturists
- 22 with an opportunity to gain experience in owning or
- 23 operating agriculture-related businesses through
- 24 entrepreneurship loans to future farmers of America
- 25 chapters or other organizations administering
- 26 secondary education-related agricultural programs:
- 27 ..... \$ 250,000"
- 28 8. By renumbering as necessary.

Amendment H-5657 was adopted.

Weigel of Chickasaw offered amendment H-5658, to the committee amendment H-5482, filed by him and requested division as follows:

H-5658

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

H-5658A

- 4 1. Page 9, line 34, by striking the word
- 5 "purpose" and inserting the following: "purposes".
- 6 2. Page 9, line 35, by inserting before the word
- 7 "To" the following: "1."
- 8 3. Page 9, line 41, by striking the figure "1."
- 9 and inserting the following: "a."
- 10 4. Page 9, line 41, by striking the word
- 11 "section" and inserting the following: "subsection".
- 12 5. Page 9, line 47, by striking the figure "2."
- 13 and inserting the following: "b."
- 14 6. Page 10, line 4, by striking the word
- 15 "section" and inserting the following: "subsection".

H-5658B

- 16 7. Page 10, by inserting after line 6 the
- 17 following:
- 18 "2. To the soil conservation division of the
- 19 department of agriculture and land stewardship to

H-5658B

- 20 support soil and water conservation district
- 21 development including the training of soil and water
- 22 conservation district staff:
- 23 ..... \$ 42,000"
- 24 8. By renumbering as necessary.

On motion by Weigel of Chickasaw, amendment H-5658A, to the committee amendment H-5482, was withdrawn.

Weigel of Chickasaw offered amendment H-5659, to the committee amendment H-5482, filed by him and requested division as follows:

H-5659

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

H-5659A

- 4 1. Page 9, line 34, by striking the word
- 5 "purpose" and inserting the following: "purposes".
- 6 2. Page 9, line 35, by inserting before the word
- 7 "To" the following: "1."
- 8 3. Page 9, line 41, by striking the figure "1."
- 9 and inserting the following: "a."
- 10 4. Page 9, line 41, by striking the word
- 11 "section" and inserting the following: "subsection".
- 12 5. Page 9, line 47, by striking the figure "2."
- 13 and inserting the following: "b."
- 14 6. Page 10, line 4, by striking the word
- 15 "section" and inserting the following: "subsection".

H-5659B

- 16 7. Page 10, by inserting after line 6 the
- 17 following:
- 18 "2. To the soil conservation division of the
- 19 department of agriculture and land stewardship for
- 20 purposes of supporting the oversight of financial
- 21 incentive programs administered by the division, and
- 22 for the salary and support of not more than the
- 23 following full-time equivalent position:
- 24 ..... \$ 56,000
- 25 ..... FTEs 1.00"
- 26 8. By renumbering as necessary.

On motion by Weigel of Chickasaw, amendment H-5659A, to the committee amendment H-5482, was withdrawn.

Ollie of Clinton offered the following amendment H-5518, to the committee amendment H-5482, filed by him and moved its adoption:



H-5518

1 Amend the amendment, H-5482, to Senate File 2446,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 9, line 39, by inserting after the figure  
5 "455B" the following: "and researching the abatement  
6 of animal-related odor in urban areas, from animal-  
7 related odor sources including, but not limited to,  
8 animal rendering and slaughtering facilities".

Amendment H-5518 lost.

The House considered amendment H-5658B, to the committee amendment H-5482.

On motion by Weigel of Chickasaw, amendment H-5658B was adopted.

The House considered amendment H-5659B, to the committee amendment H-5482.

On motion by Weigel of Chickasaw, amendment H-5659B, was adopted.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-5719, to the committee amendment H-5482, filed by him from the floor.

Burnett of Story asked and received unanimous consent to withdraw amendment H-5562, to the committee amendment H-5482, filed by her and Fallon on March 25, 1996.

Speaker pro tempore Van Maanen of Marion in the chair at 3:09 p.m.

Mundie of Webster offered the following amendment H-5519, to the committee amendment H-5482, filed by him and moved its adoption:

H-5519

1 Amend the amendment, H-5482, to Senate File 2446,  
2 as amended, passed, and reprinted by the Senate as  
3 follows:

4 1. Page 11, by striking lines 29 through 42.  
5 2. By renumbering as necessary.

Roll call was requested by Mundie of Webster and Schrader of Marion.

On the question "Shall amendment H-5519, to the committee amendment H-5482, be adopted?" (S.F. 2446)

The ayes were, 40:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Branstad	Burnett
Carroll	Cataldo	Cohoon	Connors
Doderer	Drees	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Metcalf	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weidman	Weigel	Wise

The nays were, 51:

Blodgett	Bradley	Brauns	Brunkhorst
Coon	Cormack	Daggett	Dinkla
Disney	Drake	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Main
Martin	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Welter	Van Maanen, Presiding	

Absent or not voting, 9:

Boddicker	Bogges	Churchill	Corbett, Spkr.
Eddie	Grundberg	Houser	Lord
Witt			

Amendment H-5519 lost.

Hahn of Muscatine asked and received unanimous consent to withdraw amendment H-5640B, to the committee amendment H-5482, found on page 1075 of the House Journal.

Hahn of Muscatine offered the following amendment H-5669, to the committee amendment H-5482, filed by him and moved its adoption:

H-5669

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 13, by striking lines 10 through 14 and
- 5 inserting the following: "department of natural
- 6 resources may purchase lands on which to locate a
- 7 native American war memorial."

Amendment H-5669 was adopted.

Greiner of Washington offered the following amendment H-5613, to the committee amendment H-5482, filed by her and moved its adoption:

H-5613

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 14, by inserting after line 41 the
- 5 following:
- 6 "Sec. \_\_\_\_ SOIL AND WATER CONSERVATION CONFERENCE.
- 7 1. The division of soil conservation of the
- 8 department of agriculture and land stewardship shall
- 9 sponsor a conference not later than September 1, 1996,
- 10 regarding the protection of cropland soils in this
- 11 state. The conference shall include discussions of
- 12 the status of soil and water conservation as it
- 13 relates to conservation compliance accomplishments,
- 14 agricultural production policies, water quality
- 15 protection, and the state's Iowa soil 2000 goal.
- 16 2. Conferees shall include representatives of the
- 17 division of soil conservation, the state soil
- 18 conservation committee, soil and water conservation
- 19 districts, the natural resources conservation service
- 20 of the United States department of agriculture, the
- 21 cooperative extension service of Iowa state
- 22 university, and the department of natural resources.
- 23 The division of soil conservation shall invite other
- 24 interested persons to serve as conferees, including
- 25 members of Iowa's congressional delegation; the
- 26 chairpersons and ranking members of the standing
- 27 committees on agriculture, and on natural resources,
- 28 environment, and energy of the senate; the
- 29 chairpersons and ranking members of the standing
- 30 committees on agriculture, on natural resources, and
- 31 on environmental protection of the house of
- 32 representatives; the chairpersons and ranking members
- 33 of the joint appropriations subcommittee on
- 34 agriculture and natural resources; representatives of
- 35 the United States environmental protection agency; and
- 36 members of farm and commodity organizations.
- 37 3. The division of soil conservation shall report
- 38 to the general assembly not later than January 15,
- 39 1997, regarding findings and recommendations of the
- 40 conferees."
- 41 2. By renumbering as necessary.

Amendment H-5613 was adopted.

Witt of Black Hawk offered the following amendment H-5634, to the committee amendment H-5482, filed by him and Salton and moved its adoption:

H-5634

1 Amend the amendment, H-5482, to Senate File 2446,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 14, by inserting after line 41 the  
5 following:

6 "Sec. \_\_\_\_ LAND ACQUISITION — NATURAL RESOURCE

7 COMMISSION. The natural resource commission, upon  
8 consultation with department of natural resources  
9 staff, shall develop and implement a land acquisition  
10 policy which shall be embodied in a strategic land  
11 acquisition plan administered by the department. The  
12 land acquisition policy and the land acquisition  
13 strategic plan shall provide for the acquisition of  
14 land in order to enhance the quality of existing state  
15 parks, state preserves, and state recreation areas.  
16 The commission shall consider all of the following  
17 factors and may consider additional factors:

18 1. The enhancement of the goals of an ecosystem or  
19 biodiversity management plan for a state park, state  
20 preserve, or state recreation area.

21 2. The proximity or contiguity of the land to a  
22 state park, state preserve, or state recreation area.

23 3. The quality of existing natural communities  
24 existing on the land.

25 4. The presence on the land of threatened or  
26 endangered species.

27 5. The potential for enhancing the natural quality  
28 or recreational potential of land owned or managed for  
29 conservation purposes by other public or nonprofit  
30 entities.

31 6. The risk of losing natural assets through the  
32 sale of the land to a competing interest.

33 7. The preservation or enhancement of unique  
34 irreplaceable archaeological, historical, or cultural  
35 features existing on land owned or managed for such  
36 purposes by other public or nonprofit entities."

37 2. By renumbering as necessary.

Amendment H-5634 was adopted.

Hahn of Muscatine asked and received unanimous consent to withdraw amendment H-5648, to the committee amendment H-5482, filed by him on March 26, 1996.

Brand of Benton offered the following amendment H-5661, to the committee amendment H-5482, filed by him and moved its adoption:

H-5661

1 Amend the amendment, H-5482, to Senate File 2446,  
2 as amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 14, by inserting after line 41 the

5 following:

6 "Sec. \_\_\_\_ GIFT CERTIFICATES FOR SPECIAL PRIVILEGE

7 FEES ON STATE PARKS AND RECREATION AREAS. The

8 department of natural resources shall publish and make

9 available for purchase by the general public gift

10 certificates entitling the bearer of the certificate

11 to free camping and other special privileges at state

12 parks and recreation areas. The department shall

13 establish prices for the certificates based on amounts

14 required to be paid in fees for camping and special

15 privileges pursuant to section 461A.47."

16 2. By renumbering as necessary.

Amendment H-5661 was adopted.

Hahn of Muscatine asked and received unanimous consent to withdraw amendment H-5682, to the committee amendment H-5482, filed by him on March 27, 1996.

Garman of Story offered amendment H-5535, to the committee amendment H-5482, filed by her as follows:

H-5535

1 Amend the amendment, H-5482, to Senate File 2446,

2 as amended, passed, and reprinted by the Senate, as

3 follows:

4 1. Page 15, by inserting before line 20 the

5 following:

6 "Sec. \_\_\_\_ Section 335.2, Code 1995, is amended to

7 read as follows:

8 335.2 FARMS AGRICULTURAL PURPOSES EXEMPT.

9 1. As used in this section, "confinement swine

10 feeding operation" means a confinement feeding

11 operation as defined in section 455B.161 in which

12 swine are confined and fed.

13 2. Except to the extent required to implement

14 section 335.27, no as provided in this section, an

15 ordinance adopted under this chapter applies shall not

16 apply to an agricultural operation, including land,

17 farm houses, farm barns, farm outbuildings, or other

18 buildings or structures, which are primarily adapted,

19 by reason of nature and area, for use for an

20 agricultural purposes purpose, while so used.

21 However, the ordinances an ordinance adopted under

22 this chapter may apply to any of the following:

23 a. The implementation of an agricultural land

24 preservation ordinance, as provided in section 335.27.

25 b. A structure, building, dam, obstruction,

26 deposit, or excavation in or on the flood plains of

27 any a river or stream.

- 28 c. A confinement swine feeding operation.  
 29 However, an ordinance adopted under this chapter shall  
 30 not apply to a confinement swine feeding operation, if  
 31 any of the following are applicable:  
 32 (1) There are less than three thousand five  
 33 hundred head of swine subject to care and feeding by  
 34 the confinement swine feeding operation.  
 35 (2) The owner of the parcel of agricultural land  
 36 where the confinement swine feeding operation is  
 37 located is qualified to file for a homestead tax  
 38 credit as provided pursuant to section 425.2 on that  
 39 parcel."  
 40 2. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-5535 was not germane, to the committee amendment H-5482.

The Speaker ruled the point well taken and amendment H-5535 not germane, to the committee amendment H-5482.

Garman of Story moved to suspend the rules to consider amendment H-5535, to the committee amendment H-5482.

Roll call was requested by Schrader of Marion and Koenigs of Mitchell.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-5535, to the committee amendment H-5482?" (S.F. 2446)

The ayes were, 43:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Coon	Doderer
Drees	Fallon	Garman	Harper
Holveck	Hurley	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Sukup	Taylor	Teig	Warnstadt
Weigel	Wise	Witt	

The nays were, 54:

Blodgett	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Gipp	Greig	Greiner	Gries

Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 3:

Boddicker	Grundberg	Houser
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The motion to suspend the rules lost.

Shoultz of Black Hawk offered amendment H-5617, to the committee amendment H-5482, filed by him as follows:

H-5617

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 15, by inserting before line 20 the
- 5 following:
- 6 "Sec. \_\_\_\_ Section 321.34, subsection 17,
- 7 paragraph c, Code Supplement 1995, is amended to read
- 8 as follows:
- 9 c. The special natural resources fee for letter
- 10 number designated natural resources plates is thirty-
- 11 five dollars. The fee for personalized natural
- 12 resources plates is forty-five dollars which shall be
- 13 paid in addition to the special natural resources fee
- 14 of thirty-five dollars. The fees collected by the
- 15 director under this subsection shall be paid monthly
- 16 to the treasurer of state and credited to the road use
- 17 tax fund. Notwithstanding section 423.24, and prior
- 18 to the crediting of revenues to the road use tax fund
- 19 under section 423.24, subsection 1, paragraph "d", the
- 20 treasurer of state shall credit monthly from those
- 21 revenues to the Iowa resources enhancement and
- 22 protection fund created pursuant to section 455A.18,
- 23 the amount of the special natural resources fees
- 24 collected in the previous month for the natural
- 25 resources plates. Upon each date that an amount is
- 26 credited to the Iowa resources enhancement and
- 27 protection fund under this paragraph, there is
- 28 appropriated from the general fund of the state to the
- 29 Iowa resources enhancement and protection fund an
- 30 identical amount."
- 31 2. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-5617 was not germane, to the committee amendment H-5482.

The Speaker ruled the point not well taken and amendment H-5617 germane, to the committee amendment H-5482.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Union, for the remainder of the day, on request of Siegrist of Pottawattamie.

Shoultz of Black Hawk moved the adoption of amendment H-5617, to the committee amendment H-5482.

Roll call was requested by Schrader of Marion and Shoultz of Black Hawk.

On the question "Shall amendment H-5617, to the committee amendment H-5482, be adopted?" (S.F. 2446)

The ayes were, 41:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Cohoon
Connors	Dinkla	Doderer	Drees
Fallon	Greiner	Gries	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Schulte	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

The nays were, 53:

Blodgett	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Coon	Corbett, Spkr.	Cormack	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Siegrist
Sukup	Teig	Thomson	Tyrrell
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			



Absent or not voting, 6:

Boddicker  
Larson

Cataldo  
Van Fossen

Daggett

Grubbs

Amendment H-5617 lost.

Speaker Corbett in the chair at 4:47 p.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Baker of Polk, for the remainder of the day, on request of Schrader of Marion.

Shoultz of Black Hawk offered the following amendment H-5618, to the committee amendment H-5482, filed by him and moved its adoption:

H-5618

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 15, by inserting before line 20 the
- 5 following:
- 6 "Sec. \_\_\_\_ Section 455A.18, subsection 3,
- 7 unnumbered paragraph 1, Code 1995, is amended to read
- 8 as follows:
- 9 For each fiscal year of the fiscal period beginning
- 10 July 1, ~~1990~~ 1996, and ending June 30, ~~2001~~ 2021,
- 11 there is appropriated from the general fund, to the
- 12 Iowa resources enhancement and protection fund, the
- 13 amount of thirty million dollars, ~~except that for the~~
- 14 ~~fiscal year beginning July 1, 1990, the amount is~~
- 15 ~~twenty million dollars;~~ to be used as provided in this
- 16 chapter. However, in any fiscal year of the fiscal
- 17 period, if moneys from the lottery are appropriated by
- 18 the state to the fund, the amount appropriated under
- 19 this subsection shall be reduced by the amount
- 20 appropriated from the lottery."
- 21 2. By renumbering as necessary.

Roll call was requested by Shoultz of Black Hawk and Siegrist of Pottawattamie.

Rule 75 was invoked.

On the question "Shall amendment H-5618, to the committee amendment H-5482, be adopted?" (S.F. 2446)

The ayes were, 38:

Bell  
Burnett  
Coon

Bernau  
Cataldo  
Doderer

Brammer  
Cohoon  
Drees

Brand  
Connors  
Fallon

Garman	Hammitt Barry	Hanson	Harper
Holveck	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Wise		

The nays were, 55:

Arnold	Blodgett	Bogges	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Cormack	Dinkla	Disney	Drake
Eddie	Ertl	Gipp	Greig
Greiner	Gries	Grundberg	Hahn
Halvorson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker Corbett	

Absent or not voting, 7:

Baker	Boddicker	Bradley	Daggett
Grubbs	Jochum	Witt	

Amendment H-5618 lost.

Weigel of Chickasaw offered amendment H-5629, to the committee amendment H-5482, filed by him as follows:

H-5629

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 15, by inserting before line 20 the
- 5 following:
- 6 "Sec. \_\_\_\_ NEW SECTION. 172A.14 PRICE
- 7 DISCRIMINATION — PROHIBITION.
- 8 1. Except as provided in this section, a dealer or
- 9 a broker, or an agent purchasing livestock for
- 10 slaughter shall not discriminate in prices paid or
- 11 offered to be paid to sellers of that livestock.
- 12 2. This section shall not apply to a person
- 13 exempted from the license and financial responsibility
- 14 provisions of this chapter pursuant to section 172A.6.

15 This section shall not apply to a livestock market as  
16 defined in section 455B.161. This section shall not  
17 apply to a person purchasing cattle, including calves,  
18 for slaughter. This section shall also not apply, if  
19 all of the following requirements are met:

20 a. The price differential is based on one of the  
21 following:

22 (1) The quality of the livestock, if the broker,  
23 dealer, or agent purchases the livestock based upon a  
24 payment method specifying prices paid for criteria  
25 relating to carcass merit.

26 (2) Actual and quantifiable costs related to  
27 transporting and acquiring the livestock by the broker  
28 or dealer, or the agent.

29 (3) An agreement for the delivery of livestock at  
30 a specified date or time.

31 (4) The number of livestock purchased from a  
32 seller by a dealer or a broker, or an agent.

33 b. After making a differential payment to a  
34 seller, the broker, dealer, or agent publishes  
35 information relating to the differential pricing,  
36 including the payment method for carcass merit,  
37 transportation and acquisition pricing, and an offer  
38 to enter into an agreement for the delivery of  
39 livestock at a specified date or time according to the  
40 same terms and conditions offered to other sellers.

41 3. A broker, dealer, or agent shall provide all  
42 sellers with the same terms and conditions offered to  
43 a seller who receives a differential price based on  
44 any of the criteria described in subsection 2,  
45 paragraph "a".

46 4. The dealer, broker, or agent shall, at the  
47 beginning of each day in which livestock are  
48 purchased, post in a conspicuous place at the point of  
49 delivery, all prices for livestock to be paid that  
50 day.

Page 2

1 5. An agreement made by a broker or dealer, or an  
2 agent with a seller in violation of this section is  
3 voidable.

4 6. A broker or dealer, or an agent acting in  
5 violation of this section is guilty of a fraudulent  
6 practice as provided in chapter 714.

7 7. The attorney general shall enforce this  
8 section. The department shall refer any violations of  
9 this chapter to the attorney general. The attorney  
10 general or any person injured by a violation of this  
11 section may bring an action in district court to  
12 restrain a dealer or broker, or an agent from  
13 violating this section. A seller who receives a  
14 discriminatory price or who is offered only a  
15 discriminatory price for livestock based upon a

- 16 violation of this section by a broker or dealer, or an  
 17 agent, has a civil cause of action against the broker  
 18 or dealer, or an agent, and, if successful, shall be  
 19 awarded treble damages.
- 20 Sec. \_\_\_\_ NEW SECTION. 172A.14A REPORTING.
- 21 1. As used in this section:
- 22 a. "Packer" means a person, other than a packer's  
 23 agent, who is engaged in this state or out-of-state in  
 24 the business of slaughtering live animals or  
 25 receiving, buying, or soliciting live animals for  
 26 slaughtering, the meat products of which are directly  
 27 or indirectly to be offered for resale or for public  
 28 consumption.
- 29 b. "Packer's agent" means a person engaged in  
 30 buying or soliciting livestock for slaughter on behalf  
 31 of a packer.
- 32 2. A packer, other than a cold storage plant  
 33 regulated under chapter 171 or a frozen food locker  
 34 plant regulated under chapter 172, shall make  
 35 available for publication and to a board of trade  
 36 approved by the secretary of state, a daily report  
 37 setting forth information regarding prices paid for  
 38 livestock, under each contract in force, in which the  
 39 packer or the packer's agent, and an Iowa resident are  
 40 parties for the purchase of the livestock by the  
 41 packer or the packer's agent, and which sets a date  
 42 for delivery more than twenty days after the making of  
 43 the contract.
- 44 3. The reports shall be completed on forms  
 45 prepared by the secretary of state for comparison with  
 46 cash market prices for livestock according to  
 47 procedures required by the secretary of state.  
 48 However, a report shall not include information  
 49 regarding the identity of a seller.
- 50 4. The failure to report as required by this

### Page 3

- 1 section is punishable by a civil penalty not to exceed  
 2 one thousand dollars for each day that a timely or  
 3 truthful report is not published. The secretary of  
 4 state shall refer to the attorney general any packer  
 5 or packer's agent who the secretary of state believes  
 6 is in violation of this section. The attorney general  
 7 may, upon referral from the secretary of state, file  
 8 an action in district court to enforce this section."
- 9 2. Page 15, by striking lines 26 through 28.
- 10 3. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-5629 was not germane, to the committee amendment H-5482.

The Speaker ruled the point well taken and amendment H-5629 not germane, to the committee amendment H-5482.

Weigel of Chickasaw moved to suspend the rules to consider amendment H-5629.

Roll call was requested by Schrader of Marion and Kreiman of Davis.

On the question "Shall the rules be suspended to consider amendment H-5629, to the committee amendment H-5482?" (S.F. 2446)

The ayes were, 41:

Arnold	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Coon	Drees	Fallon
Garman	Harper	Holveck	Hurley
Jochum	Klemme	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Sukup
Taylor	Warnstadt	Weigel	Wise
Witt			

The nays were, 54:

Blodgett	Boguess	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Cormack	Dinkla	Disney	Doderer
Drake	Eddie	Ertl	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammit Barry	Hanson
Harrison	Heaton	Huseman	Jacobs
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

Absent or not voting, 5:

Baker	Boddicker	Daggett	Grubbs
Houser			

The motion to suspend the rules lost.

Weigel of Chickasaw asked and received unanimous consent to defer on amendment H-5631, to the committee amendment H-5482.

Greig of Emmet asked and received unanimous consent to withdraw amendment H-5632, to the committee amendment H-5482, filed by him on March 26, 1996.

Koenigs of Mitchell offered amendment H-5637, to the committee amendment H-5482, filed by Koenigs, et. al., as follows:

H-5637

1 Amend the amendment, H-5482, to Senate File 2446,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 15, by inserting before line 20 the  
5 following:  
6 "Sec. \_\_\_\_ Section 335.2, Code 1995, is amended to  
7 read as follows:  
8 335.2 FARMS AGRICULTURAL PURPOSES EXEMPT.  
9 Except to the extent required to implement section  
10 ~~335.27, no as provided in this section, an~~ ordinance  
11 adopted under this chapter ~~applies~~ shall not apply to  
12 an agricultural operation, including land, farm  
13 houses, farm barns, farm outbuildings, or other  
14 buildings or structures, which are primarily adapted,  
15 by reason of nature and area, for use for an  
16 agricultural purposes purpose, while so used.  
17 However, ~~the ordinances~~ an ordinance adopted under  
18 this chapter may apply to any of the following:  
19 1. The implementation of an agricultural  
20 preservation ordinance, as provided in section 335.27.  
21 2. A structure, building, dam, obstruction,  
22 deposit, or excavation in or on the flood plains of  
23 any a river or stream.  
24 3. An animal feeding operation, as defined in  
25 section 455B.161, other than an animal feeding  
26 operation which is part of a family farm. The county  
27 board of supervisors shall determine if an  
28 agricultural operation qualifies as a family farm. In  
29 making this determination the board shall review facts  
30 relating to the agricultural operation and the person  
31 owning or leasing the land where the agricultural  
32 operation is located, including the extent to which  
33 the person:  
34 a. Has held an interest in the land.  
35 b. Is actively engaged in farming the land.  
36 c. Produces different species of livestock on the  
37 land.  
38 d. Produces crops on the land. If crops are  
39 produced on the land, the board shall consider the  
40 extent to which the crops are used to feed livestock  
41 produced on the land.  
42 e. Owns and operates machinery for the following:  
43 (1) The planting and harvesting of grain on the  
44 land.  
45 (2) The application of manure on the land.  
46 f. Owns and uses facilities for the storage of  
47 grain produced on the land.  
48 Sec. \_\_\_\_ Section 455B.162, subsection 1,  
49 paragraph b, unnumbered paragraph 1, Code Supplement  
50 1995, is amended to read as follows:

Page 2

1 The following table represents the minimum  
 2 separation distance in feet required between animal  
 3 feeding operation structures and a public use area or  
 4 a residence not owned by the owner of the animal  
 5 feeding operation, a commercial enterprise, a bona  
 6 fide religious institution, or an educational  
 7 institution located within the corporate limits of a  
 8 city:

9 Sec. \_\_\_\_ Section 657.1, Code Supplement 1995, is  
 10 amended to read as follows:

11 657.1 NUISANCE — WHAT CONSTITUTES — ACTION TO  
 12 ABATE.

13 Whatever is injurious to health, indecent, or  
 14 unreasonably offensive to the senses, or an  
 15 obstruction to the free use of property, so as  
 16 essentially to unreasonably interfere with the  
 17 comfortable enjoyment of life or property, is a  
 18 nuisance, and a civil action by ordinary proceedings  
 19 may be brought to enjoin and abate the same and to  
 20 recover damages sustained on account thereof.

21 Sec. \_\_\_\_ Section 657.2, subsection 1, Code  
 22 Supplement 1995, is amended to read as follows:

23 1. The erecting, continuing, or using any building  
 24 or other place for the exercise of any trade,  
 25 employment, or manufacture, which, by occasioning  
 26 noxious exhalations, unreasonably offensive smells, or  
 27 other annoyances, becomes injurious and dangerous to  
 28 the health, comfort, or property of individuals or the  
 29 public.

30 Sec. \_\_\_\_ APPLICABILITY. Except as provided in  
 31 section 455B.163, as enacted by 1995 Iowa Acts,  
 32 chapter 195, section 17, with regard to the continued  
 33 operation of animal feeding operations constructed  
 34 prior to May 31, 1995, or the expansion of structures  
 35 constructed prior to May 31, 1995, the provisions of  
 36 section 455B.162, subsection 1, paragraph "b",  
 37 unnumbered paragraph 1, Code Supplement 1995, as  
 38 enacted by 1995 Iowa Acts, chapter 195, section 16,  
 39 shall continue to apply to animal feeding operation  
 40 structures constructed on or after May 31, 1995, but  
 41 prior to the effective date of this Act, and to the  
 42 expansion of such structures constructed on or after  
 43 May 31, 1995, but prior to the effective date of this  
 44 Act.

45 Sec. \_\_\_\_ REPEAL OF NUISANCE SUIT RESTRICTION.

46 Section 657.11, Code Supplement 1995, is repealed."

47 2. Page 15, by striking lines 26 through 28.

48 3. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-5637, to the committee amendment H-5482, was not germane, to the committee amendment H-5482.

The Speaker ruled the point well taken and amendment H-5637, to the committee amendment H-5482, not germane, to the committee amendment H-5482.

Koenigs of Mitchell moved to suspend the rules to consider amendment H-5637.

Roll call was requested by Koenigs of Mitchell and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-5637, to the committee amendment H-5482?" (S.F. 2446)

The ayes were, 39:

Arnold	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Garman	Harper	Holveck	Jochum
Koenigs	Kreiman	Larkin	Mascher
May	McCoy	Mertz	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Sukup	Taylor	Warnstadt
Weigel	Wise	Witt	

The nays were, 57:

Blodgett	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Coon	Cormack	Dinkla	Disney
Drake	Eddie	Ertl	Gipp
Greig	Greiner	Gries	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

Absent or not voting, 4:

Baker	Boddicker	Daggett	Grubbs
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The motion to suspend the rules lost.



Garman of Story asked and received unanimous consent to withdraw amendment H-5656B, to the committee amendment H-5482, found on page 1099 of the House Journal.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H-5572, to the committee amendment H-5482, previously deferred, filed by him on March 25, 1996.

Koenigs of Mitchell offered the following amendment H-5628, previously deferred, to the committee amendment H-5482, filed by him and moved its adoption:

H-5628

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, line 18, by striking the figure
- 5 "1,586,111" and inserting the following: "1,786,111".
- 6 2. Page 6, line 47, by striking the figure
- 7 "2,026,509" and inserting the following: "1,826,509".
- 8 3. Page 6, line 48, by striking the figure
- 9 "218.00" and inserting the following: "214.00".

Roll call was requested by Greiner of Washington and Hahn of Muscatine.

On the question "Shall amendment H-5628, to the committee amendment H-5482, be adopted?" (S.F. 2446)

The ayes were, 35:

Bell	Bernau	Brammer	Brand
Burnett	Cataldo	Cohon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Wise	Witt	

The nays were, 57:

Arnold	Blodgett	Bogess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grundberg	Hahn	Hammitt Barry
Hanson	Harrison	Heaton	Houser

Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Sukup
Teig	Thomson	Tyrrell	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

Absent or not voting, 8:

Baker	Boddicker	Daggett	Grubbs
Halvorson	Mundie	Siegrist	Van Fossen

Amendment H-5628 lost.

Fallon of Polk offered the following amendment H-5616, previously deferred, to the committee amendment H-5482 filed by him and moved its adoption:

H-5616

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 5, by striking lines 25 through 35.
- 5 2. By renumbering as necessary.

Amendment H-5616 lost.

Koenigs of Mitchell offered the following amendment H-5660, previously deferred, to the committee amendment H-5482, filed by him and moved its adoption:

H-5660

- 1 Amend the amendment, H-5482, to Senate File 2446,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, line 14, by striking the figure
- 5 "2,052,389" and inserting the following: "1,852,389".
- 6 2. Page 6, line 15, by striking the figure
- 7 "119.25" and inserting the following: "115.25".
- 8 3. Page 6, by striking lines 16 through 24.

Roll call was requested by Koenigs of Mitchell and Schrader of Marion.

On the question "Shall amendment H-5660, to the committee amendment H-5482, be adopted?" (S.F. 2446)

The ayes were, 38:

Bell	Bernau	Brammer	Burnett
Cataldo	Cohoon	Connors	Doderer
Drees	Fallon	Garman	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Millage	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Sukup	Taylor	Warnstadt	Weigel
Wise	Witt		

The nays were, 57:

Arnold	Blodgett	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Dinkla
Disney	Drake	Eddie	Ertl
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hamitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker Corbett			

Absent or not voting, 5:

Baker	Boddicker	Brand	Daggett
Grubbs			

Amendment H-5660 lost.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-5631, previously deferred, to the committee amendment H-5482, filed by him on March 26, 1996.

Hahn of Muscatine moved the adoption of the committee amendment H-5482, as amended.

Roll call was requested by Murphy of Dubuque and Schrader of Marion.

On the question "Shall the committee amendment H-5482, as amended, be adopted?" (S.F. 2446)

The ayes were, 59:

Arnold	Blodgett	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Dinkla
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Weidman	Welter	Mr. Speaker	
		Corbett	

The nays were, 36:

Bell	Bernau	Brammer	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

Absent or not voting, 5:

Baker	Boddicker	Daggett	Disney
Grubbs			

The committee amendment H-5482, as amended, was adopted.

Hahn of Muscatine 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. 2446)

The ayes were, 60:

Arnold	Blodgett	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner

Gries	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

The nays were, 36:

Bell	Bernau	Brammer	Brand
Burnett	Cataldo	Cphoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

Absent or not voting, 4:

Baker	Boddicker	Daggett	Grubbs
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2446** be immediately messaged to the Senate.

### INTRODUCTION OF BILLS

**House File 2489**, by Siegrist and Schrader, a bill for an act relating to repayment of economic development assistance in certain circumstances.

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

**House File 2490**, by committee on ways and means, a bill for an act relating to providing a payment for investment in a sesquicentennial business development fund, providing penalties, and making an appropriation.

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

## HOUSE INSISTS

Churchill of Polk called up for consideration **Senate File 2443**, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes and moved that the House insist on its amendment, which motion prevailed.

## CONFERENCE COMMITTEE APPOINTED

(Senate File 2443)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning **Senate File 2443**: Churchill of Polk, Chair; Van Fossen of Scott, Teig of Hamilton, Baker of Polk and Wise of Lee.

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2443** be immediately messaged to the Senate.

## RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent that the Daily Debate Calendar for Friday, March 29, 1996, become the Daily Debate Calendar for Monday April 1, 1996.

## 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, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2331, a bill for an act expanding the factors that a court and the state department of transportation may consider in ordering the issuance of a temporary restricted license, and providing an effective date.

Also: That the Senate has on March 28, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2449, a bill for an act setting campaign contribution limits by persons and political committees, addressing independent expenditures on behalf of candidates, employee and member contributions, making penalties applicable, and providing an effective date.

JOHN F. DWYER, Secretary

SENATE FILES PLACED ON THE  
UNFINISHED BUSINESS CALENDAR

Siegrist of Pottawattamie asked and received unanimous consent that the following Senate Files be placed on the unfinished business calendar:

Senate Joint Resolution 1

Senate File 259

Senate File 284

Senate File 454

Senate File 2012

Senate File 2022

Senate File 2071

Senate File 2074

Senate File 2085

Senate File 2101

Senate File 2114

Senate File 2123

Senate File 2138

Senate File 2147

Senate File 2153

Senate File 2154

Senate File 2155

Senate File 2157

Senate File 2158

Senate File 2159

Senate File 2165

Senate File 2167

Senate File 2171

Senate File 2186

Senate File 2201

Senate File 2204

Senate File 2206

Senate File 2207

Senate File 2208

Senate File 2211

Senate File 2212

Senate File 2215

Senate File 2218

Senate File 2245

Senate File 2252

Senate File 2256

Senate File 2265

Senate File 2269

Senate File 2289

Senate File 2294

Senate File 2297

Senate File 2299

Senate File 2300

Senate File 2301

Senate File 2303

Senate File 2305

Senate File 2321

Senate File 2323

Senate File 2324

Senate File 2344

Senate File 2348

Senate File 2352

Senate File 2365

Senate File 2366

Senate File 2367

Senate File 2381

Senate File 2385

Senate File 2387

Senate File 2396

Senate File 2399

Senate File 2403

Senate File 2406

Senate File 2409

Senate File 2410

Senate File 2413

Senate File 2419

Senate File 2420

Senate File 2428

Senate File 2430

Senate File 2435

Senate File 2438

**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 Twenty-eighth day of March, 1996: House Files 2107, 2127, 2152, 2187 and 2258.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

Report adopted.

**PRESENTATION OF VISITORS**

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

Three FHA students from Logan-Magnolia High School, Logan, accompanied by Mrs. Hill. By Hammitt Barry of Harrison.

Thirty high school students from Green Mountain-Garwin High School, Garwin, accompanied by Gary Sinclair. By Brand of Benton and Garman of Story.

Fifteen tenth grade students from Thomas Jefferson High School, Council Bluffs, accompanied by Mr. Doug Donaldson. By Nelson and Siegrist of Pottawattamie.

Boy Scouts from Sheldon, accompanied by Merwin Foster and Keith Thompsen. By Vande Hoef of Osceola.

Forty-five sixth grade students from Nashua Elementary School, Nashua, accompanied by Mr. Anderson. By Weigel of Chickasaw, Brunkhorst of Bremer and Koenigs of Mitchell.

Twenty-three fifth grade students from Lakeview Elementary, Centerville, accompanied by Mrs. Melissa Wehrle. By Kreiman of Davis.

Forty-five 4-H members from Jones County. By Welter of Jones.

Thirteen seventh and eighth grade students from Pine Grove Menonite School, Chester, accompanied by Mary Nightengale. By Weigel of Chickasaw.

Sixty fifth grade students from Cody Elementary School, Pleasant Valley, accompanied by Sonia Vogel, Kity Miller, Dave Langtimm and Joel Hake. By Bradley of Clinton.



## CERTIFICATES OF RECOGNITION

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

- 1996\368 Dev and Ed Kiedaisch, JETS Sponsors, Keokuk – For the Keokuk Junior Engineering Technical Society “JETS” representation of Iowa at the National Engineering Design Challenge.
- 1996\369 Marguerite Williams, Davenport – For celebrating her Eighty-fifth birthday.
- 1996\370 Krisi Whisler, Washington – For being named All-State Cheerleader.
- 1996\371 Terra Swift, Washington – For being named Outstanding YMCA Female Swimmer in the State of Iowa.
- 1996\372 J.R. Dougherty, Dysart – For being named Iowa’s Trailblazer of the Year for the Royal Rangers.
- 1996\373 Eric Brezina, South Tama High School, Tama – For being named to the 1996 Academic All-State Basketball Team.
- 1996\374 Mark Foster, Traer – For winning the eleven year old division in the Knights of Columbus Boys State Free Throw Contest.
- 1996\375 Wayne Wilcox, Tama – For being recognized as “Board Member of the Year” by the Iowa Rural Water Association.
- 1996\376 Justin Marovec, Vinton-Shellsburg High School – For being named to the 1996 INA High School Boys Basketball Class 3A 2nd Team.
- 1996\377 Casey Estling, Center Point-Urbana High School – For being named to the 1996 INA High School Boys Basketball Class 2A 1st Team.
- 1996\378 Malvina Tott, Westwood Community Schools – For her forty-three years of teaching and dedicated service in the music profession.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 2198

Ways and Means: Van Fossen, Chair; Larkin and Rants.

#### House File 2304

Ways and Means: Disney, Chair; Larkin and Myers.

#### House File 2484

Ways and Means: Renken, Chair; Brammer and Lamberti.

**Senate File 2160**

Appropriations: Grundberg, Chair; Metcalf and Ollie.

**Senate File 2224**

Ways and Means: Renken, Chair; Greig and Shoultz.

**Senate File 2298**

Ways and Means: Dinkla, Chair; Bernau and Halvorson.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT****House Study Bill 751**

Ways and Means: Halvorson, Chair; Bernau and Dinkla.

**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.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

**COMMITTEE ON WAYS AND MEANS**

**Senate File 2266**, a bill for an act making transportation-related Code changes including providing for a temporary registration permit, increasing registration fees for certain trailers, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 1996.

**Committee Bill** (Formerly House File 2304), relating to the care and maintenance of pioneer cemeteries.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 28, 1996.

**Committee Bill** (Formerly House File 2417), relating to the price index for growth for purposes of the property tax limitation.

Fiscal Note is not required.

Recommended **Do Pass** March 28, 1996.

**Committee Bill** (Formerly House File 2465), relating to providing a payment for investment in a sesquicentennial business development fund, providing penalties, and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 28, 1996.

**Committee Bill** (Formerly House Study Bill 751), relating to special census certification and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass March 28, 1996.

### RESOLUTION FILED

**HCR 124**, by Jacobs, a concurrent resolution designating the week of April 14 through April 21, 1996, as Days of Remembrance of the Victims of the Holocaust.

Laid over under Rule 25.

### AMENDMENTS FILED

H-5711	S.F.	2448	Harrison of Scott
H-5712	S.F.	2448	Kremer of Buchanan
H-5713	S.F.	2448	Weigel of Chickasaw Murphy of Dubuque
H-5715	S.F.	454	Witt of Black Hawk Carroll of Poweshiek
H-5716	S.F.	2300	Greiner of Washington
H-5717	S.F.	2448	Brammer of Linn
H-5718	S.F.	2448	Brunkhorst of Bremer Baker of Polk
H-5720	H.F.	2331	Senate Amendment
H-5721	H.F.	2449	Senate Amendment
H-5722	S.F.	2301	Rants of Woodbury
H-5723	S.F.	2147	Kreiman of Davis
H-5724	S.F.	2385	Dinkla of Guthrie
H-5725	S.F.	2409	Nelson of Marshall
H-5726	H.F.	2338	Shoultz of Black Hawk Witt of Black Hawk
H-5727	S.F.	2351	Shoultz of Black Hawk Witt of Black Hawk
H-5728	S.F.	2448	Nelson of Marshall
H-5729	H.F.	2298	Jacobs of Polk
H-5730	S.F.	2167	Moreland of Wapello
H-5731	S.F.	2448	Brand of Benton
H-5732	H.F.	2453	Nutt of Woodbury
H-5733	S.F.	2409	Nelson of Marshall
H-5734	S.F.	2409	Drake of Pottawattamie Gries of Crawford
			Dinkla of Guthrie Meyer of Sac Wise of Lee
			Drees of Carroll Bradley of Clinton

On motion by Siegrist of Pottawattamie, the House adjourned at 6:18 p.m., until 1:00 p.m., Monday, April 1, 1996.

# JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day – Fifty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 1, 1996

The House met pursuant to adjournment at 1:00 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Prayer was offered by Father Donald P. Schmitt, St. Athanasius Catholic Church, Jesup.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Boy Scout Troop 63, Altoona, and their leader Ernie Waldron.

The Journal of Thursday, March 28, 1996 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista, on request of Huseman of Cherokee.

## PETITIONS FILED

Petitions by Weidman of Cass from the following, opposing legislation that would restrict utilities from providing non-utility services to the residents of a community, were received and placed on file:

The City Council of Anita.

The City Council of Massena.

The City Council of Cumberland.

Fifty-six constituents.

## INTRODUCTION OF BILL

**House File 2491**, by committee on ways and means, a bill for an act relating to the care and maintenance of pioneer cemeteries and authorizing a tax levy.

Read first time and placed on the **ways and means 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 28, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2433, a bill for an act relating to the management of waste tires by providing for the establishment of a waste tire management fund, allocation of moneys to facilitate elimination of waste tires and the establishment of future markets for waste tires, providing for the redirection of the existing fee on certificates of title of motor vehicles, and providing a repeal.

Also: That the Senate has on March 28, 1996, adopted the following resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 122, a concurrent resolution to designate March 29, 1996, Iowa State Flag Day.

Also: That the Senate has on March 28, 1996, appointed the conference committee to Senate File 2443, a bill for an act appropriating funds to the department of economic development, the Iowa finance authority, certain board of regents institutions, the public employment relations board, and the department of employment services, and making related statutory changes, and the members of the Senate are: The Senator from Henry, Senator Vilsack, Chair; the Senator from Woodbury, Senator Hansen; the Senator from Polk, Senator Bisignano; the Senator from Chickasaw, Senator Borlaug; the Senator from Fremont, Senator McLaren.

Also: That the Senate has on March 28, 1996, 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 2449, a bill for an act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations and their shareholders; increasing inheritance tax exemptions for certain relatives; increasing the amount of the appropriations for homestead credit, military service credit, and low-income credit and reimbursement claims; providing income tax credits for investing in a qualified venture capital company; establishing incentives for family farm animal feeding operations and making an appropriation; adjusting the funding for the family farm and agricultural land tax credits; establishing a study of the property tax system as the sole or major source of local funding and of alternate sources of funding for school, city, and county services, the repayment of bonds or other debt obligations, and capital improvements; and providing effective and applicability date provisions.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Unfinished Business Calendar

The House resumed consideration of **Senate File 2167**, a bill for an act relating to prohibiting the assault of a health care provider and providing penalties, previously deferred and placed on the unfinished business calendar.

Moreland of Wapello asked and received unanimous consent to withdraw amendment H-5730 filed by him on March 28, 1996.

Schulte 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. 2167)

The ayes were, 99:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

Eddie

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 2299**, a bill for an act relating to reserve peace officers obtaining or renewing professional permits to carry weapons, previously placed on the unfinished business calendar.

Boddicker of Cedar 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. 2299)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Brammer
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Bradley                      Eddie

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 2154**, a bill for an act increasing the penalties for certain offenses involving methamphetamine, previously placed on the unfinished business calendar.

Veenstra of Sioux offered the following amendment H-5479 filed by the committee on judiciary and moved its adoption:

H-5479

- 1 Amend Senate File 2154, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 12 and
- 4 inserting the following:

5 "Sec. \_\_\_\_ Section 124.212, Code 1995, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 5. Unless specifically excepted  
8 or listed in another schedule, any material, compound,  
9 mixture, or preparation which contains any quantity of  
10 ephedrine, including its salts, optical isomers, or  
11 salts of optical isomers shall be included in schedule  
12 V, but natural herbal ephedra products regulated and  
13 marketed as dietary supplements under the federal  
14 Dietary Supplement Health and Education Act of 1994,  
15 21 U.S.C. § 321, 331, 342, 343, 343-2, 350, and 350b,  
16 and 42 U.S.C. § 281 and 287c-11, shall not be included  
17 in schedule V. This subsection does not apply to any  
18 material, compound, mixture, or preparation which is  
19 specifically exempted or excluded under federal drug  
20 control law or regulation or by rule of the board. At  
21 the request of any person, the board may, pursuant to  
22 657 IAC 10.5, exempt by rule any drug product  
23 containing ephedrine from being included in this  
24 subsection."

25 2. Page 1, line 16, by striking the word "and"  
26 and inserting the following: "or".

27 3. Page 1, line 25, by striking the word "and"  
28 and inserting the following: "or".

29 4. Page 1, line 25, by striking the word  
30 "isomers" and inserting the following: "isomers, or  
31 analogs of methamphetamine,".

32 5. Page 1, line 27, by striking the word "and"  
33 and inserting the following: "or".

34 6. Page 1, line 27, by striking the words "of  
35 isomers" and inserting the following: "of isomers, or  
36 analogs of methamphetamine".

37 7. Page 1, line 32, by striking the word "and"  
38 and inserting the following: "or".

39 8. Page 1, line 32, by striking the words "of  
40 isomers" and inserting the following: "of isomers, or  
41 analogs of methamphetamine,".

42 9. Page 1, line 35, by striking the word "and"  
43 and inserting the following: "or".

44 10. Page 1, line 35, by striking the words "of  
45 isomers" and inserting the following: "of isomers, or  
46 analogs of methamphetamine".

47 11. Page 2, line 4, by striking the word "and"  
48 and inserting the following: "or".

49 12. Page 2, lines 5 and 6, by striking the words  
50 "or pseudoephedrine, its salts, optical isomers, and

## Page 2

1 salts of optical isomers,".

2 13. Page 2, line 7, by striking the words  
3 "methamphetamine or" and inserting the following:  
4 "methamphetamine,".

5 14. Page 2, line 8, by inserting after the word  
6 "analogs," the following: "or any other controlled



7 substance.”

8 15. Page 2, by striking lines 11 through 18 and  
9 inserting the following:

10 “NEW SUBSECTION. 2A. It is unlawful for any  
11 person to sell, distribute, or make available any  
12 product containing ephedrine, its salts, optical  
13 isomers, salts of optical isomers, or analogs of  
14 ephedrine, or pseudoephedrine, its salts, optical  
15 isomers, or salts of optical isomers, if the person  
16 knows, or should know, that the product may be used as  
17 a precursor to any illegal substance, an intermediary  
18 to any controlled substance, or for a purpose other  
19 than a legitimate medicinal use. A person who  
20 violates this subsection commits a serious  
21 misdemeanor.

22 Sec. \_\_\_\_ Section 124.401A, Code 1995, is amended  
23 to read as follows:

24 124.401A ENHANCED PENALTY FOR DISTRIBUTION TO  
25 PERSONS ON CERTAIN REAL PROPERTY.

26 In addition to any other penalties provided in this  
27 chapter, a person who is eighteen years of age or  
28 older who unlawfully distributes or possesses with  
29 intent to distribute a substance or counterfeit  
30 substance listed in schedule I, II, or III, or a  
31 simulated controlled substance represented to be a  
32 controlled substance classified in schedule I, II, or  
33 III, to another person who is eighteen years of age or  
34 older in or on, or within one thousand feet of the  
35 real property comprising a public or private  
36 elementary or secondary school, ~~or in or on the real~~  
37 ~~property comprising a public park, public swimming~~  
38 ~~pool, public recreation center, or on a marked school~~  
39 ~~bus, may, at the judge's discretion, be sentenced up~~  
40 to an additional term of confinement of five years.

41 Sec. \_\_\_\_ Section 124.401B, Code 1995, is amended  
42 to read as follows:

43 124.401B POSSESSION OF CONTROLLED SUBSTANCES ON  
44 CERTAIN REAL PROPERTY — ADDITIONAL PENALTY.

45 In addition to any other penalties provided in this  
46 chapter or another chapter, a person who unlawfully  
47 possesses a substance listed in schedule I, II, or  
48 III, or a simulated controlled substance represented  
49 to be a controlled substance classified in schedule I,  
50 II, or III, in or on, or within one thousand feet of

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1 the real property comprising a public or private  
2 elementary or secondary school, ~~or in or on the real~~  
3 ~~property comprising a public park, public swimming~~  
4 ~~pool, public recreation center, or on a marked school~~  
5 bus, may be sentenced to one hundred hours of  
6 community service work for a public agency or a  
7 nonprofit charitable organization. The court shall  
8 provide the offender with a written statement of the

- 9 terms and monitoring provisions of the community  
 10 service.”
- 11 16. Page 2, line 23, by striking the words  
 12 “isomers, and” and inserting the following: “isomers,  
 13 or”.
- 14 17. Page 2, line 23, by inserting after the words  
 15 “of isomers,” the following: “or analogs of  
 16 methamphetamine,”.
- 17 18. Page 2, by inserting after line 25 the  
 18 following:  
 19 “Sec. \_\_\_\_ Section 124.212, subsection 5, and  
 20 subsection 124.401, subsection 2A, as enacted in this  
 21 Act, shall not take effect until January 1, 1997.”
- 22 19. Title page, line 2, by inserting after the  
 23 word “methamphetamine” the following: “or ephedrine  
 24 and expanding the types of real property within one  
 25 thousand feet of which a person who unlawfully  
 26 possesses a substance is subject to an increased  
 27 penalty”.
- 28 20. By renumbering, relettering, or redesignating  
 29 and correcting internal references as necessary.

The committee amendment H-5479 was adopted, placing out of order amendment H-5121 filed by Disney of Polk on February 26, 1996.

Veenstra of Sioux 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. 2154)

The ayes were, 99:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalfe	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist

Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

Eddie

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

The House resumed consideration of **Senate File 2212**, a bill for an act relating to the regulation of timber sales and surety bonds paid by timber buyers and providing an effective date, previously placed on the unfinished business calendar.

Weidman of Cass 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. 2212)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cphoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Ertl	Fallon	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammit Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Wise	Witt	Van Maanen, Presiding	

The nays were, 3:

Garman                      Murphy                      Welter

Absent or not voting, 2:

Eddie                      Lord

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 **House File 2307**, a bill for an act relating to the establishment of an anatomical gift public awareness and transplantation fund to be administered by an anatomical gift public awareness advisory committee to be established within the Iowa department of public health, previously placed on the unfinished business calendar.

#### SENATE FILE 2110 SUBSTITUTED FOR HOUSE FILE 2307

Blodgett of Cerro Gordo asked and received unanimous consent to substitute Senate File 2110 for House File 2307.

**Senate File 2110**, a bill for an act relating to the establishment of an anatomical gift public awareness and transplantation fund to be administered by and an anatomical gift public awareness advisory committee to be established within the Iowa department of public health, was taken up for consideration.

Blodgett 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. 2110)

The ayes were, 99:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland

Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 1:

Eddie

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

#### HOUSE FILE 2307 WITHDRAWN

Boddicker of Cedar asked and received unanimous consent to withdraw House File 2307 from further consideration by the House.

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2110, 2154, 2167, 2212 and 2299.**

#### SENATE AMENDMENT CONSIDERED

Halvorson of Clayton called up for consideration **Senate File 2449**, a bill for an act changing the computation of the inflation factors for the tax brackets and standard deduction under the individual income tax; changing the computation of taxable income of certain subchapter S corporations and their shareholders; increasing inheritance tax exemptions for certain relatives; increasing the amount of the appropriations for homestead credit, military service credit, and low-income credit and reimbursement claims; providing income tax credits for investing in a qualified venture capital company; establishing incentives for family farm animal feeding operations and making an appropriation; adjusting the funding for the family farm and agricultural land tax credits; establishing a study of the property tax system as the sole or major source of local funding and of alternate sources of funding for school, city, and county services, the repayment of bonds or other debt obligations, and capital improvements; and providing effective and applicability date provisions, amended by the House, further amended by the Senate amendment H-5736 as follows:

H-5736

1 Amend the House amendment, S-5574, to Senate File  
2 2449, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. By striking page 1, line 3, through page 6,  
5 line 10, and inserting the following:

6 "\_. By striking everything after the enacting  
7 clause and inserting the following:

8 "DIVISION I

9 INCOME TAX INDEXATION

10 Section 1. Section 422.4, subsection 1, paragraph  
11 a, Code 1995, is amended to read as follows:

12 a. "Annual inflation factor" means an index,  
13 expressed as a percentage, determined by the  
14 department by October 15 of the calendar year  
15 preceding the calendar year for which the factor is  
16 determined, which reflects the purchasing power of the  
17 dollar as a result of inflation during the fiscal year  
18 ending in the calendar year preceding the calendar  
19 year for which the factor is determined. In  
20 determining the annual inflation factor, the  
21 department shall use the annual percent change, but  
22 not less than zero percent, in the ~~implicit price~~  
23 ~~deflator for the gross national product~~ gross domestic  
24 product price deflator computed for the second quarter  
25 of the calendar year by the bureau of economic  
26 analysis of the United States department of commerce  
27 and shall add ~~one-half~~ all of that percent change to  
28 one hundred percent. The annual inflation factor and  
29 the cumulative inflation factor shall each be  
30 expressed as a percentage rounded to the nearest one-  
31 tenth of one percent. The annual inflation factor  
32 shall not be less than one hundred percent.

33 Sec. 2. Section 422.4, subsection 2, paragraph a,  
34 Code 1995, is amended to read as follows:

35 a. "Annual standard deduction factor" means an  
36 index, expressed as a percentage, determined by the  
37 department by October 15 of the calendar year  
38 preceding the calendar year for which the factor is  
39 determined, which reflects the purchasing power of the  
40 dollar as a result of inflation during the fiscal year  
41 ending in the calendar year preceding the calendar  
42 year for which the factor is determined. In  
43 determining the annual standard deduction factor, the  
44 department shall use the annual percent change, but  
45 not less than zero percent, in the ~~implicit price~~  
46 ~~deflator for the gross national product~~ gross domestic  
47 product price deflator computed for the second quarter  
48 of the calendar year by the bureau of economic  
49 analysis of the United States department of commerce  
50 and shall add ~~one-half~~ all of that percent change to

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1 one hundred percent. The annual standard deduction  
2 factor and the cumulative standard deduction factor  
3 shall each be expressed as a percentage rounded to the  
4 nearest one-tenth of one percent. The annual standard  
5 deduction factor shall not be less than one hundred  
6 percent.

7 Sec. 3. This division of this Act, being deemed of  
8 immediate importance, takes effect upon enactment and  
9 applies to the computation of the annual inflation  
10 factor and annual standard deduction factor for  
11 calendar years beginning on or after January 1, 1996.  
12 The department of revenue and finance shall adjust the  
13 annual inflation factor and annual standard deduction  
14 factor previously computed for the 1996 calendar year  
15 to reflect the change made in the computation of those  
16 factors in this Act.

#### 17 DIVISION II 18 INHERITANCE TAX

19 Sec. 4. Section 450.9, subsections 2 and 3, Code  
20 1995, are amended to read as follows:

21 2. Each son and daughter, including legally  
22 adopted sons and daughters, or stepsons and  
23 stepdaughters, or biological sons and daughters  
24 entitled to inherit under the law of this state, fifty  
25 two hundred thousand dollars.

26 3. Father or mother, fifteen fifty thousand  
27 dollars.

28 Sec. 5. Section 450.9, Code 1995, is amended by  
29 adding the following new subsection after subsection  
30 3:

31 NEW SUBSECTION. 3A. Each grandchild, fifty  
32 thousand dollars.

33 Sec. 6. This division of this Act takes effect  
34 July 1 following enactment of the division and applies  
35 to the estates of decedents dying on or after that  
36 date.

#### 37 DIVISION III 38 HOMESTEAD, MILITARY, AND LOW-INCOME 39 TAX CREDIT AND REIMBURSEMENT

40 Sec. 7. Section 8.59, Code 1995, is amended to  
41 read as follows:

42 8.59 APPROPRIATIONS FREEZE.

43 Notwithstanding contrary provisions of the Code,  
44 the amounts appropriated under the applicable sections  
45 of the Code for fiscal years commencing on or after  
46 July 1, 1993, are limited to those amounts expended  
47 under those sections for the fiscal year commencing  
48 July 1, 1992. If an applicable section appropriates  
49 moneys to be distributed to different recipients and  
50 the operation of this section reduces the total amount

## Page 3

1 to be distributed under the applicable section, the  
2 moneys shall be prorated among the recipients. As  
3 used in this section, "applicable sections" means the  
4 following sections: 53.50, 229.35, 230.8, 230.11,  
5 405A.8, 411.20, ~~425.1, 425.39, 426A.1~~, 663.44, and  
6 822.5.

7 Sec. 8. Section 425.1, subsection 1, Code 1995, is  
8 amended to read as follows:

9 1. A homestead credit fund is created. There is  
10 appropriated annually from the general fund of the  
11 state to the department of revenue and finance to be  
12 credited to the homestead credit fund, ~~an amount~~  
13 sufficient the sum of one hundred fourteen million  
14 four hundred thousand dollars to implement this  
15 chapter.

16 The director of revenue and finance shall issue  
17 warrants on the homestead credit fund payable to the  
18 county treasurers of the several counties of the state  
19 under this chapter.

20 Sec. 9. Section 425.17, subsection 2, paragraph b,  
21 Code 1995, is amended to read as follows:

22 b. A person filing a claim for ~~credit or~~  
23 reimbursement under this division who has attained the  
24 age of twenty-three years on or before December 31 of  
25 the base year or was a head of household on December  
26 31 of the base year, as defined in the Internal  
27 Revenue Code, but has not attained the age or  
28 disability status described in paragraph "a", and was  
29 domiciled in this state during the entire base year,  
30 and is domiciled in this state at the time the claim  
31 is filed or at the time of the person's death in the  
32 case of a claim filed by the executor or administrator  
33 of the claimant's estate, and was not claimed as a  
34 dependent on any other person's tax return for the  
35 base year.

36 Sec. 10. Section 425.17, subsection 2, unnumbered  
37 paragraph 2, Code 1995, is amended to read as follows:

38 "Claimant" under paragraph "a" ~~or "b"~~ includes a  
39 vendee in possession under a contract for deed and may  
40 include one or more joint tenants or tenants in  
41 common. In the case of a claim for rent constituting  
42 property taxes paid, the claimant shall have rented  
43 the property during any part of the base year. If a  
44 homestead is occupied by two or more persons, and more  
45 than one person is able to qualify as a claimant, the  
46 persons may determine among them who will be the  
47 claimant. If they are unable to agree, the matter  
48 shall be referred to the director of revenue and  
49 finance not later than June 1 of each year and the  
50 director's decision is final.



1 Sec. 11. Section 425.23, subsection 1, paragraph  
 2 b, Code 1995, is amended by striking the paragraph and  
 3 inserting in lieu thereof the following:

4 b. The reimbursement for a claimant described in  
 5 section 425.17, subsection 2, paragraph "b", shall be  
 6 determined as follows:

7 8 If the household 9 income is:	Percent of rent constituting property taxes paid allowed as a reimbursement:
10 \$ 0 - 9,999.99 .....	50
11 10,000 - 13,999.99 .....	42
12 14,000 - 17,999.99 .....	35
13 18,000 - 20,999.99 .....	25
14 21,000 - 23,999.99 .....	17
15 24,000 - 26,999.99 .....	12

16 Sec. 12. Section 425.23, subsection 3, paragraph  
 17 a, Code 1995, is amended to read as follows:

18 a. A person who is eligible to file a claim for  
 19 credit for property taxes due and who has a household  
 20 income of six thousand dollars or less and who has an  
 21 unpaid special assessment levied against the homestead  
 22 may file a claim with the county treasurer that the  
 23 claimant had a household income of six thousand  
 24 dollars or less and that an unpaid special assessment  
 25 is presently levied against the homestead. The  
 26 department shall provide to the respective treasurers  
 27 the forms necessary for the administration of this  
 28 subsection. The claim shall be filed not later than  
 29 September 30 of each year. Upon the filing of the  
 30 claim, interest for late payment shall not accrue  
 31 against the amount of the unpaid special assessment  
 32 due and payable. The claim filed by the claimant  
 33 constitutes a claim for credit of an amount equal to  
 34 the actual amount due upon the unpaid special  
 35 assessment, plus interest, payable during the fiscal  
 36 year for which the claim is filed against the  
 37 homestead of the claimant. ~~However, where the~~  
 38 ~~claimant is an individual described in section 425.17,~~  
 39 ~~subsection 2, paragraph "b", and the tentative credit~~  
 40 ~~is determined according to the schedule in section~~  
 41 ~~425.23, subsection 1, paragraph "b", subparagraph (2),~~  
 42 ~~the claim filed constitutes a claim for credit of an~~  
 43 ~~amount equal to one-half of the actual amount due and~~  
 44 ~~payable during the fiscal year.~~ The department of  
 45 revenue and finance shall, upon the filing of the  
 46 claim with the department by the treasurer, pay that  
 47 amount of the unpaid special assessment during the  
 48 current fiscal year to the treasurer. The treasurer  
 49 shall submit the claims to the director of revenue and  
 50 finance not later than October 15 of each year. The

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1 director of revenue and finance shall certify the  
2 amount of reimbursement due each county for unpaid  
3 special assessment credits allowed under this  
4 subsection. The amount of reimbursement due each  
5 county shall be paid by the director of revenue and  
6 finance on October 20 of each year, drawn upon  
7 warrants payable to the respective treasurer. There  
8 is appropriated annually from the general fund of the  
9 state to the department of revenue and finance an  
10 amount sufficient to carry out the provisions of this  
11 subsection. The treasurer shall credit any moneys  
12 received from the department against the amount of the  
13 unpaid special assessment due and payable on the  
14 homestead of the claimant.

15 Sec. 13. Section 425.24, Code 1995, is amended to  
16 read as follows:

17 425.24 MAXIMUM PROPERTY TAX FOR PURPOSE OF CREDIT  
18 OR REIMBURSEMENT.

19 In any case in which property taxes due or rent  
20 constituting property taxes paid for any household  
21 exceeds one thousand dollars or six hundred dollars in  
22 the case of a claimant described in section 425.17,  
23 subsection 2, paragraph "b", the amount of property  
24 taxes due or rent constituting property taxes paid  
25 shall be deemed to have been one thousand dollars or  
26 six hundred dollars in the case of a claimant  
27 described in section 425.17, subsection 2, paragraph  
28 "b", for purposes of this division.

29 Sec. 14. Section 425.39, Code 1995, is amended to  
30 read as follows:

31 1. The extraordinary property tax credit and  
32 reimbursement fund is created. There is appropriated  
33 annually from the general fund of the state to the  
34 department of revenue and finance to be credited to  
35 the extraordinary property tax credit and  
36 reimbursement fund, from funds not otherwise  
37 appropriated, ~~an amount sufficient~~ the sum of twelve  
38 million five hundred thousand dollars to implement  
39 this division.

40 2. If the amount appropriated under subsection 1,  
41 ~~as limited by section 8-59,~~ plus any supplemental  
42 appropriation made for purposes of this section for a  
43 fiscal year is insufficient to pay all claims in full,  
44 the director shall pay, in full, all claims to be paid  
45 during the fiscal year for reimbursement of rent  
46 constituting property taxes paid or if moneys are  
47 insufficient to pay all such claims on a pro rata  
48 basis. If the amount of claims for credit for  
49 property taxes due to be paid during the fiscal year  
50 exceed the amount remaining after payment to renters,

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1 the director of revenue and finance shall prorate the  
2 payments to the counties for the property tax credit.  
3 In order for the director to carry out the  
4 requirements of this subsection, notwithstanding any  
5 provision to the contrary in this division, claims for  
6 reimbursement for rent constituting property taxes  
7 paid filed before May 1 of the fiscal year shall be  
8 eligible to be paid in full during the fiscal year and  
9 those claims filed on or after May 1 of the fiscal  
10 year shall be eligible to be paid during the following  
11 fiscal year and the director is not required to make  
12 payments to counties for the property tax credit  
13 before June 15 of the fiscal year.

14 Sec. 15. Section 425.40, Code 1995, is amended to  
15 read as follows:

16 425.40 LOW-INCOME FUND CREATED.

17 1. A low-income ~~tax credit and rent~~ reimbursement  
18 fund is created. There is appropriated annually from  
19 the general fund of the state to the low-income rent  
20 reimbursement fund the sum of thirteen million five  
21 hundred thousand dollars to fund rent reimbursements  
22 under this division.

23 2. If the amount appropriated under subsection 1  
24 plus any supplemental appropriation made for purposes  
25 of this section for a fiscal year is insufficient to  
26 pay all claims in full, the director shall pay, ~~in~~  
27 ~~full, all claims to be paid during the fiscal year for~~  
28 ~~reimbursement of rent constituting property taxes paid~~  
29 ~~or if moneys are insufficient to pay all such claims~~  
30 ~~on a pro rata basis. If the amount of claims for~~  
31 ~~credit for property taxes due to be paid during the~~  
32 ~~fiscal year exceed the amount remaining after payment~~  
33 ~~to renters, the director of revenue and finance shall~~  
34 ~~prorate the payments to the counties for the property~~  
35 ~~tax credit. In order for the director to carry out~~  
36 the requirements of this subsection, notwithstanding  
37 any provision to the contrary in this division, claims  
38 for reimbursement for rent constituting property taxes  
39 paid filed before May 1 of the fiscal year shall be  
40 eligible to be paid ~~in full~~ during the fiscal year and  
41 those claims filed on or after May 1 of the fiscal  
42 year shall be eligible to be paid during the following  
43 fiscal year and the director is not required to make  
44 payments to counties for the property tax credit  
45 before June 15 of the fiscal year.

46 Sec. 16. Section 426A.1, Code 1995, is amended to  
47 read as follows:

48 426A.1 APPROPRIATION.

49 There is appropriated from the general fund of the  
50 state the ~~amounts necessary~~ sum of two million eight

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1 hundred thousand dollars to fund the credits provided  
2 under this chapter.

3 Sec. 17. This division of this Act takes effect  
4 July 1, 1996, and applies to homestead, military  
5 service, and low-income tax credit and rent  
6 reimbursement claims payable in fiscal years beginning  
7 on or after July 1, 1996.

## 8 DIVISION IV

## 9 SUBCHAPTER S CORPORATIONS

10 Sec. 18. Section 422.4, Code 1995, is amended by  
11 adding the following new subsection:

12 NEW SUBSECTION. 15A. "Subchapter S corporation"  
13 or "S corporation" means a corporation for which a  
14 valid election under section 1362(a) of the Internal  
15 Revenue Code is in effect.

16 Sec. 19. Section 422.5, subsection 1, paragraph j,  
17 Code 1995, is amended to read as follows:

18 j. (1) The tax imposed upon the taxable income of  
19 a nonresident shall be computed by reducing the amount  
20 determined pursuant to paragraphs "a" through "i" by  
21 the amounts of nonrefundable credits under this  
22 division and by multiplying this resulting amount by a  
23 fraction of which the nonresident's net income  
24 allocated to Iowa, as determined in section 422.8,  
25 subsection 2, paragraph "a" is the numerator and the  
26 nonresident's total net income computed under section  
27 422.7 is the denominator. This provision also applies  
28 to individuals who are residents of Iowa for less than  
29 the entire tax year.

30 (2) The tax imposed upon the taxable income of a  
31 resident shareholder in a subchapter S corporation  
32 which makes an election pursuant to section 422.36,  
33 subsection 5, paragraph "b", to be taxed as a regular  
34 corporation, shall be computed by reducing the amount  
35 determined pursuant to paragraphs "a" through "i" by  
36 the amounts of nonrefundable credits under this  
37 division and by multiplying this resulting amount by a  
38 fraction of which the resident's net income allocated  
39 to Iowa, as determined in section 422.8, subsection 2,  
40 paragraph "b", is the numerator and the resident's  
41 total net income as computed under section 422.7 is  
42 the denominator. This provision also applies to  
43 individuals who are residents of Iowa for less than  
44 the entire tax year.

45 (a) In the case of a resident or part-year  
46 resident shareholder in a subchapter S corporation  
47 which makes an election under section 422.36,  
48 subsection 5, paragraph "b", to be taxed as a regular  
49 corporation, a taxpayer must completely fill out the  
50 return, determine the taxpayer's income tax as if the

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1 taxpayer is not a resident shareholder in a  
2 corporation which makes an election pursuant to  
3 section 422.36, subsection 5, paragraph "b", and pay  
4 the amount of tax which is owed. The taxpayer shall  
5 then recompute the taxpayer's income tax liability  
6 pursuant to this subparagraph on a special return.  
7 This special return shall be filed with the regular  
8 return and constitutes a claim for refund of the  
9 difference between the amount of tax the taxpayer paid  
10 on the regular return and the amount of tax determined  
11 on the special return. However, if the amount of tax  
12 determined on the special return exceeds the amount of  
13 tax paid on the regular return, the taxpayer shall pay  
14 the additional amount of tax which is owed on the  
15 special return.

16 (b) For any tax year, the aggregate amount of  
17 refund claims that shall be paid pursuant to this  
18 subparagraph in excess of revenue gains shall not  
19 exceed three million five hundred thousand dollars.  
20 If, for a tax year, the aggregate amount of refund  
21 claims filed pursuant to this subparagraph in excess  
22 of revenue gains exceeds three million five hundred  
23 thousand dollars, each claim for refund shall be paid  
24 on a pro rata basis so that the aggregate amount of  
25 refund claims in excess of revenue gains does not  
26 exceed three million five hundred thousand dollars.  
27 For purposes of the calculation of the three million  
28 five hundred thousand dollar limitation provided by  
29 this subparagraph subdivision, the department shall  
30 take into account all revenue gains as well as revenue  
31 losses resulting from the application of the following  
32 provisions, including, without limitation, revenue  
33 gains arising when the tax calculated under this  
34 subparagraph is greater, revenue gains resulting from  
35 the denial of tax credits under section 422.8,  
36 subsection 6, revenue gains resulting from the  
37 taxation of additional income under section 422.7,  
38 subsection 35, and revenue gains resulting from the  
39 imposition of corporate income taxes on corporations  
40 making the election specified in section 422.36,  
41 subsection 5, paragraph "b". In the case where refund  
42 claims are not allowed in full, the amount of the  
43 refund to which the taxpayer is entitled under this  
44 subparagraph is the pro rata amount that was paid and  
45 the taxpayer is not entitled to a refund of the unpaid  
46 portion and is not entitled to carry that amount  
47 forward or backward to another tax year. Taxpayers  
48 shall not use refunds as estimated payments for the  
49 succeeding tax year. The department shall determine  
50 by July 1 of the tax year following the tax year for

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1 which the refund claim is filed if the aggregate  
2 amount of refund claims in excess of revenue gains  
3 exceeds three million five hundred thousand dollars  
4 for the tax year. Notwithstanding any provision,  
5 interest shall not be due on any refund claims that  
6 are paid by September 1 of the tax year following the  
7 tax year for which the refund claim is filed. For  
8 taxpayers that are fiscal year filers, the amount of  
9 the refund claim allowed shall be in the same ratio as  
10 the refund claims allowed for the tax year in which  
11 the taxpayer's fiscal year began.

12 Sec. 20. Section 422.5, subsection 1, paragraph k,  
13 subparagraph (3), unnumbered paragraph 3, Code 1995,  
14 is amended to read as follows:

15 In the case of a resident, including a resident  
16 estate or trust, the state's apportioned share of the  
17 state alternative minimum tax is one hundred percent  
18 of the state alternative minimum tax computed in this  
19 subsection. In the case of a resident or part-year  
20 resident shareholder in a subchapter S corporation  
21 which makes an election under section 422.36,  
22 subsection 5, paragraph "b" to be taxed as a regular  
23 corporation and a nonresident, including a nonresident  
24 estate or trust, or an individual, estate, or trust  
25 that is domiciled in the state for less than the  
26 entire tax year, the state's apportioned share of the  
27 state alternative minimum tax is the amount of tax  
28 computed under this subsection, reduced by the  
29 applicable credits in sections 422.10 through 422.12  
30 and this result multiplied by a fraction with a  
31 numerator of the sum of state net income allocated to  
32 Iowa as determined in section 422.8, subsection 2,  
33 paragraph "a" or "b", as applicable, plus tax  
34 preference items, adjustments, and losses under  
35 subparagraph (1) attributable to Iowa and with a  
36 denominator of the sum of total net income computed  
37 under section 422.7 plus all tax preference items,  
38 adjustments, and losses under subparagraph (1). In  
39 computing this fraction, those items excludable under  
40 subparagraph (1) shall not be used in computing the  
41 tax preference items. Married taxpayers electing to  
42 file separate returns or separately on a combined  
43 return must allocate the minimum tax computed in this  
44 subsection in the proportion that each spouse's  
45 respective preference items, adjustments, and losses  
46 under subparagraph (1) bear to the combined preference  
47 items, adjustments, and losses under subparagraph (1)  
48 of both spouses.

49 Sec. 21. Section 422.7, Code Supplement 1995, is  
50 amended by adding the following new subsection:

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1 NEW SUBSECTION. 35. In determining gain or loss  
2 from the sale or other disposition of stock of a  
3 subchapter S corporation which makes an election  
4 pursuant to section 422.36, subsection 5, paragraph  
5 "b" to be taxed as a regular corporation, the basis of  
6 a taxpayer in that stock shall be adjusted for Iowa  
7 income tax purposes under rules of the director to  
8 reflect any adjustment in Iowa income taxes paid by  
9 the taxpayer pursuant to section 422.5, subsection 1,  
10 paragraph "j", subparagraph (2).

11 Sec. 22. Section 422.8, subsection 2, Code 1995,  
12 is amended to read as follows:

13 2. a. Nonresident's net income allocated to Iowa  
14 is the net income, or portion thereof of the net  
15 income, which is derived from a business, trade,  
16 profession, or occupation carried on within this state  
17 or income from any property, trust, estate, or other  
18 source within Iowa. However, income derived from a  
19 business, trade, profession, or occupation carried on  
20 within this state and income from any property, trust,  
21 estate, or other source within Iowa shall not include  
22 distributions from pensions, including defined benefit  
23 or defined contribution plans, annuities, individual  
24 retirement accounts, and deferred compensation plans  
25 or any earnings attributable thereto so long as the  
26 distribution is directly related to an individual's  
27 documented retirement and received while the  
28 individual is a nonresident of this state. If a  
29 business, trade, profession, or occupation is carried  
30 on partly within and partly without the state, only  
31 the portion of the net income which is fairly and  
32 equitably attributable to that part of the business,  
33 trade, profession, or occupation carried on within the  
34 state is allocated to Iowa for purposes of section  
35 422.5, subsection 1, paragraph "j", and section 422.13  
36 and income from any property, trust, estate, or other  
37 source partly within and partly without the state is  
38 allocated to Iowa in the same manner, except that  
39 annuities, interest on bank deposits and interest-  
40 bearing obligations, and dividends are allocated to  
41 Iowa only to the extent to which they are derived from  
42 a business, trade, profession, or occupation carried  
43 on within the state.

44 b. A resident's income allocated to Iowa is the  
45 income determined under section 422.7 reduced by items  
46 of income, loss, and expenses from a subchapter S  
47 corporation which makes an election pursuant to  
48 section 422.36, subsection 5, paragraph "b", to be  
49 taxed as a regular corporation, which passes directly  
50 to the shareholders under provisions of the Internal

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1 Revenue Code, with the following adjustments:

2 (1) Add cash or value of property distributions  
3 made to the extent paid from income upon which Iowa  
4 income tax has not been paid as determined under rules  
5 of the director.

6 (2) Subtract the amounts of distributions made in  
7 subparagraph (1) that were, under rules of the  
8 director, distributed to the shareholder to enable the  
9 shareholder to pay federal income tax on items of  
10 income, loss, and expenses from a subchapter S  
11 corporation which makes an election pursuant to  
12 section 422.36, subsection 5, paragraph "b", to be  
13 taxed as a regular corporation, which pass directly to  
14 the shareholders under provisions of the Internal  
15 Revenue Code.

16 Sec. 23. Section 422.8, Code 1995, is amended by  
17 adding the following new subsection:

18 NEW SUBSECTION. 6. If the resident or part-year  
19 resident is a shareholder of a subchapter S  
20 corporation which makes an election pursuant to  
21 section 422.36, subsection 5, paragraph "b", to be  
22 taxed as a regular corporation, subsections 1 and 3 do  
23 not apply to any income taxes paid to another state or  
24 foreign country on the income from the subchapter S  
25 corporation.

26 Sec. 24. Section 422.32, subsection 4, Code  
27 Supplement 1995, is amended to read as follows:

28 4. "Corporation" includes joint stock companies,  
29 and associations organized for pecuniary profit, and  
30 publicly traded partnerships and limited liability  
31 companies taxed as corporations under the Internal  
32 Revenue Code and any subchapter S corporation which  
33 has in effect an election under section 422.36,  
34 subsection 5, paragraph "b", to be taxed as a regular  
35 corporation.

36 Sec. 25. Section 422.32, Code Supplement 1995, is  
37 amended by adding the following new subsection:

38 NEW SUBSECTION. 11. The term "value-added  
39 corporation" means a corporation that purchases,  
40 receives, or holds personal property of any  
41 description and which adds to its value by a process  
42 of manufacturing, construction, processing, or  
43 combining of different materials, and shall  
44 specifically include the economic activity identified  
45 in divisions C and D of the standard industrial  
46 classification codes appearing in 13 C.F.R. ch. 1(1-1-  
47 94 edition), with a view to selling the finished  
48 product for gain or profit. A corporation engaged in  
49 more than one business activity is a value-added  
50 corporation if more than fifty percent of its gross



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1 receipts, figured on a three-year annual average, or  
2 such shorter period as the corporation shall have been  
3 in existence, are from the processes previously  
4 identified.

5 Sec. 26. Section 422.35, unnumbered paragraph 1,  
6 Code Supplement 1995, is amended to read as follows:

7 The term "net income" means the taxable income  
8 before the net operating loss deduction, as properly  
9 computed for federal income tax purposes under the  
10 Internal Revenue Code, or in the case of subchapter S  
11 corporations that make an election pursuant to section  
12 422.36, subsection 5, paragraph "b", "net income"  
13 means the sum of all items of distributive shares of  
14 income, loss, and expenses of the corporation as  
15 determined under rules of the director, with the  
16 following adjustments:

17 Sec. 27. Section 422.36, subsection 5, Code 1995,  
18 is amended to read as follows:

19 5. a. Where Unless an election is made under  
20 paragraph "b" to be taxed under this division, where a  
21 corporation is not subject to income tax and the  
22 stockholders of such the corporation are taxed on the  
23 corporation's income under the provisions of the  
24 Internal Revenue Code, the same tax treatment shall  
25 apply to such applies to the corporation and such the  
26 stockholders for Iowa income tax purposes.

27 b. A subchapter S corporation which is a value-  
28 added corporation which does business both within and  
29 without the state may elect to be taxed as a regular  
30 corporation under this division. The election shall  
31 be made not later than the due date for filing its  
32 return for the first taxable year for which the  
33 election is to be effective, including any extensions  
34 beyond that date, on a form provided by the director  
35 and signed by the shareholders holding more than one-  
36 half of the shares of stock of the corporation on the  
37 last day of the first taxable year for which the  
38 election is to be effective. The election shall be  
39 effective for that taxable year and for subsequent  
40 taxable years until revoked.

41 c. The corporation may revoke its election under  
42 paragraph "b" by a revocation made not later than the  
43 due date for filing its return for the taxable year  
44 for which the revocation is to be effective, including  
45 any extensions beyond that date, on a form provided by  
46 the director and signed by shareholders holding more  
47 than one-half of the shares of stock of the  
48 corporation on the last day of the first taxable year  
49 for which the revocation is to be effective. However,  
50 a corporation that has made an election under

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1 paragraph "b" shall not be eligible to make an  
 2 election under this paragraph for revocation of the  
 3 election under paragraph "b" for any taxable year  
 4 before its fourth taxable year following the first  
 5 taxable year for which the election under paragraph  
 6 "b" was effective, unless the director consents to the  
 7 revocation.

8 Sec. 28. This division of this Act, being deemed  
 9 of immediate importance, takes effect upon enactment  
 10 and applies retroactively to January 1, 1996, for tax  
 11 years of individuals beginning on or after that date  
 12 and for tax years of corporations ending on or after  
 13 that date.

#### 14 DIVISION V

#### 15 QUALIFIED VENTURE CAPITAL COMPANY

16 Sec. 29. NEW SECTION. 15E.175 DEFINITIONS.

17 As used in this section and sections 15E.176 and  
 18 15E.177:

19 1. "Iowa business" means a business or industry,  
 20 incorporated or unincorporated, which meets all the  
 21 following criteria:

22 a. Has or will have, within thirty days after a  
 23 loan or investment is made by a qualified venture  
 24 capital company, at least fifty percent of its  
 25 employees or assets located in Iowa and agrees to  
 26 maintain at least fifty percent of its employees or  
 27 assets in Iowa following investment in the business by  
 28 a qualified venture capital company.

29 b. A business which is unable to raise equity  
 30 capital or obtain financing from conventional sources  
 31 in order to remain viable or to commence or expand its  
 32 ability to provide goods or services.

33 2. "Qualified venture capital company" means a  
 34 corporation, limited liability company, or a general  
 35 or limited partnership with its principal place of  
 36 business located within this state, which meets all of  
 37 the following requirements:

38 a. Has an initial private capitalization of not  
 39 less than twenty million dollars.

40 b. Is organized by the Iowa business investment  
 41 corporation, organized under division XV of this  
 42 chapter, to directly or indirectly through its  
 43 subsidiaries or affiliates invest in debt and equity  
 44 securities of Iowa businesses.

45 c. Seeks approval from the federal small business  
 46 administration to establish a small business  
 47 investment company that is incorporated in Iowa and  
 48 maintains its principal place of business in this  
 49 state the purpose of which includes increasing the  
 50 availability of funds for investment in and loans to

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1 Iowa businesses.

2 d. Will provide or arrange for managerial and  
3 other advice, assistance, and support for Iowa  
4 businesses.

5 e. Does not invest funds under this division for  
6 the expansion of operations of an Iowa business in  
7 another state.

8 3. "Taxpayer" means an entity subject to tax under  
9 chapter 422, division III, chapter 422, division V, or  
10 chapter 432.

11 4. "Tax year" means for entities subject to the  
12 state corporate income tax or the state franchise tax  
13 under chapter 422, division III or V, respectively,  
14 the tax year as defined for those divisions or means  
15 for insurance companies subject to the gross premiums  
16 tax under chapter 432, the calendar year for which the  
17 premiums are taxed.

18 Sec. 30. NEW SECTION. 15E.176 TAX CREDITS.

19 1. For tax years beginning on or after January 1,  
20 1997, there is allowed a credit against that tax  
21 imposed under the corporate income tax in chapter 422,  
22 division III, the franchise tax in chapter 422,  
23 division V, or the gross premiums tax in chapter 432,  
24 for investments made by the taxpayer in a qualified  
25 venture capital company whose purpose includes  
26 establishing or expanding Iowa business.

27 2. The amount of credit allowed under subsection  
28 1, subject to subsection 4, is computed as follows:

29 a. The amount of the qualified venture capital  
30 company's investment in Iowa businesses is divided by  
31 the amount of new cash invested in the qualified  
32 venture capital company.

33 b. The resulting percentage, which shall not  
34 exceed fifty percent, is multiplied by the amount of  
35 the taxpayer's investment in the qualified venture  
36 capital company.

37 c. The amount of the credit is equal to ten  
38 percent of the product determined in paragraph "b".

39 d. The qualified venture capital company shall  
40 compute as of the end of the qualified venture capital  
41 company's tax year the amounts under paragraph "c" for  
42 each tax year the qualified venture capital company is  
43 entitled to the credit.

44 3. The qualified venture capital company is  
45 allowed the credit as computed each year in subsection  
46 2 for up to ten consecutive years beginning with the  
47 first year for which the credit is taken.

48 If the amount of the credit exceeds the qualified  
49 venture capital company's tax liability for the tax  
50 year, the excess may be credited to the tax liability

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1 for the following five tax years or until depleted,  
2 whichever is the earlier, and is in addition to any  
3 other credit allowed under this section.  
4 4. Notwithstanding the amount of credit computed  
5 in subsection 2, the total amount of credits for all  
6 qualified venture capital companies that shall be  
7 allowed under subsection 1 for any fiscal year of the  
8 qualified venture capital company shall not exceed one  
9 million two hundred fifty thousand dollars and for all  
10 fiscal years of the qualified venture capital company  
11 shall not exceed twelve million five hundred thousand  
12 dollars. In determining if the credit allowed has  
13 exceeded the fiscal year limit, credits carried over  
14 from a previous tax year are not counted.

15 5. The credit provided for in subsection 2, to the  
16 extent not previously utilized, shall be freely  
17 transferable to and by subsequent transferees for a  
18 period of ten years from the date the credit is first  
19 available to the qualified venture capital company.

20 Sec. 31. NEW SECTION. 15E.177. COORDINATION OF  
21 RESOURCES.

22 If a qualified venture capital company is organized  
23 by the Iowa business investment corporation on or  
24 before December 31, 1997, within ninety days following  
25 its organization, the qualified venture capital  
26 company shall develop and submit a written proposal to  
27 the shareholders of each business development finance  
28 corporation organized pursuant to division XIII of  
29 this chapter, calling for the investment of all the  
30 assets of each business development finance  
31 corporation in securities of the qualified venture  
32 capital company. A notice of a special meeting of the  
33 shareholders of the business development finance  
34 corporation and the written proposal made to the  
35 business development finance corporation by the  
36 qualified venture capital company shall be delivered  
37 to the shareholders of each business development  
38 finance corporation entitled to vote at the special  
39 shareholders meeting not less than ten nor more than  
40 sixty days before the meeting date given by the  
41 qualified venture capital company. Action on the  
42 written proposal by the board of directors of the  
43 business development finance corporation or any other  
44 person shall not be required to call the special  
45 meeting or authorize voting on the written proposal by  
46 the shareholders of the business development finance  
47 corporation. If at the special meeting of  
48 shareholders of the business development finance  
49 corporation or any recesses thereof, a majority of the  
50 shareholders present or represented at the special

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1 meeting approve the investment proposed by the  
2 qualified venture capital company, the business  
3 development finance corporation shall immediately make  
4 such an investment of all of its assets. The  
5 investment by a business development finance  
6 corporation of all of its assets in the qualified  
7 venture capital corporation shall not be considered a  
8 sale of assets other than in the usual and regular  
9 course of business and division XIII of the Iowa  
10 business development finance Act shall not apply to  
11 the transaction. The qualified venture capital  
12 company may make additional proposals as often as it  
13 desires to the shareholders of each business  
14 development finance corporation that did not approve  
15 the initial investment proposal. Except for the  
16 requirement that a written proposal be presented to  
17 the shareholders within ninety days of the  
18 organization of the qualified venture capital company,  
19 the provisions of this section shall apply to all  
20 additional proposals.

21 Sec. 32. Section 422.33, Code Supplement 1995, is  
22 amended by adding the following new subsection:  
23 NEW SUBSECTION. 9. There is allowed as a credit  
24 against the tax determined in subsection 1 for a tax  
25 year an amount equal to the qualified venture capital  
26 credit as provided in section 15E.176.  
27 Notwithstanding any other provision, the credit  
28 allowed for in this subsection shall be applied prior  
29 to all other credits allowed the taxpayer. The  
30 taxpayer shall not receive for the same investment a  
31 credit under subsection 8 and this subsection.

32 Sec. 33. Section 422.60, Code Supplement 1995, is  
33 amended by adding the following new subsection:  
34 NEW SUBSECTION. 4. There is allowed as a credit  
35 against the tax determined in this division for a tax  
36 year an amount equal to the qualified venture capital  
37 credit as provided in section 15E.176.  
38 Notwithstanding any other provision, the credit  
39 allowed for in this subsection shall be applied prior  
40 to all other credits allowed the taxpayer. The  
41 allocation of revenues to a city or county under  
42 section 422.65 shall be determined as if the credit  
43 under this subsection had not been taken.

44 Sec. 34. Section 432.1, Code 1995, is amended by  
45 adding the following new subsection:  
46 NEW SUBSECTION. 5. There is allowed as a credit  
47 against the tax determined in subsection 1 or 2 for a  
48 tax year an amount equal to the qualified venture  
49 capital credit as provided in section 15E.176.  
50 Notwithstanding any other provision, the credit

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1 allowed for in this subsection shall be applied prior  
 2 to all other credits allowed the taxpayer.  
 3 Sec. 35. 1992 Iowa Acts, chapter 1244, section 1,  
 4 subsection 2, paragraph e, unnumbered paragraph 1, as  
 5 amended by 1993 Iowa Acts, chapter 180, section 46, as  
 6 amended by 1994 Iowa Acts, chapter 1201, section 29,  
 7 is amended to read as follows:

8 For transfer to the treasurer of state for the  
 9 purpose of facilitating the organization and private  
 10 capitalization of the small business investment  
 11 company or other entity under sections 15E.169 through  
 12 15E.171. If the small business investment company or  
 13 another entity for which the funds are to be used is  
 14 not organized ~~within thirty-six months of the~~  
 15 ~~effective date of this Act~~, unused funds shall revert  
 16 to the general fund of the state, however, if such an  
 17 entity is organized, the unused funds shall be  
 18 transferred irrevocably to the qualified venture  
 19 capital company or other entity for which the funds  
 20 are to be used:  
 21 ..... \$ 200,000

22 Sec. 36. APPLICABILITY. This division of this Act  
 23 applies for tax years of entities subject to the state  
 24 corporate income tax or franchise tax which begin on  
 25 or after January 1, 1997. This division of this Act  
 26 applies for calendar years beginning on or after  
 27 January 1, 1997, for entities subject to the gross  
 28 premiums tax under chapter 432.

DIVISION VI

FAMILY FARM FEEDING OPERATIONS

31 Sec. 37. NEW SECTION. 175A.1 SHORT TITLE.  
 32 This chapter shall be known and may be cited as the  
 33 "Iowa Family Farm Animal Feeding Operations  
 34 Preservation Act".

35 Sec. 38. NEW SECTION. 175A.2 PURPOSE.  
 36 The purpose of this chapter is to address a grave  
 37 threat to traditional farmers who produce animals in  
 38 this state and who face capitalization barriers and  
 39 the consolidation of animal agriculture, which results  
 40 in fewer individuals engaged in farming. These  
 41 conditions result in a loss in population,  
 42 unemployment and a movement of persons from rural  
 43 communities to urban areas accompanied by added costs  
 44 to communities for the creation of new public  
 45 facilities and services. It is therefore necessary to  
 46 assist small and medium sized family farm animal  
 47 feeding operations in order to expand such operations  
 48 and preserve a way of life which has traditionally  
 49 supported Iowa's economy and communities.

50 Sec. 39. NEW SECTION. 175A.3 DEFINITIONS.

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- 1 1. "Animal feeding operation" means the same as  
2 defined in section 455B.161.
- 3 2. "Animal feeding operation structure" means the  
4 same as defined in section 455B.161.
- 5 3. "Animal weight capacity" means the same as  
6 defined in section 455B.161.
- 7 4. "Authority" means the agricultural development  
8 authority established pursuant to section 175.3.
- 9 5. "Family farm animal feeding operation" or  
10 "operation" means an animal feeding operation located  
11 on the land where the owner of the operation also  
12 engages in farming activities other than animal  
13 feeding operation activities, if all of the following  
14 criteria are satisfied:
- 15 a. The total animal weight capacity of all animals  
16 other than bovine animals owned by the person is two  
17 hundred thousand pounds or less, and the total animal  
18 weight capacity of bovine animals owned by the person  
19 is four hundred thousand pounds or less.
- 20 b. A person holding an interest in the animal  
21 feeding operation owns all animals confined and fed in  
22 the animal feeding operation.
- 23 c. The person who owns the animal feeding  
24 operation raises and harvests crops in the same or an  
25 adjoining county where the animal feeding operation is  
26 located.
- 27 d. The person who owns the animal feeding  
28 operation is one of the following:
- 29 (1) A natural person.
- 30 (2) A general partnership composed exclusively of  
31 natural persons.
- 32 e. Each person who holds an interest in the animal  
33 feeding operation resides in this state.
- 34 f. The animal feeding operation is located  
35 entirely within the state.
- 36 6. "Farming" means the same as defined in section  
37 175.2.
- 38 7. "Lending institution" means a bank, trust  
39 company, mortgage company, national banking  
40 association, savings and loan association, life  
41 insurance company, any state or federal governmental  
42 agency or instrumentality, including without  
43 limitation the federal land bank or any of its local  
44 associations, or any other financial institution or  
45 entity authorized to make farm operating loans in this  
46 state.
- 47 8. "Low or moderate net worth" means:
- 48 a. For an individual, an aggregate net worth of  
49 the individual and the individual's spouse and minor  
50 children of less than two hundred thousand dollars.

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1 b. For any general partnership, an aggregate net  
2 worth of all partners, including each partner's net  
3 capital in the partnership, and of each partner's  
4 spouse and minor children of less than three hundred  
5 thousand dollars. However, the aggregate net worth of  
6 each partner and that partner's spouse and minor  
7 children shall not exceed two hundred thousand  
8 dollars.

9 9. "Net worth" means a person's total assets minus  
10 total liabilities as determined in accordance with  
11 generally accepted accounting principles with  
12 appropriate exceptions and exemptions reasonably  
13 related to an equitable determination of a person's  
14 net worth. Assets shall be valued at fair market  
15 value.

16 10. "Note" means a bond anticipation note or other  
17 obligation or evidence of indebtedness issued by the  
18 authority pursuant to this chapter.

19 11. "Secured loan" means a financial obligation  
20 secured by a chattel mortgage, security agreement, or  
21 other instrument creating a lien on an interest in  
22 depreciable agricultural property.

23 Sec. 40. NEW SECTION. 175A.4 ASSISTANCE  
24 PROGRAMS.

25 1. The authority shall administer programs under  
26 this section to assist family farm animal feeding  
27 operations. The department of revenue and finance  
28 shall assist the authority in administering this  
29 section.

30 2. In order to assist a family farm animal feeding  
31 operation in financing the operation, including by  
32 assisting in whole or in part the acquisition of  
33 animals, or the purchase of agricultural land, the  
34 purchase of agricultural improvements or depreciable  
35 agricultural property, the construction of buildings,  
36 facilities, or animal feeding operation structures,  
37 related to the operation, the authority shall do all  
38 of the following:

39 a. Cooperate with any other state agency or the  
40 federal government, including supplementing assistance  
41 provided by another state agency and the federal  
42 government.

43 b. Administer other programs provided under  
44 chapter 175, including supplementing assistance  
45 provided by other programs.

46 c. Provide certification necessary to allow owners  
47 of operations to claim an income tax credit as  
48 provided in section 175A.5, and a property tax  
49 exemption pursuant to section 427.1.

50 d. Administer the following programs:



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1 (1) A loan guarantee program to provide for  
2 guaranteeing of all or part of a loan made to the  
3 operation.

4 (2) An interest buy-down program, in which the  
5 authority contracts with a participating lending  
6 institution to reduce the interest rate charged on a  
7 loan to the operation. The authority shall determine  
8 the amount that the rate is reduced by considering the  
9 lending institution's customary loan rate for the type  
10 of loan sought as certified to the authority by the  
11 lending institution. As part of the contract, in  
12 order to reimburse the lending institution for the  
13 reduction of the interest rate on the loan, the  
14 authority may agree to grant the lending institution  
15 any amount foregone by reducing the interest rate on  
16 that portion of the loan which is three hundred  
17 thousand dollars or less. However, the amount  
18 reimbursed shall not be more than fifty percent of the  
19 amount of interest foregone by the lending institution  
20 on the loan.

21 3. The amount of assistance awarded to a family  
22 farm animal feeding operation shall be based on the  
23 extent to which the following apply:

24 a. The operation has a low or moderate net worth.

25 b. The owner of the family farm animal feeding  
26 operation utilizes a computer or recordkeeping system  
27 designed to monitor herd performance, as approved by  
28 Iowa state university.

29 c. The person managing the operation is actively  
30 engaged in improving the management of the operation,  
31 which may include participating in the livestock  
32 producers assistance program provided pursuant to  
33 section 266.39D, or employing a person qualified by  
34 the American registry of professional animal science,  
35 who is actively engaged in the profession of  
36 consulting with livestock producers for the purpose of  
37 increasing production or enhancing performance of  
38 livestock.

39 4. In order to participate in a program  
40 administered under this section, all of the following  
41 must apply:

42 a. The family farm animal feeding operation or any  
43 person holding an interest in the operation is not  
44 classified as a habitual violator as provided in  
45 section 455B.191.

46 b. The assistance provided by the authority under  
47 this section is not used to construct, repair, or  
48 expand an anaerobic lagoon or earthen manure storage  
49 basin as defined in section 455B.161.

50 5. a. The authority shall adopt rules to

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1 administer this section, including the enforcement of  
2 terms of a contract to which the authority is a party.  
3 The authority may require a lending institution or a  
4 family farm animal feeding operation to submit  
5 evidence satisfactory to the authority that the  
6 lending institution or operation has complied with the  
7 authority's requirements.

8 b. The authority may inspect any records of a  
9 lending institution or a family farm animal feeding  
10 operation which are pertinent to the administration of  
11 a program. In order to assure compliance with this  
12 section and rules adopted pursuant to this section,  
13 the authority may establish by rule appropriate  
14 enforcement provisions, including but not limited to,  
15 the payment of civil penalties by a lending  
16 institution or operation. The authority may also  
17 enforce the provisions of this section or terms of the  
18 contract by bringing an action in any court of  
19 competent jurisdiction to recover damages.

20 6. A lending institution and the borrower  
21 participating in a program under this section shall  
22 each pay to the authority one-half of an origination  
23 fee which shall not exceed one percent of the loan.  
24 In addition, the lending institution shall pay a fee  
25 equal to twenty-five basis points on the loan to the  
26 authority on an annual basis.

27 7. The fact that the family farm animal feeding  
28 operation or the person who owns the operation has  
29 received assistance, monetary or otherwise, from the  
30 authority shall not prevent the operation from being  
31 eligible for assistance under programs available under  
32 this section.

33 Sec. 41. NEW SECTION. 175A.5 INCOME TAX CREDIT.

34 1. A family farm animal feeding operation which  
35 receives at least ten thousand dollars in assistance  
36 under section 175A.4 as certified by the authority  
37 under section 175A.4 shall be entitled to receive a  
38 tax credit equal to ten percent of all new investments  
39 made in the operation not later than the tax year  
40 following the tax year in which the operation receives  
41 assistance under section 175A.4.

42 2. For purposes of this section, "new investment"  
43 means the capitalized cost of all real and personal  
44 property related to the family farm animal feeding  
45 operation, including animals; buildings and animal  
46 feeding operation structures qualifying under this  
47 section; equipment; and other improvements to the  
48 operation, purchased or otherwise acquired or  
49 relocated to the operation. "New investment" does not  
50 include intangible property, or furniture and

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1 furnishings. For the purposes of this section,  
2 capitalized cost of property shall be determined in  
3 accordance with accounting methods used by the  
4 taxpayer in determining the taxpayer's income for  
5 state tax purposes.

6 3. Any credit in excess of the tax liability for  
7 the tax year may be applied to the tax liability for  
8 the following ten years or until depleted, whichever  
9 occurs first.

10 4. The department of revenue and finance shall  
11 adopt any rules necessary to administer this section.

12 Sec. 42. NEW SECTION. 175A.6 FAMILY FARM ANIMAL  
13 FEEDING OPERATION FUND.

14 1. A family farm animal feeding operation fund is  
15 created within the state treasury under the control of  
16 the authority. The fund shall consist of any moneys  
17 appropriated by the general assembly, fees paid to the  
18 authority, and any other moneys available to and  
19 obtained or accepted by the authority from the federal  
20 government or private sources for placement in the  
21 fund. Moneys shall be deposited in the fund as  
22 provided in section 175A.7. Not more than one hundred  
23 fifty thousand dollars shall be available annually  
24 from the fund for administration of section 175A.4.  
25 The assets of the fund shall be used by the authority  
26 only for carrying out the purposes of section 175A.1  
27 and section 427.1, subsection 28.

28 2. In administering the fund the authority may do  
29 all of the following:

30 a. Contract, sue and be sued, and adopt  
31 administrative rules necessary to administer this  
32 section. However, the authority shall not in any  
33 manner directly or indirectly pledge the credit of the  
34 state.

35 b. Authorize payment from the fund for costs,  
36 commissions, attorney fees, and other reasonable  
37 expenses, including expenses related to carrying out  
38 duties necessary for administering programs provided  
39 for under section 175A.4, including for guaranteeing  
40 loans, and for the recovery of loan moneys guaranteed  
41 or the management of property acquired in connection  
42 with such loans.

43 3. Payments of interest, recaptures of awards, or  
44 repayments of moneys provided in assistance under  
45 section 175A.4 shall be deposited into the fund.  
46 Section 8.33 does not apply to any moneys in the fund  
47 until June 30, 2001. Notwithstanding section 12C.7,  
48 interest or earnings on investments or time deposits  
49 of the moneys in the fund shall be credited to the  
50 fund.

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1 4. The fund is subject to an annual audit as  
2 provided by the authority. Moneys in the fund, which  
3 may be subject to warrants written by the director of  
4 revenue and finance, shall be drawn upon the written  
5 requisition of the authority's executive director.

6 Sec. 43. NEW SECTION. 175A.7 STANDING  
7 APPROPRIATION.

8 For each fiscal year of the fiscal period beginning  
9 July 1, 1996, and ending June 30, 2002, there is  
10 appropriated twelve million dollars from the general  
11 fund of the state to the family farm animal feeding  
12 operation fund created in section 175A.6.

13 Sec. 44. Section 427.1, Code Supplement 1995, is  
14 amended by adding the following new subsection:

15 NEW SUBSECTION. 28. The property of a family farm  
16 animal feeding operation as defined in section 175A.3,  
17 which receives at least ten thousand dollars in  
18 assistance awarded and certified by the agricultural  
19 development authority under section 175A.4 shall be  
20 exempt from taxation for a period of five years, to  
21 the extent provided in this subsection.

22 a. The exemption shall apply as follows:

23 (1) It begins on January 1 of the year following  
24 the year in which the family farm animal feeding  
25 operation receives assistance under section 175A.4.

26 (2) It is limited to the market value, as defined  
27 in section 441.21, of the property of the family farm  
28 animal feeding operation. If the property of the  
29 family farm animal feeding operation is assessed with  
30 other property as a unit, the exemption shall be  
31 limited to the net market value of the property of the  
32 family farm animal feeding operation determined as of  
33 the assessment date.

34 b. In order to receive the exemption, the owner of  
35 the operation must file for the exemption with the  
36 assessing authority not later than the first of  
37 February of the first year for which the exemption  
38 applies, on forms provided by the agricultural  
39 development authority. The application shall provide  
40 a description of the family farm animal feeding  
41 operation subject to the exemption. The application  
42 shall be accompanied by a certificate of assistance  
43 provided by the agricultural development authority.

44 c. The assessing authority shall retain a  
45 permanent file of current exemptions filed in the  
46 assessing authority's office. Not later than July 6  
47 of each year, the assessing authority shall remit a  
48 statement certifying the total amount of exemptions  
49 allowed under this subsection. After receiving the  
50 certification, the agricultural development authority

1 shall draw warrants on the family farm animal feeding  
 2 operation fund created in section 175A.6 which shall  
 3 be payable to the county treasurer in the amount  
 4 certified by the assessing authority, and shall mail  
 5 the warrants to the county treasurers on August 15 of  
 6 each year. However, if the family farm animal feeding  
 7 operation fund does not have sufficient moneys  
 8 available to pay in full the total of the amounts  
 9 certified to the agricultural development authority,  
 10 the authority shall prorate unobligated and  
 11 unencumbered moneys in the fund to the county  
 12 treasurers.

13 d. If the county treasurer has received a  
 14 percentage amount of the amount certified to the  
 15 agricultural development authority, the county  
 16 treasurer shall for the following fiscal year grant  
 17 each exemption from the previous fiscal year an  
 18 exemption equal to the percentage amount which the  
 19 county treasurer was reimbursed for that exemption  
 20 unless the reimbursement for that exemption is fully  
 21 funded by February 1 preceding the next fiscal year.

22 Sec. 45. FUTURE REPEAL.

- 23 1. Sections 175A.5 and 175A.7 are repealed.
- 24 2. Section 427.1, subsection 28, is amended by
- 25 striking the subsection.
- 26 3. This section takes effect on July 1, 2002.
- 27 4. Notwithstanding this section, an income tax
- 28 credit granted pursuant to section 175A.5, or a
- 29 property tax exemption provided under section 427.1,
- 30 subsection 28, shall continue in effect and shall be
- 31 administered and enforced until its expiration as
- 32 provided in this division of this Act.

33 DIVISION VII

34 FAMILY FARM AND AGRICULTURAL LAND TAX CREDITS

35 Sec. 46. Section 425A.1, Code 1995, is amended to  
 36 read as follows:

37 425A.1 FAMILY FARM TAX CREDIT FUND.

38 The family farm tax credit fund is created in the  
 39 office of the treasurer of state. There shall be  
 40 ~~transferred appropriated~~ annually to the fund the  
 41 ~~first ten million dollars of the amount annually~~  
 42 ~~appropriated to the agricultural land credit fund,~~  
 43 ~~provided in section 426.1~~ sum of thirty-five million  
 44 dollars. Any balance in the fund on June 30 shall  
 45 revert to the general fund.

46 Sec. 47. Section 425A.2, subsection 4, Code 1995,  
 47 is amended to read as follows:

- 48 4. "Designated person" means one of the following:
- 49 a. If the owner is an individual, the designated
- 50 person includes the owner of the tract ~~or a person~~

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1 ~~related to the owner as, the owner's spouse, parent,~~  
 2 ~~grandparent, the owner's child, grandchild, or~~  
 3 ~~stepchild, and their spouses, or the owner's relative~~  
 4 ~~within the third degree of consanguinity, and the~~  
 5 ~~relative's spouse.~~

6 b. If the owner is a partnership, a partner, or  
 7 the partner's spouse.

8 c. If the owner is a family farm corporation, a  
 9 family member who is a shareholder of the family farm  
 10 corporation or the shareholder's spouse.

11 d. If the owner is an authorized farm corporation,  
 12 a shareholder who owns at least fifty-one percent of  
 13 the stock of the authorized farm corporation or the  
 14 shareholder's spouse.

15 e. If the owner is an individual who leases the  
 16 tract to a family farm corporation, a shareholder of  
 17 the corporation if the combined stock of the family  
 18 farm corporation owned by the owner of the tract and  
 19 persons related to the owner as enumerated in  
 20 paragraph "a" is equal to at least fifty-one percent  
 21 of the stock of the family farm corporation.

22 f. If the owner is an individual who leases the  
 23 tract to a partnership, a partner if the combined  
 24 partnership interest owned by the owner of the tract  
 25 and persons related to the owner as enumerated in  
 26 paragraph "a" is equal to at least fifty-one percent  
 27 of the ownership interest of the partnership.

28 Sec. 48. Section 426.1, Code 1995, is amended to  
 29 read as follows:

30 426.1 AGRICULTURAL LAND CREDIT FUND.

31 There is created as a permanent fund in the office  
 32 of the treasurer of state a fund to be known as the  
 33 agricultural land credit fund, and for the purpose of  
 34 establishing and maintaining this fund for each fiscal  
 35 year there is appropriated ~~thereto~~ to the fund from  
 36 funds in the general fund not otherwise appropriated  
 37 the sum of ~~thirty-nine~~ twenty-nine million one hundred  
 38 thousand dollars ~~of which the first ten million~~  
 39 ~~dollars shall be transferred to and deposited into the~~  
 40 ~~family farm tax credit fund created in section 425A.1.~~  
 41 Any balance in said fund on June 30 shall revert to  
 42 the general fund.

43 Sec. 49. This division of this Act, being deemed  
 44 of immediate importance, takes effect upon enactment  
 45 and applies to family farm tax credits and  
 46 agricultural land credits allowed for property taxes  
 47 due and payable in fiscal years beginning on or after  
 48 July 1, 1996.

49 DIVISION VIII  
 50 SCHOOL FUNDING

1 Sec. 50. Section 257.1, subsection 2, unnumbered  
2 paragraph 2, Code Supplement 1995, is amended to read  
3 as follows:

4 For the budget year commencing July 1, ~~1991~~ 1996,  
5 and for each succeeding budget year the regular  
6 program foundation base per pupil is eighty-three  
7 percent of the regular program state cost per pupil,  
8 ~~except that the regular program foundation base per~~  
9 ~~pupil for the portion of weighted enrollment that is~~  
10 ~~additional enrollment because of special education is~~  
11 ~~seventy-nine percent of the regular program state cost~~  
12 ~~per pupil.~~ For the budget year commencing July 1,  
13 ~~1991~~ 1996, and for each succeeding budget year the  
14 special education support services foundation base is  
15 ~~seventy-nine~~ eighty-three percent of the special  
16 education support services state cost per pupil. The  
17 combined foundation base is the sum of the regular  
18 program foundation base and the special education  
19 support services foundation base.

20 Sec. 51. EFFECTIVE DATE. This division of this  
21 Act, being deemed of immediate importance, takes  
22 effect upon enactment for calculating state foundation  
23 aid for school budget years commencing on or after  
24 July 1, 1996.

25 DIVISION IX  
26 PROPERTY TAX STUDY

27 Sec. 52. The legislative council shall direct the  
28 establishment of a legislative committee to study the  
29 system of local government property taxation. The  
30 committee shall conduct a comprehensive review of the  
31 property tax system in Iowa, including identifying the  
32 various classes of property taxpayers, the portion of  
33 property taxes collected from each class of taxpayer,  
34 the distribution of those taxes to local governments,  
35 and the value of local government services received by  
36 a class of taxpayers in relation to the amount of  
37 property taxes paid by that class. The committee  
38 shall also examine the current system of property tax  
39 credits and exemptions allowed to taxpayers, tax  
40 increment financing and tax abatement programs,  
41 property tax credits and exemptions, the effect of tax  
42 abatement programs, and tax increment financing on the  
43 tax rates applied to the other classes of property,  
44 and the general authority of local officials to abate  
45 property taxes.

46 As an integral part of the collection of taxes by  
47 local governments, the committee shall also review the  
48 budgeting procedures and practices of local  
49 governments, including the process of estimating and  
50 spending ending fund balances; the authorization to

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1 use, or the practice of using, unexpended funds or  
 2 ending fund balances for capital improvements or other  
 3 nonrecurring expenditures; and the impact on property  
 4 tax rates of actions of the school budget review  
 5 committee, the state appeal board, the application of  
 6 the property tax rollback, and the application of  
 7 equalization orders issued by the department of  
 8 revenue and finance.

9 The committee shall also review the use of property  
 10 taxes as the sole or major source of funding for  
 11 school, city, and county services and the use of  
 12 alternate sources of revenues to pay for such  
 13 services, the repayment of bonds or other debt  
 14 obligations by local governments, the use of alternate  
 15 sources of revenue to repay bonds or other debt  
 16 obligations, and the current statutory requirements  
 17 for the issuance of bonds or other debt obligations by  
 18 local governments."

19 \_\_\_\_ Title page, line 12, by inserting after the  
 20 word "credits," the following: "increasing the school  
 21 foundation base level for special education;".

The House stood at ease at 1:45 p.m., until the fall of the gavel.

The House resumed session at 2:10 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Halvorson of Clayton moved that the House concur in the Senate amendment H-5736, to the House amendment.

The motion lost and the House refused to concur.

## IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2449** be immediately messaged to the Senate.

## Unfinished Business Calendar

The House resumed consideration of **Senate File 2155**, a bill for an act to adjust the jurisdictional amount for municipal infractions tried before a judge in district court, previously placed on the unfinished business calendar.

Dinkla of Guthrie 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. 2155)

The ayes were, 97:

Arnold  
Blodgett

Baker  
Boddicker

Bell  
Boggess

Bernau  
Bradley



Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, none.

Absent or not voting, 3:

Eddie                      Gries                      Houser

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 2352**, a bill for an act providing that the sheriff may charge for room and board provided to county prisoners and providing for the creation and filing of a room and board reimbursement lien, previously placed on the unfinished business calendar.

Vande Hoef of Osceola 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. 2352)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns

Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Drees	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, 1:

Doderer

Absent or not voting, 2:

Eddie

Houser

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 2165**, a bill for an act relating to the hunting season for ungulates on a hunting preserve and providing an effective date, previously placed on the unfinished business calendar.

Huseman of Cherokee 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. 2165)

The ayes were, 90:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley

Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	Ollie	Osterhaus	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Van Maanen, Presiding		

The nays were, 6:

Doderer	Fallon	Grundberg	Holveck
O'Brien	Witt		

Absent or not voting, 4:

Drees	Eddie	Rants	Vande Hoef
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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 2323**, a bill for an act relating to pharmacy technician designation, registration and fees, delegation of duties, and disciplinary action, previously placed on the unfinished business calendar.

Blodgett 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. 2323)

The ayes were, 92:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley

Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Fallon
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Wise	Witt	Van Maanen, Presiding

The nays were, 6:

Ertl	Garman	Heaton	Metcalf
Meyer	Welter		

Absent or not voting, 2:

Churchill	Eddie
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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 2252**, a bill for an act relating to the number and apportionment of district associate judges, and providing an effective date, previously placed on the unfinished business calendar.

Dinkla of Guthrie 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. 2252)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boguess	Bradley

Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Drees	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Doderer                      Eddie

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2155, 2165, 2252, 2323 and 2352.**

### SENATE AMENDMENT CONSIDERED

Garman of Story called up for consideration **House File 2472**, a bill for an act relating to and making appropriations to the justice system and providing effective dates amended by the Senate and moved that the House concur in the Senate amendment H-5575, as follows:

H-5575

1 Amend House File 2472, as amended, passed, and

2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the

4 following:

5 "DIVISION I - JUSTICE SYSTEM APPROPRIATIONS".

6 2. Page 1, by striking line 11 and inserting the  
7 following:

8 "..... FTEs 178.50

9 It is the intent of the general assembly that of  
10 the funds appropriated in this subsection, not more  
11 than \$50,000 shall be used to establish an office of  
12 veterans advocate as provided in section 13.22, as  
13 enacted by this Act."

14 3. Page 1, by striking lines 12 through 19 and  
15 inserting the following:

16 "2. a. The attorney general shall provide up to".

17 4. Page 1, by striking lines 25 through 27 and  
18 inserting the following:

19 "b. In addition to the moneys retained by the  
20 attorney".

21 5. Page 2, line 2, by striking the words "in this  
22 subsection" and inserting the following: "to the  
23 prosecuting attorneys training coordinator pursuant to  
24 section 321.218A, as enacted in this Act,".

25 6. Page 2, line 25, by striking the figure  
26 "125,000" and inserting the following: "150,000".

27 7. Page 3, line 2, by striking the figure  
28 "200,000" and inserting the following: "225,000".

29 8. Page 4, by inserting after line 17 the  
30 following:

31 "c. The office of the attorney general shall carry  
32 out a study of concentration in the livestock industry  
33 in Iowa. The findings of the study may include  
34 recommendations for legislation or other actions, and  
35 shall be reported to the general assembly on or before  
36 February 7, 1997.

37 10. For legal services for persons in poverty  
38 grants as provided in section 13.34, as enacted in  
39 this Act:

40 ..... \$ 1,000,000

41 The appropriation in this subsection is reduced to  
42 the extent of the amounts appropriated to the office  
43 of the attorney general for legal services grants as  
44 provided in section 321.218A, as enacted by this Act.

45 Sec. \_\_\_\_ DEPARTMENT OF JUSTICE — ENVIRONMENTAL  
46 CRIMES INVESTIGATION AND PROSECUTION — FUNDING.

47 There is appropriated from the environmental crime  
48 fund of the department of justice, consisting of  
49 court-ordered fines and penalties awarded to the  
50 department arising out of the prosecution of

2 the fiscal year beginning July 1, 1996, and ending  
 3 June 30, 1997, an amount not exceeding \$20,000 to be  
 4 used by the department, at the discretion of the  
 5 attorney general, for the investigation and  
 6 prosecution of environmental crimes, including the  
 7 reimbursement of expenses incurred by county,  
 8 municipal, and other local governmental agencies  
 9 cooperating with the department in the investigation  
 10 and prosecution of environmental crimes.

11 The expenditure of the funds appropriated in this  
 12 section is contingent upon receipt by the  
 13 environmental crime fund of the department of justice  
 14 of an amount at least equal to the appropriations made  
 15 in this section and received from contributions,  
 16 court-ordered restitution as part of judgments in  
 17 criminal cases, and consent decrees entered into as  
 18 part of civil or regulatory enforcement actions.  
 19 However, if the funds received during the fiscal year  
 20 are in excess of \$20,000, the excess funds shall be  
 21 deposited in the general fund of the state.

22 Notwithstanding section 8.33, moneys appropriated  
 23 in this section which remain unexpended or unobligated  
 24 at the close of the fiscal year shall not revert to  
 25 the general fund of the state but shall remain  
 26 available for expenditure for the designated purpose  
 27 in the succeeding fiscal year."

28 9. Page 4, by striking lines 18 through 32.

29 10. By striking page 5, line 35, through page 6,  
 30 line 1, and inserting the following:

31 " ..... \$ 26,220,099  
 32 ..... FTEs 496.00"

33 11. Page 6, line 6, by inserting after the word  
 34 "purposes," the following: "including not more than  
 35 \$500,000 for necessary expenses in planning for the  
 36 construction of a 150 bed super maximum security  
 37 correctional facility during the fiscal year beginning  
 38 July 1, 1997, at a location determined by the  
 39 department of corrections."

40 12. Page 6, by striking lines 8 and 9 and  
 41 inserting the following:

42 " ..... \$ 1,149,089  
 43 ..... FTEs 9.50"

44 13. Page 6, by striking lines 16 and 17 and  
 45 inserting the following:

46 " ..... \$ 20,125,506  
 47 ..... FTEs 376.75"

48 14. Page 6, by striking lines 26 and 27 and  
 49 inserting the following:

50 " ..... \$ 16,635,631

## Page 3

1	.....	FTEs	328.30"
2	15. Page 6, by striking lines 32 and 33 and		
3	inserting the following:		
4	".....	\$	10,333,775
5	.....	FTEs	156.28"
6	16. Page 7, by striking lines 5 and 6 and		
7	inserting the following:		
8	".....	\$	14,909,042
9	.....	FTEs	285.32"
10	17. Page 7, by striking lines 11 and 12 and		
11	inserting the following:		
12	".....	\$	5,791,219
13	.....	FTEs	14.00"
14	18. Page 7, by striking lines 17 and 18 and		
15	inserting the following:		
16	".....	\$	14,537,836
17	.....	FTEs	248.00"
18	19. Page 7, by striking lines 28 and 29 and		
19	inserting the following:		
20	".....	\$	6,612,098
21	.....	FTEs	135.00"
22	20. Page 10, by striking line 13 and inserting		
23	the following:		
24	".....	\$	2,450,600"
25	21. Page 10, line 17, by inserting after the word		
26	"purpose." the following: "In addition, it is the		
27	intent of the general assembly that the department		
28	shall coordinate with the community colleges in the		
29	areas in which the institutions are located to utilize		
30	moneys appropriated in this subsection to fund the		
31	high school completion, high school equivalency		
32	diploma, adult literacy, and adult basic education		
33	programs in a manner so as to maintain these programs		
34	at the institutions."		
35	22. Page 10, by inserting after line 22 the		
36	following:		
37	"_. For funding of the Ford Associates'		
38	successful training empowerment process (STEP) inmate		
39	education program:		
40	.....	\$	60,000
41	_. For funding of the criminal justice program		
42	at the University of Northern Iowa:		
43	.....	\$	175,000"
44	23. Page 10, by striking line 35 and inserting		
45	the following:		
46	".....	\$	7,257,414"
47	24. Page 11, by striking line 16 and inserting		
48	the following:		
49	".....	\$	5,744,594"
50	25. Page 12, by striking line 11 and inserting		



Page 4

- 1 the following:
- 2 " ..... \$ 2,551,754"
- 3 26. Page 12, by striking line 25 and inserting
- 4 the following:
- 5 " ..... \$ 9,248,170"
- 6 27. Page 13, line 3, by inserting after the word
- 7 "program," the following: "and for not more than
- 8 \$200,000 to be used for an addition to the Fasches
- 9 Center in Cedar Rapids,".
- 10 28. Page 13, by striking line 5 and inserting the
- 11 following:
- 12 " ..... \$ 7,725,401"
- 13 29. Page 13, by inserting after line 20 the
- 14 following:
- 15 "(4) The district department is authorized to
- 16 enter into financial arrangements for and to construct
- 17 an addition to the Fasches Center for the purposes of
- 18 adding staff offices."
- 19 30. Page 14, by striking line 11 and inserting
- 20 the following:
- 21 " ..... \$ 4,243,087"
- 22 31. Page 14, by inserting after line 26 the
- 23 following:
- 24 "(1) If funds are appropriated for the purposes
- 25 of this lettered paragraph, the first and second
- 26 judicial district departments of correctional services
- 27 shall establish a pilot project in each judicial
- 28 district department of correctional services to
- 29 provide targeted services to offenders convicted of a
- 30 serious or aggravated misdemeanor. The moneys
- 31 appropriated for the pilot project shall be evenly
- 32 divided between the first and second judicial district
- 33 departments of correctional services.
- 34 (2) It is the intent of the general assembly that
- 35 the projects will target offenders who are at high
- 36 risk to recidivate and will evaluate the progress of
- 37 participants. The district court and the department
- 38 of corrections shall cooperate with the first and
- 39 second judicial district departments of correctional
- 40 services in carrying out the pilot projects and shall
- 41 assist in obtaining grants and private resources to
- 42 supplement this appropriation. The district
- 43 departments of correctional services shall file a
- 44 report to the legislative fiscal bureau by January 15,
- 45 1998, on the result of the pilot project in their
- 46 judicial district."
- 47 32. Page 16, by striking line 8 and inserting the
- 48 following:
- 49 " ..... \$ 91,769,430"
- 50 33. Page 18, by inserting after line 4 the

Page 5

1 following:

2 "j. Of the funds appropriated in this subsection,  
3 the judicial department shall use not more than  
4 \$1,056,000 for an additional 6.00 district court  
5 judges, and an additional 10.75 full-time equivalent  
6 court reporters and court attendants. Of the  
7 additional district court judges, 1.00 additional  
8 district court judge shall be assigned to judicial  
9 election districts 2A, 2B, 3B, and 5C and 2.00  
10 additional district court judges shall be assigned to  
11 judicial election district 5A, notwithstanding the  
12 provisions of section 602.6201, subsection 3.

13 k. Of the funds appropriated in this subsection,  
14 the judicial department shall use \$262,989 for an  
15 additional 3 juvenile court officers, 3 juvenile court  
16 specialists, and clerical workers.

17 l. Of the funds appropriated in this subsection,  
18 the judicial department shall use \$140,154 to increase  
19 the salary of all associate juvenile judges and  
20 associate probate judges to the same salary level as a  
21 district associate judge.

22 m. Of the funds appropriated in this subsection,  
23 the judicial department shall use \$216,000 to increase  
24 the salary of district associate judges by \$4,000."

25 34. Page 18, by striking lines 7 through 19 and  
26 inserting the following:

27 "Sec. \_\_\_\_ IOWA COURT INFORMATION SYSTEM. There  
28 is appropriated from the general fund of the state to  
29 the judicial department for the fiscal year beginning  
30 July 1, 1996, and ending June 30, 1997, the following  
31 amount, or so much thereof as is necessary, to be used  
32 for the purpose designated:

33 For the Iowa court information system:  
34 ..... \$ 857,500"

35 35. Page 18, by striking line 29 and inserting  
36 the following:

37 "..... \$ 3,150,915"

38 36. Page 20, line 10, by striking the words "make  
39 all reasonable efforts to" and inserting the  
40 following: "shall maintain, in coordination with  
41 local community colleges".

42 37. Page 20, by striking lines 11 and 12 and  
43 inserting the following: "the vocational education  
44 programs for inmates in each institution."

45 38. Page 22, by striking lines 4 and 5 and  
46 inserting the following:

47 "..... \$ 9,926,841  
48 ..... FTEs 174.65"

49 39. Page 22, by striking line 9 and inserting the  
50 following:

Page 6

1 " ..... \$ 14,420,000"

2 40. Page 22, by striking line 20 and inserting  
3 the following:

4 " ..... \$ 1,038,418"

5 41. Page 23, by striking lines 26 and 27 and  
6 inserting the following:

7 " ..... \$ 574,137

8 ..... FTEs 15.60"

9 42. Page 24, by striking lines 3 and 4 and  
10 inserting the following:

11 " ..... \$ 2,171,438

12 ..... FTEs 38.80"

13 43. Page 25, by inserting after line 35 the  
14 following:

15 "\_. For costs associated with the training of  
16 fire fighters:

17 ..... \$ 1,000,000

18 \_\_. For the state medical examiner, for the  
19 purpose of establishing an office of the state medical  
20 examiner within the department of public safety, and  
21 for not more than the following full-time equivalent  
22 positions:

23 ..... \$ 332,500

24 ..... FTEs 4.00"

25 44. Page 26, by striking lines 15 and 16 and  
26 inserting the following:

27 " ..... \$ 34,396,129

28 ..... FTEs 566.00

29 It is the intent of the general assembly that, of  
30 the funds appropriated in this subsection, the  
31 division shall expend the amount necessary to provide  
32 the state match for adding twelve state troopers  
33 through the federal community-oriented policing  
34 services program. It is the intent of the general  
35 assembly that once federal moneys for this program  
36 end, the division shall present proposals to the  
37 governor and the general assembly for continued  
38 funding of the state troopers described in this  
39 paragraph and for consideration of reducing the number  
40 of state troopers through attrition, by the same  
41 number as the number of troopers added through the  
42 federal program."

43 45. Page 27, line 9, by inserting after the word  
44 "into" the following: "professional services".

45 46. Page 27, by inserting after line 18 the  
46 following:

47 "Sec. \_\_. NEW SECTION. 13.32 VETERANS ADVOCATE.

48 The attorney general shall appoint a competent  
49 attorney to the office of veterans advocate. The  
50 veterans advocate is to be housed in the office of the

## Page 7

1 attorney general. The advocate shall be an honorably  
2 discharged member of the armed forces of the United  
3 States. The advocate's term of office is for four  
4 years. The term begins and ends in the same manner as  
5 set forth in section 69.19.

6 Sec.     . NEW SECTION. 13.33 DUTIES OF VETERANS  
7 ADVOCATE.

8 The veterans advocate shall do all of the  
9 following:

10 1. Assist the commission of veterans affairs  
11 created in section 35A.2 in the carrying out of its  
12 duties.

13 2. Assist the veterans of the state in obtaining  
14 the benefits to which they are entitled.

15 3. Assist the veterans of the state in gaining  
16 admission to the Iowa veterans home in a timely  
17 manner.

18 4. Provide assistance to the county commissions of  
19 veterans affairs created in chapter 35B in the  
20 carrying out of their duties.

21 Sec.     . Section 37.10, unnumbered paragraph 1,  
22 Code 1995, is amended to read as follows:

23 Each commissioner shall be ~~an honorably discharged~~  
24 ~~soldier, sailor, marine, airman, or coast guard member~~  
25 a veteran, as defined in section 35.1, and be a  
26 resident of the city county in which the memorial hall  
27 or monument is located ~~or live within the county if~~  
28 ~~the memorial hall or monument is located outside of a~~  
29 ~~city or is a joint memorial as provided in this~~  
30 ~~chapter."~~

31 47. Page 27, by striking lines 19 through 34.

32 48. Page 28, by inserting after line 12 the  
33 following:

34 "Sec.     . Section 602.6201, subsection 10, Code  
35 Supplement 1995, is amended to read as follows:

36 10. Notwithstanding the formula for determining  
37 the number of judgeships in this section, the number  
38 of district judges shall not exceed one hundred eight  
39 fourteen during the period commencing July 1, 1995  
40 1996."

41 49. Page 28, by inserting after line 12 the  
42 following:

43 "Sec.     . Section 602.8108, subsection 3, Code  
44 1995, is amended by adding the following new  
45 paragraph:

46 NEW PARAGRAPH. c. Notwithstanding provisions of  
47 this subsection to the contrary, all moneys collected  
48 from the drug abuse resistance education surcharge  
49 provided in section 911.2 shall be remitted to the  
50 treasurer of state for deposit in the general fund of

Page 8

1 the state and the amount deposited is appropriated to  
2 the Iowa law enforcement academy for use by the drug  
3 abuse resistance education program.”

4 50. Page 28, line 20, by striking the words “nine  
5 million two hundred” and inserting the following:  
6 “twelve million four hundred fifty”.

7 51. Page 29, by inserting after line 27 the  
8 following:

9 “Sec. \_\_\_\_ Section 910A.7A, Code 1995, is amended  
10 to read as follows:

11 910A.7A NOTIFICATION BY DEPARTMENT OF JUSTICE.

12 The department of justice shall notify a registered  
13 victim of all ~~dispositional orders of a case currently~~  
14 ~~on appeal the filing of an appeal, all dispositional~~  
15 ~~orders in the appeal, and the outcome of the appeal of~~  
16 ~~a case in which the victim was involved.~~”

17 52. Page 29, by inserting after line 27 the  
18 following:

19 “Sec. \_\_\_\_ Section 911.2, unnumbered paragraph 1,  
20 Code 1995, is amended to read as follows:

21 When a court imposes a fine or forfeiture for a  
22 violation of a state law, or of a city or county  
23 ordinance except an ordinance regulating the parking  
24 of motor vehicles, the court shall assess an  
25 additional penalty in the form of a surcharge equal to  
26 thirty percent of the fine or forfeiture imposed. An  
27 additional drug abuse resistance education surcharge  
28 of five dollars shall be assessed by the court if the  
29 violation arose out of a violation of an offense  
30 provided for in chapter 321J or chapter 124, division  
31 IV. In the event of multiple offenses, the surcharge  
32 shall be based upon the total amount of fines or  
33 forfeitures imposed for all offenses. When a fine or  
34 forfeiture is suspended in whole or in part, the  
35 surcharge shall be reduced in proportion to the amount  
36 suspended.”

37 53. Page 30, by striking lines 14 through 17.

38 54. Page 31, by inserting after line 15 the  
39 following:

40 “DIVISION II

41 LOCAL CORRECTIONS INFRASTRUCTURE GRANT PROGRAM

42 Sec. \_\_\_\_ NEW SECTION. 905A.1 DEFINITIONS.

43 For the purposes of this chapter, unless the  
44 context otherwise requires:

45 1. “Division” means the division of criminal and  
46 juvenile justice planning of the department of human  
47 rights.

48 2. “Government” means a community-based  
49 correctional program as defined in section 905.1, or a  
50 city, school district or accredited nonpublic school,

## Page 9

1 or county which expends funds for incarceration or  
2 supervision of individuals charged with or convicted  
3 of a felony, an aggravated misdemeanor, or a serious  
4 misdemeanor, or for crime prevention activities.

5 3. "Judicial election district" means a judicial  
6 election district described in section 602.6109.  
7 Sec. \_\_. NEW SECTION. 905A.2 LOCAL CORRECTIONS  
8 INFRASTRUCTURE GRANT PROGRAM.

9 1. A local corrections infrastructure grant  
10 program is created in the division. The division  
11 shall adopt administrative rules pursuant to chapter  
12 17A as necessary to administer the program in  
13 accordance with this chapter. The rules shall include  
14 but are not limited to provisions for auditing of  
15 grant expenditures.

16 2. The division shall develop a request for  
17 proposals for the grant program and assist judicial  
18 election districts in developing proposals in response  
19 to the request. The division shall not accept more  
20 than one proposal from a judicial election district  
21 for each of the grant groupings. For the fiscal year  
22 beginning July 1, 1997, grants shall be awarded in  
23 accordance with this chapter in the following two  
24 groupings:

25 a. Twenty-five million dollars to one or more  
26 governments or groups of governments in judicial  
27 election districts, divided proportionately according  
28 to the judicial election districts' relative  
29 proportion of the state's general population.

30 b. Nine million dollars to one or more governments  
31 or groups of governments representing judicial  
32 election districts, awarded according to criteria  
33 developed by the task force based upon the relative  
34 amount of criminal activity in the judicial election  
35 district, the innovative nature of the proposal  
36 submitted by the government or group of governments,  
37 and the statewide need for the project proposed to be  
38 developed.

39 3. A proposal for a grant under this chapter is  
40 subject to all of the following conditions:

41 a. A judicial election district may combine with  
42 one or more other judicial election districts in  
43 developing a proposal or may propose a joint project  
44 in separate proposals.

45 b. A proposal shall be for one or more  
46 infrastructure or school-based crime prevention  
47 projects or combination of projects relating to one or  
48 more of the following purposes:

49 (1) A county jail.

50 (2) A regional or multicounty jail.

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1 (3) A county juvenile detention or shelter care  
2 home, including retirement of outstanding debt for  
3 such a home.

4 (4) A regional or multicounty juvenile detention  
5 or shelter care home.

6 (5) A community-based correctional program  
7 facility.

8 (6) A school-based crime prevention program.

9 c. Grant moneys under this chapter shall not be  
10 used for purposes other than infrastructure.

11 d. The division may accept or reject a proposal in  
12 whole or in part.

13 e. A proposal must address the need for the  
14 proposed project, degree of urgency for the project,  
15 location of the project, provisions for the  
16 governments within the judicial election district to  
17 access the project, and the performance measures to be  
18 used to evaluate the project.

19 f. The submission date for proposals under  
20 subsection 2, paragraph "a" shall be on or before  
21 February 17, 1997, and the submission date for  
22 proposals under subsection 2, paragraph "b" shall be  
23 on or before April 18, 1997. However, for good cause  
24 shown, the division may extend the submission date for  
25 proposals under subsection 2, paragraph "a". It is  
26 the intent of the general assembly that the grant  
27 award process be complete by June 30, 1997, and awards  
28 made in the fiscal year beginning July 1, 1997.  
29 However, the division may delay final approval of a  
30 grant proposal which is approved in part while full  
31 approval of the proposal is pending.

32 4. The office of the attorney general, the  
33 department of education, and the university of  
34 northern Iowa's criminology program shall work with  
35 the division in implementing a public planning process  
36 to assist the governments in judicial election  
37 districts in developing a proposal, developing  
38 technical assistance materials for the grant program,  
39 developing the request for proposals, developing  
40 proposed scoring tools, and producing model  
41 performance measures and other evaluation processes  
42 for grant program projects. The public planning  
43 process shall include but is not limited to public  
44 meetings in each of the judicial election districts.

45 Sec. \_\_\_\_ NEW SECTION. 905A.3 TASK FORCE.

46 1. The division shall establish and convene a  
47 local corrections infrastructure grant program task  
48 force to assist the division in scoring and evaluating  
49 grant proposals and other assistance deemed necessary  
50 by the division.

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1 2. The membership of the task force shall include  
2 but is not limited to representatives of the  
3 following:  
4 a. County sheriffs.  
5 b. Police chiefs.  
6 c. Office of the attorney general.  
7 d. District judges.  
8 e. Juvenile court judges.  
9 f. Probation officers.  
10 g. Juvenile court officers.  
11 h. County supervisors.  
12 i. City council members.  
13 j. Criminal and juvenile justice planning advisory  
14 council.  
15 k. Juvenile services providers.  
16 l. Community-based correctional programs.  
17 m. County attorneys.  
18 n. The Iowa state police association.  
19 o. Local school officials.  
20 p. Other members deemed necessary by the division  
21 or task force.

22 3. Members of the task force are eligible for  
23 reimbursement of actual and necessary expenses  
24 incurred in the performance of their official duties.  
25 The task force shall elect a chairperson and other  
26 officers deemed necessary by the task force.

27 Sec. \_\_\_\_ NEW SECTION. 905A.4 PAYMENT OF GRANTS.

28 A grant awarded under section 905A.2 shall be paid  
29 from the proceeds of bonds issued under section 16.177  
30 or other moneys available to the division. A project  
31 approved by the division for a grant under this  
32 chapter is deemed to be approved by the general  
33 assembly for purposes of issuing bonds under section  
34 16.177. The department of corrections shall pledge  
35 amounts in the Iowa prison infrastructure fund  
36 established under section 602.8108A as security for  
37 the payment of principal of, premium, if any, and  
38 interest on the bonds.

39 Sec. \_\_\_\_ GRANT PROGRAM IMPLEMENTATION. There is  
40 appropriated from the general fund of the state to the  
41 department of human rights, division of criminal and  
42 juvenile justice planning, for the fiscal year  
43 beginning July 1, 1996, and ending June 30, 1997, the  
44 following amount, or so much thereof as is necessary,  
45 to be used for the purposes designated:

46 For technical assistance and staffing associated  
47 with the development of the local corrections  
48 infrastructure grant program enacted by this Act,  
49 including salaries, support, maintenance,  
50 miscellaneous purposes, and for not more than the



1 following full-time equivalent positions:  
 2 ..... \$ 200,000  
 3 ..... FTEs 2.00

4 Sec. \_\_\_\_ JUVENILE CRIME PREVENTION. There is  
 5 appropriated from the general fund of the state to the  
 6 department of economic development for the fiscal year  
 7 beginning July 1, 1996, and ending June 30, 1997, the  
 8 following amount, or so much thereof as is necessary,  
 9 to be used for the purposes designated:

10 For continuing the juvenile crime prevention summer  
 11 youth employment program through the job training  
 12 partnership Act service delivery areas:  
 13 ..... \$ 800,000

14 Sec. \_\_\_\_ EFFECTIVE DATE. This division of this  
 15 Act, being deemed of immediate importance, takes  
 16 effect upon enactment.

17 DIVISION III

18 CIVIL PENALTIES, FINES, SURCHARGES, AND WITHHOLDING

19 Sec. \_\_\_\_ NEW SECTION. 13.34 LEGAL SERVICES FOR  
 20 PERSONS IN POVERTY GRANT PROGRAM.

21 1. For the purposes of this section, "eligible  
 22 individual" means an individual or household with an  
 23 annual income which is less than one hundred twenty-  
 24 five percent of the poverty guidelines established by  
 25 the United States office of management and budget.  
 26 The attorney general shall contract with an eligible  
 27 nonprofit organization to provide legal assistance to  
 28 eligible individuals in poverty. The contract shall  
 29 be awarded within thirty days after May 30, 1996. The  
 30 contract may be terminated by the attorney general  
 31 after a hearing upon written notice and for good  
 32 cause.

33 2. A nonprofit organization must comply with all  
 34 of the following to be eligible for a contract under  
 35 this section:

- 36 a. Be a nonprofit organization incorporated in
- 37 this state.
- 38 b. Has lost or will lose funding due to a
- 39 reduction in federal funding for the legal services
- 40 corporation for federal fiscal year 1995-1996.
- 41 c. Employ attorneys admitted to practice before
- 42 the Iowa supreme court and the United States district
- 43 courts.
- 44 d. Employ attorneys and staff qualified to address
- 45 legal problems experienced by eligible individuals.

46 3. The contracting nonprofit organization shall do  
 47 all of the following:

- 48 a. Offer direct representation of eligible
- 49 individuals in litigation and administrative cases, in
- 50 accordance with priorities established by the

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- 1 organizations board.
- 2 b. Offer technical support to eligible
- 3 individuals.
- 4 c. Involve private attorneys through volunteer
- 5 lawyer projects to represent eligible individuals.
- 6 d. Utilize, to the fullest extent feasible,
- 7 existing resources of accredited law schools within
- 8 this state to provide consulting assistance to
- 9 attorneys in the practice of law in their
- 10 representation of persons in poverty.
- 11 e. Assist, to the fullest extent feasible,
- 12 accredited law schools within this state in enhancing
- 13 the schools' expertise in the practice of law
- 14 representing persons in poverty so that all attorneys
- 15 within the state will have a resource available to
- 16 provide training and experience in the practice of law
- 17 representing persons in poverty.
- 18 f. Cooperate, to the fullest extent feasible, with
- 19 existing informational and referral networks among
- 20 persons in poverty, providers of assistance to persons
- 21 in poverty, and others concerned with assistance to
- 22 persons in poverty.
- 23 4. The contracting nonprofit organization is not a
- 24 state agency for the purposes of chapters 19A, 20, and
- 25 669.
- 26 5. An individual is eligible to obtain legal
- 27 representation and legal assistance from the
- 28 contracting nonprofit organization if the eligible
- 29 individual meets all of the following criteria:
- 30 a. The eligible individual is a resident of this
- 31 state.
- 32 b. The eligible individual is financially unable
- 33 to acquire legal assistance, in accordance with
- 34 criteria established by the organization's board.
- 35 Sec.     . NEW SECTION. 321.218A CIVIL PENALTY —
- 36 DISPOSITION — REINSTATEMENT.
- 37 When the department revokes a person's motor
- 38 vehicle license or nonresident operating privilege
- 39 under this chapter upon receipt of a record of
- 40 conviction of the person, the department shall assess
- 41 the person a civil penalty of two hundred dollars.
- 42 The money collected by the department under this
- 43 section shall be transmitted to the treasurer of state
- 44 who shall deposit one-half of the money in the victim
- 45 compensation fund established in section 912.14. Of
- 46 the remaining moneys collected during any fiscal year,
- 47 the treasurer shall transmit the first three hundred
- 48 thousand dollars to the office of the prosecuting
- 49 attorneys training coordinator as established in
- 50 chapter 13A, shall transmit the next seven hundred

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1 thousand dollars to the office of the attorney general  
2 to be used to implement the contract to provide legal  
3 services to persons in poverty in accordance with  
4 section 13.34, and shall deposit any additional moneys  
5 collected during that fiscal year in the general fund  
6 of the state. A temporary restricted license shall  
7 not be issued or a motor vehicle license or  
8 nonresident operating privilege reinstated until the  
9 civil penalty has been paid.

10 Sec. \_\_\_\_ NEW SECTION. 321A.32A CIVIL PENALTY —  
11 DISPOSITION — REINSTATEMENT.

12 When the department revokes a person's motor  
13 vehicle license or nonresident operating privilege  
14 under this chapter upon receipt of a record of  
15 conviction of the person, the department shall assess  
16 the person a civil penalty of two hundred dollars.  
17 The money collected by the department under this  
18 section shall be transmitted to the treasurer of state  
19 who shall deposit one-half of the money in the victim  
20 compensation fund established in section 912.14 and  
21 one-half of the money shall be deposited in the  
22 general fund of the state. A temporary restricted  
23 license shall not be issued or a motor vehicle license  
24 or nonresident operating privilege reinstated until  
25 the civil penalty has been paid.

26 Sec. \_\_\_\_ Section 331.302, subsection 2, Code  
27 1995, is amended to read as follows:

28 2. A county shall not provide a penalty in excess  
29 of a one hundred dollar fine or in excess of thirty  
30 days imprisonment for the violation of an ordinance.  
31 The criminal penalty surcharge required by section  
32 911.2 and the jail, courthouse security, and detention  
33 facility surcharge required by section 911A.2 shall be  
34 added to a county fine and ~~is~~ are not a part of the  
35 county's penalty.

36 Sec. \_\_\_\_ Section 364.3, subsection 2, Code 1995,  
37 is amended to read as follows:

38 2. A city shall not provide a penalty in excess of  
39 a one hundred dollar fine or in excess of thirty days  
40 imprisonment for the violation of an ordinance. An  
41 amount equal to ten percent of all fines collected by  
42 cities shall be deposited in the account established  
43 in section 602.8108. However, one hundred percent of  
44 all fines collected by a city pursuant to section  
45 321.236, subsection 1, shall be retained by the city.  
46 The criminal penalty surcharge required by section  
47 911.2 and the jail, courthouse security, and detention  
48 facility surcharge required by section 911A.2 shall be  
49 added to a city fine and ~~is~~ are not a part of the  
50 city's penalty.

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1 Sec. \_\_\_\_ Section 602.8107, subsection 2,  
2 paragraph b, Code Supplement 1995, is amended to read  
3 as follows:

4 b. Fines or penalties and ~~criminal penalty~~  
5 surcharges.

6 Sec. \_\_\_\_ Section 602.8107, subsection 4,  
7 unnumbered paragraph 2, Code Supplement 1995, is  
8 amended to read as follows:

9 This subsection does not apply to amounts collected  
10 for victim restitution, the victim compensation fund,  
11 criminal penalty surcharge, jail, courthouse security,  
12 and detention facility surcharge, or amounts collected  
13 as a result of procedures initiated under subsection 5  
14 or under section 421.17, subsection 25.

15 Sec. \_\_\_\_ Section 805.8, subsection 1, Code  
16 Supplement 1995, is amended to read as follows:

17 1. APPLICATION. Except as otherwise indicated,  
18 violations of sections of the Code specified in this  
19 section are scheduled violations, and the scheduled  
20 fine for each of those violations is as provided in  
21 this section, whether the violation is of state law or  
22 of a county or city ordinance. The criminal penalty  
23 surcharge required by section 911.2 and the jail,  
24 courthouse security, and detention facility surcharge  
25 required by section 911A.2 shall be added to the  
26 scheduled fine.

27 Sec. \_\_\_\_ Section 805.8, subsection 11, unnumbered  
28 paragraph 1, Code Supplement 1995, is amended to read  
29 as follows:

30 For violations of section 142B.6 or 453A.2,  
31 subsection 2, the scheduled fine is twenty-five  
32 dollars, and is a civil penalty, and the criminal  
33 penalty surcharge under section 911.2 and the jail,  
34 courthouse security, and detention facility surcharge  
35 under section 911A.2 shall not be added to the  
36 penalty, and the court costs pursuant to section  
37 805.9, subsection 6, shall not be imposed. If the  
38 civil penalty assessed for a violation of section  
39 142B.6 is not paid in a timely manner, a citation  
40 shall be issued for the violation in the manner  
41 provided in section 804.1. However, a person under  
42 age eighteen shall not be detained in a secure  
43 facility for failure to pay the civil penalty. The  
44 complainant shall not be charged a filing fee.

45 Sec. \_\_\_\_ Section 902.9, unnumbered paragraph 2,  
46 Code 1995, is amended to read as follows:

47 The criminal penalty surcharge required by section  
48 911.2 and the jail, courthouse security, and detention  
49 facility surcharge required by section 911A.2 shall be  
50 added to a fine imposed on a class "C" or class "D"

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1 felon, as provided by ~~that section~~ those sections, and  
2 is are not a part of or subject to the maximums set in  
3 this section.

4 Sec. \_\_\_\_ Section 903.1, subsection 4, Code 1995,  
5 is amended to read as follows:

6 4. The criminal penalty surcharge required by  
7 section 911.2 and the jail, courthouse security, and  
8 detention facility surcharge required by section  
9 911A.2 shall be added to a fine imposed on a  
10 misdemeanor, and is are not a part of or subject to  
11 the maximums set in this section.

12 Sec. \_\_\_\_ NEW SECTION. 907.14 PAYMENT IN LIEU OF  
13 FINE.

14 When the court has deferred judgment the court may  
15 order the defendant to pay an amount in lieu of a fine  
16 in a case where a minimum fine would otherwise be  
17 ordered. Payments in lieu of fines shall be ordered,  
18 enforced, and administered as fines under chapter 909.

19 Sec. \_\_\_\_ Section 909.3, Code 1995, is amended by  
20 adding the following new subsection:

21 NEW SUBSECTION. 3. If the court orders a fine to  
22 be paid as provided by subsection 2, the court shall  
23 require the defendant to execute a mandatory wage  
24 assignment that would ensure payment of the fine  
25 within twelve months of the date the wage assignment  
26 becomes effective. The wage assignment shall be  
27 enforced if the defendant fails to make payment as  
28 provided in subsection 2.

29 A mandatory wage assignment executed pursuant to  
30 this section is not subject to the limitation on  
31 garnishment provided in sections 537.5105 and 642.21,  
32 and is not subject to the limitation on assignment of  
33 benefits under chapter 96 as provided in section  
34 96.15. However, a wage assignment executed under this  
35 subsection shall be enforced only after an order for  
36 income withholding pursuant to chapter 252D or a  
37 court-ordered wage assignment for purposes of support  
38 is entered and enforced. A wage assignment executed  
39 under this subsection shall be limited as specified in  
40 15 U.S.C. § 1673(b).

41 Sec. \_\_\_\_ Section 909.8, Code 1995, is amended to  
42 read as follows:

43 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO  
44 CRIMINAL PENALTY SURCHARGE SURCHARGES.

45 The provisions of this chapter governing the  
46 payment and collection of a fine, except section  
47 909.3A, also apply to the payment and collection of a  
48 criminal penalty surcharge imposed pursuant to chapter  
49 911 and the jail, courthouse security, and detention  
50 facility surcharge imposed pursuant to section 911A.2.

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1 Sec. \_\_\_\_ Section 909.10, subsection 1, Code 1995,  
2 is amended to read as follows:

3 1. As used in this section, unless the context  
4 otherwise requires, "delinquent amounts" means a fine,  
5 court-imposed court costs in a criminal proceeding, or  
6 criminal surcharge imposed pursuant to section 911.2,  
7 or jail, courthouse security, and detention facility  
8 surcharge imposed pursuant to section 911A.2, which  
9 remains unpaid after two years from the date that the  
10 fine, court costs, or surcharge was imposed, and which  
11 is not collected by the county attorney pursuant to  
12 section 602.8107. However, if the fine may be paid in  
13 installments pursuant to section 909.3, the fine is  
14 not a delinquent amount unless the installment remains  
15 unpaid after two years from the date the installment  
16 was due.

17 Sec. \_\_\_\_ NEW SECTION. 911A.1 JAIL, COURTHOUSE  
18 SECURITY, AND DETENTION FACILITY SURCHARGE  
19 ESTABLISHED.

20 A jail, courthouse security, and detention facility  
21 surcharge shall be levied against certain law  
22 violators as provided in section 911A.2. The  
23 surcharge shall be used as provided in section 911A.3.

24 Sec. \_\_\_\_ NEW SECTION. 911A.2 SURCHARGE.

25 When a court imposes a fine or forfeiture for a  
26 violation of a state law, or of a city or county  
27 ordinance except an ordinance regulating the parking  
28 of motor vehicles, the court shall assess an  
29 additional penalty in the form of a surcharge equal to  
30 ten dollars. In the event of multiple offenses, the  
31 surcharge shall be based upon the total number of  
32 offenses. When a fine or forfeiture is suspended in  
33 whole or in part, the surcharge shall not be reduced.

34 The surcharge is subject to the provisions of  
35 chapter 909 governing the payment and collection of  
36 fines, as provided in section 909.8.

37 Sec. \_\_\_\_ NEW SECTION. 911A.3 DISPOSITION OF  
38 SURCHARGE.

39 1. When a court assesses a surcharge under section  
40 911A.2, notwithstanding any other provision of the  
41 Code to the contrary, proceeds from the surcharge  
42 shall be appropriated and transferred to the treasurer  
43 of the county in which the citation was issued to be  
44 deposited in the county general fund and used only for  
45 courthouse security and the improvement, expansion,  
46 operation, or construction of a jail or juvenile  
47 detention facility. However, proceeds from the  
48 surcharge imposed in a city which operates a jail  
49 shall be appropriated and transferred to the city  
50 general fund for use only for operation of the jail.

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1 2. At any time and for the purposes specified in  
2 subsection 1, a county may transfer proceeds received  
3 and deposited pursuant to this section to a contiguous  
4 county or a county that has a relationship with the  
5 transferring county concerning the use of a jail or  
6 juvenile detention facility in the recipient county."

7 55. Title page, line 2, by inserting after the  
8 word "system," the following: "imposing civil  
9 penalties and surcharges on criminal fines and  
10 forfeitures,".

11 56. By renumbering, relettering, or redesignating  
12 and correcting internal references as necessary.

The motion lost and the House refused to concur in the Senate amendment H-5575.

### Unfinished Business Calendar

The House resumed consideration of **Senate File 2147**, a bill for an act increasing the membership of the Iowa telecommunications and technology commission, previously placed on the unfinished business calendar.

Brunkhorst of Bremer offered amendment H-5705, filed by him and Harrison as follows:

H-5705

1 Amend Senate File 2147, as passed by the Senate, as  
2 follows:  
3 1. By striking everything after the enacting  
4 clause and inserting the following:  
5 "Section 1. Section 8D.3, subsection 2, Code  
6 Supplement 1995, is amended to read as follows:  
7 2. MEMBERS. The commission is composed of three  
8 five members, of which four members are appointed by  
9 the governor and subject to confirmation by the  
10 senate. Members of the commission shall not serve in  
11 any manner or be employed by an authorized user of the  
12 network or by an entity seeking to do or doing  
13 business with the network. Two members of the  
14 commission to be appointed by the governor, however,  
15 shall be knowledgeable in the area of  
16 telecommunications technology. The governor shall  
17 appoint a member as the chairperson of the commission  
18 from the ~~three~~ four members appointed by the governor,  
19 subject to confirmation by the senate. Members of the  
20 commission shall serve six-year staggered terms as  
21 designated by the governor and appointments to the  
22 commission are subject to the requirements of sections  
23 69.16, 69.16A, and 69.19. Vacancies shall be filled  
24 by the governor for the duration of the unexpired

25 term. The salary of the four members of the  
26 commission appointed by the governor shall be twenty  
27 thousand dollars per year, except that the salary of  
28 the chairperson shall be twenty-five thousand dollars  
29 per year. Members of the commission shall also be  
30 reimbursed for all actual and necessary expenses  
31 incurred in the performance of duties as members.  
32 Meetings of the commission shall be held at the call  
33 of the chairperson of the commission. In addition to  
34 the four members appointed by the governor, the  
35 auditor of state or the auditor's designee shall serve  
36 as a ~~nonvoting, ex-officio~~ voting member of the  
37 commission.

38 The benefits and salary paid to the members of the  
39 commission shall be adjusted annually equal to the  
40 average of the annual pay adjustments, expense  
41 reimbursements, and related benefits provided under  
42 collective bargaining agreements negotiated pursuant  
43 to chapter 20.

44 Sec. 2. Section 8D.11, subsection 1, Code 1995, is  
45 amended to read as follows:

46 1. The commission may purchase, lease-purchase,  
47 lease, and improve property; and equipment; ~~and~~  
48 ~~services~~ for telecommunications for public and private  
49 agencies and may dispose of property and equipment  
50 when not necessary for its purposes. However, the

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1 commission shall not enter into a contract for the  
2 purchase, lease-purchase, lease, or improvement of  
3 property; or equipment; ~~or services~~ for  
4 telecommunications pursuant to this subsection in an  
5 amount greater than five hundred thousand one million  
6 dollars without prior authorization by a  
7 constitutional majority of each house of the general  
8 assembly, or approval by the legislative council if  
9 the general assembly is not in session. The lease-  
10 purchase agreement may contain provisions, including  
11 interest, term, and obligations to make payments on  
12 the lease-purchase agreements, beyond the budget year  
13 in which the lease-purchase agreement is entered. For  
14 the purpose of funding its obligation to furnish  
15 moneys under a lease-purchase agreement entered into  
16 pursuant to this section, the treasurer of state, with  
17 the assistance of the Iowa telecommunications and  
18 technology commission or the treasurer of state's duly  
19 authorized agent or representative, may enter into a  
20 master lease agreement to borrow moneys to be used to  
21 purchase property or equipment for telecommunications  
22 services for public or private agencies. The  
23 obligations may be in such form, for such term,  
24 bearing such interest, and containing such provisions



25 as the Iowa telecommunications and technology  
 26 commission, in consultation with the treasurer of  
 27 state, deems necessary or appropriate. The commission  
 28 shall not issue any bonding or other long-term  
 29 financing arrangements as defined in section 12.30,  
 30 subsection 1, paragraph "b".

31 **PARAGRAPH DIVIDED.** The commission also shall not  
 32 provide or resell communications services to entities  
 33 other than public and private agencies. The public or  
 34 private agency shall not provide communication  
 35 services of the network to another entity unless  
 36 otherwise authorized pursuant to this chapter. The  
 37 commission may arrange for joint use of available  
 38 services and facilities, and may enter into leases and  
 39 agreements with private and public agencies with  
 40 respect to the Iowa communications network, and public  
 41 agencies are authorized to enter into leases and  
 42 agreements with respect to the network for their use  
 43 and operation. Rentals and other amounts due under  
 44 the agreements or leases entered into pursuant to this  
 45 section by a state agency are payable from funds  
 46 annually appropriated by the general assembly or from  
 47 other funds legally available. Other public agencies  
 48 may pay the rental costs and other amounts due under  
 49 an agreement or lease from their annual budgeted funds  
 50 or other funds legally available or to become

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1 available. This section comprises a complete and  
 2 independent authorization and procedure for a public  
 3 agency, with the approval of the commission, to enter  
 4 into a lease or agreement and related security  
 5 enhancement arrangements and this section is not a  
 6 qualification of any other powers which a public  
 7 agency may possess and the authorizations and powers  
 8 granted under this section are not subject to the  
 9 terms, requirements, or limitations of any other  
 10 provisions of law. All moneys received by the  
 11 commission from agreements and leases entered into  
 12 pursuant to this section with private and public  
 13 agencies shall be deposited in the Iowa communications  
 14 network fund.

15 Sec. 3. Section 8D.13, Code Supplement 1995, is  
 16 amended by adding the following new subsections:  
 17 **NEW SUBSECTION. 12A.** Access to the network shall  
 18 not be permitted by an originating site or any  
 19 receiving site associated with an interactive video  
 20 application of the network unless at least one of the  
 21 entities participating in the interactive video  
 22 application is an authorized user of the network. For  
 23 purposes of this subsection, a public or private  
 24 agency authorized to access the network is not deemed

25 to be an authorized user for purposes of the  
26 interactive video application or use if the public or  
27 private agency only provides its facility for use as  
28 the originating site or as a receiving site.

29 NEW SUBSECTION. 17A. Access to the network shall  
30 be offered to the department of public safety and the  
31 department of public defense for the purpose of  
32 establishing and operating a network to be used  
33 exclusively for shared data providing law enforcement,  
34 emergency management, disaster service, emergency  
35 warning, and other emergency information dissemination  
36 services to federal, state, and local law enforcement  
37 agencies as provided in section 80.9, and local  
38 emergency management offices established under the  
39 authority of sections 29C.9 and 29C.10.

40 Sec. 4. Section 68B.35, subsection 2, paragraph e,  
41 Code 1995, is amended to read as follows:

42 e. Members of the banking board, the ethics and  
43 campaign disclosure board, the credit union review  
44 board, the economic development board, the employment  
45 appeal board, the environmental protection commission,  
46 the health facilities council, the Iowa business  
47 investment corporation board of directors, the Iowa  
48 finance authority, the Iowa seed capital corporation,  
49 the Iowa public employees' retirement system  
50 investment board, the lottery board, the natural

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1 resource commission, the board of parole, the  
2 petroleum underground storage tank fund board, the  
3 public employment relations board, the state racing  
4 and gaming commission, the state board of regents, the  
5 tax review board, the transportation commission, the  
6 office of consumer advocate, the utilities board, the  
7 Iowa telecommunications and technology commission, and  
8 any full-time members of other boards and commissions  
9 as defined under section 7E.4 who receive an annual  
10 salary for their service on the board or commission.

11 Sec. 5. INTERIM STUDY. The legislative council is  
12 requested to establish an interim study for the  
13 purpose of determining the appropriate uses of the  
14 Iowa communications network. The committee appointed  
15 to complete this study shall consult with the  
16 commission and other appropriate individuals in  
17 conducting this study.

18 Sec. 6. APPOINTMENT OF NEW MEMBER — EFFECT ON  
19 EXISTING MEMBERSHIP.

20 1. Notwithstanding section 8D.3, subsection 2, as  
21 amended by this Act, which provides for the  
22 appointment to the Iowa telecommunications and  
23 technology commission of two members who are  
24 knowledgeable in the area of telecommunications

25 technology, members serving on the commission on the  
 26 effective date of this Act shall be permitted to serve  
 27 their full term. Upon expiration of the first term of  
 28 a commission member following the effective date of  
 29 this Act, a person shall be appointed to the  
 30 commission who is knowledgeable in the area of  
 31 telecommunications technology.

32 2. One new member to be appointed who is  
 33 knowledgeable in the area of telecommunications  
 34 technology shall be appointed for an initial term of  
 35 three years."

36 2. Title page, line 2, by inserting after the  
 37 word "commission" the following: ", and providing for  
 38 matters related to the authority and duties of the  
 39 commission".

Brunkhorst of Bremer offered the following amendment H-5737, to amendment H-5705, filed by him from the floor and moved its adoption:

H-5737

1 Amend the amendment, H-5705, to Senate File 2147,  
 2 as passed by the Senate, as follows:

3 1. Page 1, line 8, by striking the words "five  
 4 members, of which four" and inserting the following:  
 5 "six members, of which five".

6 2. Page 1, line 13, by striking the words "Two  
 7 members" and inserting the following: "One member".

8 3. Page 1, line 18, by striking the word "four"  
 9 and inserting the following: "five".

10 4. Page 1, line 25, by striking the word "four"  
 11 and inserting the following: "five".

12 5. Page 1, line 34, by striking the word "four"  
 13 and inserting the following: "five".

14 6. Page 1, line 36, by striking the words  
 15 "~~nonvoting, ex-officio~~ voting" and inserting the  
 16 following: "~~nonvoting, ex-officio~~".

17 7. Page 4, by striking lines 18 through 35 and  
 18 inserting the following:

19 "Sec. \_\_\_\_ APPOINTMENT OF NEW MEMBERS.

20 1. One new member to be appointed pursuant to  
 21 section 8D.3, subsection 2, as amended by this Act  
 22 shall be appointed for an initial term of four years.

23 2. One new member to be appointed pursuant to  
 24 section 8D.3, subsection 2, as amended by this Act  
 25 shall be appointed for an initial term of two years."

Amendment H-5737 was adopted.

Kreiman of Davis offered the following amendment H-5723, to amendment H-5705, filed by him and moved its adoption:

H-5723

- 1 Amend the amendment, H-5705, to Senate File 2147,  
2 as passed by the Senate, as follows:  
3 1. Page 3, by inserting after line 39 the  
4 following:  
5 "Sec. \_\_\_\_ NEW SECTION. 8D.20 CRIMINAL PENALTY  
6 — THEFT OF SERVICES.  
7 1. a. It is unlawful for any person to do either  
8 of the following:  
9 (1) Knowingly and without authorization access the  
10 network.  
11 (2) Knowingly provide false or misleading  
12 information to network administrators for the purpose  
13 of obtaining authorized access to the network.  
14 b. A person violating this provision commits theft  
15 and is guilty of a serious misdemeanor.  
16 2. A complaint regarding a violation of this  
17 section shall be filed with the county attorney in the  
18 county where the person is located at the time of  
19 accessing the network which is in violation of this  
20 section."  
21 2. Page 4, line 39, by inserting after the word  
22 "commission" the following: ", and providing a  
23 penalty".  
24 3. By renumbering as necessary.

Amendment H-5723 was adopted.

Kreiman of Davis offered the following amendment H-5739, to amendment H-5705, filed by him from the floor and moved its adoption:

H-5739

- 1 Amend the amendment, H-5705, to Senate File 2147,  
2 as passed by the Senate, as follows:  
3 1. Page 3, by inserting after line 39 the  
4 following:  
5 "Sec. \_\_\_\_ NEW SECTION. 8D.20 CIVIL PENALTIES  
6 ESTABLISHED BY COMMISSION FOR UNAUTHORIZED USE.  
7 1. The commission shall establish, by rule, a  
8 schedule or range of civil penalties which may be  
9 administratively assessed for the unauthorized use of  
10 the network. The schedule shall provide procedures  
11 and criteria for the administrative assessment of  
12 penalties of not more than ten thousand dollars for a  
13 violation of chapter 8D or rules adopted under chapter  
14 8D related to the unauthorized use of the network.  
15 The penalties shall be applicable to both authorized  
16 and unauthorized users. In adopting a schedule or  
17 range of penalties and in proposing or assessing a  
18 penalty, the commission shall consider among other  
19 relevant factors the gravity of the violation and the  
20 degree of culpability of the violator.  
21 Penalties may be administratively assessed only

22 after an opportunity for a contested case hearing  
 23 which may be combined with a hearing on the merits of  
 24 the alleged violation. Violations not fitting within  
 25 the schedule, or violations which the commission  
 26 determines should be referred to the attorney general  
 27 for legal action shall not be governed by the schedule  
 28 established under this subsection.

29 2. A penalty shall be paid within thirty days of  
 30 the date the order assessing the penalty becomes  
 31 final. When a person against whom a civil penalty is  
 32 assessed under this section seeks timely judicial  
 33 review of an order imposing the penalty as provided  
 34 under chapter 17A, the order is not final for the  
 35 purposes of this section until all judicial review  
 36 processes are completed. Additional judicial review  
 37 shall not be sought after the order becomes final. A  
 38 person who fails to timely pay a civil penalty  
 39 assessed by a final order of the commission shall pay,  
 40 in addition, interest at the rate of one and one-half  
 41 percent of the unpaid balance of the assessed penalty  
 42 for each month or part of a month that the penalty  
 43 remains unpaid. The attorney general shall institute,  
 44 at the request of the commission, summary proceedings  
 45 to recover the penalty and any accrued interest.

46 3. All civil penalties assessed by the commission  
 47 and interest on the penalties shall be deposited in  
 48 the general fund of the state.

49 4. This section does not require the commission to  
 50 pursue an administrative remedy before seeking a

## Page 2

1 remedy in the courts of this state.

2 5. The civil penalties established in this section  
 3 are in addition to any criminal penalty which may  
 4 apply."

5 2. Page 4, line 37, by striking the word "and".

6 3. Page 4, line 39, by inserting after the word  
 7 "commission" the following: ", and providing for  
 8 civil penalties".

9 4. By renumbering as necessary.

## Amendment H-5739 adopted.

Myers of Johnson offered the following amendment H-5743, to  
 amendment H-5705, filed by him from the floor and moved its adoption:

## H-5743

1 Amend the amendment, H-5705, to Senate File 2147,  
 2 as passed by the Senate, as follows:

3 1. Page 3, line 28, by inserting after the word  
 4 "site." the following: "Program content for video  
 5 traffic is the responsibility of the requesting  
 6 authorized user. For purposes of this subsection,

7 "requesting authorized user" means the authorized user  
 8 initiating the network scheduling request regardless  
 9 of the specific site from which the event originates.  
 10 Scheduling on the network is limited to authorized  
 11 users only. Scheduling by a requesting authorized  
 12 user constitutes certification by such user that the  
 13 traffic is part of the mission of that authorized  
 14 user. The commission and its advisory committees, as  
 15 defined in this chapter, shall establish policy  
 16 statements for each authorized user group which define  
 17 authorized uses of the network that are consistent  
 18 with the mission of the authorized user group."

Amendment H-5743 was adopted.

### MOTION TO RECONSIDER PREVAILS

Harrison of Scott called up for immediate consideration the motion to reconsider amendment H-5723, filed from the floor, and moved to reconsider the vote by which amendment H-5723, to amendment H-5705, to Senate File 2147, a bill for an act increasing the membership of the Iowa telecommunications and technology commission, was adopted by the House on April 1, 1996.

The motion prevailed and the House reconsidered amendment H-5723, to amendment H-5705, to Senate File 2147.

Kreiman of Davis asked and received unanimous consent to withdraw amendment H-5723, to amendment H-5705, previously adopted, filed by him on March 28, 1996.

On motion by Brunkhorst of Bremer, amendment H-5705, as amended, was adopted.

Brunkhorst of Bremer 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. 2147)

The ayes were, 75:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Cataldo
Churchill	Coon	Cormack	Daggett
Dinkla	Disney	Drake	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larson
Lord	Main	Martin	Mascher
May	Mertz	Metcalf	Meyer

Millage	Mundie	Myers	Nelson, B.
Nutt	O'Brien	Osterhaus	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Welter	Witt	Van Maanen, Presiding	

The nays were, 22:

Bernau	Brammer	Brand	Burnett
Cohoon	Connors	Drees	Fallon
Holveck	Jochum	Larkin	McCoy
Moreland	Murphy	Nelson, L.	Ollie
Schrader	Shoultz	Taylor	Thomson
Weigel	Wise		

Absent or not voting, 3:

Corbett, Spkr.	Doderer	Eddie
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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.

The House resumed consideration of **Senate File 2367**, a bill for an act providing for the payment of outdated invoices by the agency to which the goods or services were provided, and by the department of revenue and finance, and providing an effective date, previously placed on the unfinished business calendar.

Bradley 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. 2367)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin

Mascher	May	McCoy	Mertz
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Eddie Metcalf

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

IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2147 and 2367.**

SENATE AMENDMENT CONSIDERED

Hanson of Black Hawk called up for consideration **House File 2416**, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, amended by the Senate amendment H-5589 as follows:

H-5589

1 Amend House File 2416, 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. AUDITOR OF STATE. There is  
6 appropriated from the general fund of the state to the  
7 office of the auditor of state for the fiscal year  
8 beginning July 1, 1996, and ending June 30, 1997, the  
9 following amount, or so much thereof as is necessary,  
10 to be used for the purposes designated:

11 For salaries, support, maintenance, miscellaneous  
12 purposes, and for not more than the following full-  
13 time equivalent positions:

14 .....	\$ 1,344,845
15 .....	FTEs 112.50



16 The auditor of state may retain additional full-  
 17 time equivalent positions as is reasonable and  
 18 necessary to perform governmental subdivision audits  
 19 which are reimbursable pursuant to section 11.20 or  
 20 11.21, to perform audits which are requested by and  
 21 reimbursable from the federal government, and to  
 22 perform work requested by and reimbursable from  
 23 departments or agencies pursuant to section 11.5A or  
 24 11.5B. The auditor of state shall notify the  
 25 department of management, the legislative fiscal  
 26 committee, and the legislative fiscal bureau of the  
 27 additional full-time equivalent positions retained.

28 Sec. 2. IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD.

29 There is appropriated from the general fund of the  
 30 state to the Iowa ethics and campaign disclosure board  
 31 for the fiscal year beginning July 1, 1996, and ending  
 32 June 30, 1997, the following amount, or so much  
 33 thereof as is necessary, for the purposes designated:

34 For salaries, support, maintenance, miscellaneous  
 35 purposes, and for not more than the following full-  
 36 time equivalent positions:  
 37 ..... \$ 460,554  
 38 ..... FTEs 8.00

39 Sec. 3. DEPARTMENT OF COMMERCE. There is  
 40 appropriated from the general fund of the state to the  
 41 department of commerce for the fiscal year beginning  
 42 July 1, 1996, and ending June 30, 1997, the following  
 43 amounts, or so much thereof as is necessary, for the  
 44 purposes designated:

45 1. ADMINISTRATIVE SERVICES DIVISION  
 46 For salaries, support, maintenance, miscellaneous  
 47 purposes, and for not more than the following full-  
 48 time equivalent positions:  
 49 ..... \$ 235,556  
 50 ..... FTEs 2.00

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1 It is the intent of the general assembly that the  
 2 two positions authorized in this subsection for the  
 3 division shall coordinate the administrative services  
 4 to be provided to the divisions in the department.  
 5 These two positions are under the direct supervision  
 6 of, and shall report to, the director of the  
 7 department.

8 The division of administrative services shall  
 9 assess each division within the department of commerce  
 10 and the office of consumer advocate within the  
 11 department of justice a pro rata share of the  
 12 operating expenses of the division of administrative  
 13 services. The pro rata share shall be determined  
 14 pursuant to a cost allocation plan established by the  
 15 division of administrative services and agreed to by

16 the administrators of the divisions and the consumer  
 17 advocate. To the extent practicable, the cost  
 18 allocation plan shall be based on the proportion of  
 19 the administrative expenses incurred on behalf of each  
 20 division and the office of consumer advocate. Each  
 21 division and the office of consumer advocate shall  
 22 include in its charges assessed or revenues generated,  
 23 an amount sufficient to cover the amount stated in its  
 24 appropriation, any state assessed indirect costs  
 25 determined by the department of revenue and finance,  
 26 and the cost of services provided by the division of  
 27 administrative services.

28 2. ALCOHOLIC BEVERAGES DIVISION

29 For salaries, support, maintenance, miscellaneous  
 30 purposes, and for not more than the following full-  
 31 time equivalent positions:

32 ..... \$ 1,824,481  
 33 ..... FTEs 33.50

34 3. BANKING DIVISION

35 For salaries, support, maintenance, miscellaneous  
 36 purposes, and for not more than the following full-  
 37 time equivalent positions:

38 ..... \$ 5,506,749  
 39 ..... FTEs 84.00

40 4. CREDIT UNION DIVISION

41 For salaries, support, maintenance, miscellaneous  
 42 purposes, and for not more than the following full-  
 43 time equivalent positions:

44 ..... \$ 1,076,131  
 45 ..... FTEs 20.00

46 5. INSURANCE DIVISION

47 For salaries, support, maintenance, miscellaneous  
 48 purposes, and for not more than the following full-  
 49 time equivalent positions:

50 ..... \$ 2,963,049

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1 ..... FTEs 91.50

2 Of the amounts appropriated in this section to the  
 3 insurance division, not more than \$100,000 shall be  
 4 used for the regulation of health insurance purchasing  
 5 cooperatives.

6 The insurance division shall monitor public  
 7 utilization of the coverages identified in chapter  
 8 514C under managed care plans in this state.

9 The insurance division may reallocate authorized  
 10 full-time equivalent positions as necessary to respond  
 11 to accreditation recommendations or requirements. The  
 12 insurance division expenditures for examination  
 13 purposes may exceed the projected receipts, refunds  
 14 and reimbursements, estimated pursuant to section  
 15 505.7, subsection 7, including the expenditures for  
 16 retention of additional personnel, if the expenditures

17 are fully reimburseable and the division first does  
18 both of the following:

19 a. Notifies the department of management,  
20 legislative fiscal bureau, and the legislative fiscal  
21 committee of the need for the expenditures.

22 b. Files with each of the entities named in  
23 paragraph "a" the legislative and regulatory  
24 justification for the expenditures, along with an  
25 estimate of the expenditures.

26 6. PROFESSIONAL LICENSING AND REGULATION DIVISION

27 For salaries, support, maintenance, miscellaneous  
28 purposes, and for not more than the following full-  
29 time equivalent positions:

30 ..... \$ 923,357  
31 ..... FTEs 14.00

32 7. UTILITIES DIVISION

33 For salaries, support, maintenance, miscellaneous  
34 purposes, and for not more than the following full-  
35 time equivalent positions:

36 ..... \$ 5,227,076  
37 ..... FTEs 79.00

38 The utilities division may expend additional funds,  
39 including funds for additional personnel, if those  
40 additional expenditures are actual expenses which  
41 exceed the funds budgeted for utility regulation.  
42 Before the division expends or encumbers an amount in  
43 excess of the funds budgeted for regulation, the  
44 director of the department of management shall approve  
45 the expenditure or encumbrance. Before approval is  
46 given, the director of the department of management  
47 shall determine that the regulation expenses exceed  
48 the funds budgeted by the general assembly to the  
49 division and that the division does not have other  
50 funds from which regulation expenses can be paid.

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1 Upon approval of the director of the department of  
2 management the division may expend and encumber funds  
3 for excess regulation expenses. The amounts necessary  
4 to fund the excess regulation expenses shall be  
5 collected from those utility companies being regulated  
6 which caused the excess expenditures, and the  
7 collections shall be treated as repayment receipts as  
8 defined in section 8.2.

9 Sec. 4. LEGISLATIVE AGENCIES. There is  
10 appropriated from the general fund of the state to the  
11 following named agencies for the fiscal year beginning  
12 July 1, 1996, and ending June 30, 1997, the following  
13 amounts, or so much thereof as is necessary, to be  
14 used for the purposes designated:

15 1. COMMISSION ON UNIFORM STATE LAWS

16 For support of the commission and expenses of the

17 members:  
 18 ..... \$ 22,741  
 19 2. NATIONAL CONFERENCE OF STATE LEGISLATURES  
 20 For support of the membership assessment:  
 21 ..... \$ 91,427  
 22 Sec. 5. DEPARTMENT OF GENERAL SERVICES. There is  
 23 appropriated from the general fund of the state to the  
 24 department of general services for the fiscal year  
 25 beginning July 1, 1996, and ending June 30, 1997, the  
 26 following amounts, or so much thereof as is necessary,  
 27 to be used for the purposes designated:  
 28 1. ADMINISTRATION  
 29 For salaries, support, maintenance, miscellaneous  
 30 purposes, and for not more than the following full-  
 31 time equivalent positions:  
 32 ..... \$ 1,188,790  
 33 ..... FTEs 31.35  
 34 2. INFORMATION SERVICES  
 35 For salaries, support, maintenance, miscellaneous  
 36 purposes, and for not more than the following full-  
 37 time equivalent positions:  
 38 ..... \$ 5,623,195  
 39 ..... FTEs 141.60  
 40 3. PROPERTY MANAGEMENT  
 41 For salaries, support, maintenance, miscellaneous  
 42 purposes, and for not more than the following full-  
 43 time equivalent positions:  
 44 ..... \$ 3,994,000  
 45 ..... FTEs 114.00  
 46 In addition to the requirements in section 8.39,  
 47 the department of general services shall not change  
 48 the appropriations for the purposes designated in  
 49 subsections 1 through 3 from the amounts appropriated  
 50 under those subsections unless notice of the revisions

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1 is given prior to their effective date to the  
 2 legislative fiscal bureau. The notice shall include  
 3 information on the department's rationale for making  
 4 the changes.  
 5 Savings achieved in providing telephone services  
 6 shall be used by the department of general services to  
 7 increase efficiencies in the provision of those  
 8 services. The department of general services shall  
 9 report not later than August 31, 1997, on the projects  
 10 undertaken to the chairpersons and the ranking members  
 11 of the joint appropriations subcommittee on  
 12 administration and regulation and to the legislative  
 13 fiscal bureau. The report shall include a listing of  
 14 the projects and efficiencies undertaken during the  
 15 fiscal year, the cost of each project, and the  
 16 benefits, including the projected savings on an annual

17 basis and for the life of the efficiency improvement.  
 18 There is appropriated from the rebuild Iowa  
 19 infrastructure fund to the property management  
 20 division of the department of general services for the  
 21 fiscal year beginning July 1, 1996, and ending June  
 22 30, 1997, the sum of \$50,000, or so much thereof as is  
 23 necessary, to be used for purposes as provided in this  
 24 subsection.

25 4. CAPITOL PLANNING COMMISSION

26 For expenses of the members in carrying out their  
 27 duties under chapter 18A:

28 ..... \$ 2,000

29 5. RENTAL SPACE

30 For payment of lease or rental costs of buildings  
 31 and office space at the seat of government as provided  
 32 in section 18.12, subsection 9, notwithstanding  
 33 section 18.16:

34 ..... \$ 656,104

35 6. UTILITY COSTS

36 For payment of utility costs and for not more than  
 37 the following full-time equivalent positions:

38 ..... \$ 2,000,444

39 ..... FTEs 1.00

40 The department of general services may use funds  
 41 appropriated in this subsection for utility costs to  
 42 fund energy conservation projects in the state capitol  
 43 complex which will have a 100 percent payback within a  
 44 24-month period. In addition, notwithstanding  
 45 sections 8.33 and 18.12, subsection 11, any excess  
 46 funds appropriated for utility costs in this  
 47 subsection shall not revert to the general fund of the  
 48 state on June 30, 1997, and these funds shall be used  
 49 for implementation of energy conservation projects  
 50 having a payback of 100 percent within a two-year to

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1 six-year period. The department of general services  
 2 shall report not later than August 31, 1997, on the  
 3 projects having 100 percent payback within a six-year  
 4 period to the chairpersons and ranking members of the  
 5 joint appropriations subcommittee on administration  
 6 and regulation and to the legislative fiscal bureau.  
 7 The report shall include a listing of the projects  
 8 undertaken, the cost of each project, and the  
 9 projected savings on an annual basis and for the life  
 10 of the project.

11 7. TERRACE HILL OPERATIONS

12 For salaries, support, maintenance, and  
 13 miscellaneous purposes necessary for the operation of  
 14 Terrace Hill and for not more than the following full-  
 15 time equivalent positions:

16 ..... \$ 188,701

17 ..... FTEs 4.00

18 Sec. 6. REVOLVING FUNDS. There is appropriated  
 19 from the designated revolving funds to the department  
 20 of general services for the fiscal year beginning July  
 21 1, 1996, and ending June 30, 1997, the following  
 22 amounts, or so much thereof as is necessary, to be  
 23 used for the purposes designated:

24 1. CENTRALIZED PRINTING

25 From the centralized printing permanent revolving  
 26 fund established by section 18.57 for salaries,  
 27 support, maintenance, miscellaneous purposes, and for  
 28 not more than the following full-time equivalent  
 29 positions:

30 ..... \$ 932,915

31 ..... FTEs 26.05

32 2. CENTRALIZED PRINTING — REMAINDER

33 The remainder of the centralized printing permanent  
 34 revolving fund is appropriated for the expense  
 35 incurred in supplying paper stock, offset printing,  
 36 copy preparation, binding, distribution costs,  
 37 original payment of printing and binding claims and  
 38 contingencies arising during the fiscal year beginning  
 39 July 1, 1996, and ending June 30, 1997, which are  
 40 legally payable from this fund.

41 3. CENTRALIZED PURCHASING

42 From the centralized purchasing permanent revolving  
 43 fund established by section 18.9 for salaries,  
 44 support, maintenance, miscellaneous purposes, and for  
 45 not more than the following full-time equivalent  
 46 positions:

47 ..... \$ 816,123

48 ..... FTEs 17.05

49 4. CENTRALIZED PURCHASING — REMAINDER

50 The remainder of the centralized purchasing

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1 permanent revolving fund is appropriated for the  
 2 payment of expenses incurred through purchases by  
 3 various state departments and for contingencies  
 4 arising during the fiscal year beginning July 1, 1996,  
 5 and ending June 30, 1997, which are legally payable  
 6 from this fund.

7 5. VEHICLE DISPATCHER

8 From the vehicle dispatcher revolving fund  
 9 established by section 18.119 for salaries, support,  
 10 maintenance, miscellaneous purposes, and for not more  
 11 than the following full-time equivalent positions:

12 ..... \$ 627,701

13 ..... FTEs 15.00

14 6. VEHICLE DISPATCHER — REMAINDER

15 The remainder of the vehicle dispatcher revolving  
 16 fund is appropriated for the purchase of gasoline,  
 17 gasohol, oil, tires, repairs, and all other

18 maintenance expenses incurred in the operation of  
 19 state-owned motor vehicles and for contingencies  
 20 arising during the fiscal year beginning July 1, 1996,  
 21 and ending June 30, 1997, which are legally payable  
 22 from this fund.

23 The vehicle dispatcher shall report, not later than  
 24 February 15, 1997, to the chairpersons and the ranking  
 25 members of the joint appropriations subcommittee on  
 26 administration and regulation and to the legislative  
 27 fiscal bureau regarding the efficiencies of the  
 28 vehicle fleet and the changes in the efficiencies.  
 29 The report shall include the cost per mile, fuel  
 30 efficiencies, maintenance costs, useful life, the  
 31 costs of extending the useful life, and other measures  
 32 which the vehicle dispatcher or the legislative fiscal  
 33 bureau finds appropriate. The information shall be  
 34 reported for each general type of vehicle. The  
 35 overhead costs shall also be reported with the total  
 36 costs of the vehicle dispatcher operations.

37 The department of general services shall report to  
 38 the chairpersons and ranking members of the joint  
 39 appropriations subcommittee on administration and  
 40 regulation and the legislative fiscal bureau not later  
 41 than February 15, 1997, a comparison of the  
 42 performance of vehicles burning an 85 percent ethanol  
 43 mixture and those burning a 10 percent ethanol  
 44 mixture. The report shall include, but is not limited  
 45 to, average mileage, vehicle life, and problems  
 46 encountered.

47 Sec. 7. GOVERNOR AND LIEUTENANT GOVERNOR. There  
 48 is appropriated from the general fund of the state to  
 49 the offices of the governor and the lieutenant  
 50 governor for the fiscal year beginning July 1, 1996,

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1 and ending June 30, 1997, the following amounts, or so  
 2 much thereof as is necessary, to be used for the  
 3 purposes designated:

4 1. GENERAL OFFICE

5 For salaries, support, maintenance, and  
 6 miscellaneous purposes for the general office of the  
 7 governor and the general office of the lieutenant  
 8 governor, and for not more than the following full-  
 9 time equivalent positions:

10 ..... \$ 1,125,681  
 11 ..... FTEs 17.25

12 2. TERRACE HILL QUARTERS

13 For salaries, support, maintenance, and  
 14 miscellaneous purposes for the governor's quarters at  
 15 Terrace Hill, and for not more than the following  
 16 full-time equivalent positions:

17 ..... \$ 67,254  
 18 ..... FTEs 2.00

19 3. ADMINISTRATIVE RULES COORDINATOR  
 20 For salaries, support, maintenance, and  
 21 miscellaneous purposes for the office of  
 22 administrative rules coordinator, and for not more  
 23 than the following full-time equivalent positions:  
 24 ..... \$ 111,781  
 25 ..... FTEs 3.00

26 4. NATIONAL GOVERNORS' ASSOCIATION  
 27 For payment of Iowa's membership in the national  
 28 governors' association:  
 29 ..... \$ 62,435

30 Sec. 8. DEPARTMENT OF INSPECTIONS AND APPEALS.

31 There is appropriated from the general fund of the  
 32 state to the department of inspections and appeals for  
 33 the fiscal year beginning July 1, 1996, and ending  
 34 June 30, 1997, the following amounts, or so much  
 35 thereof as is necessary, for the purposes designated:

36 1. FINANCE AND SERVICES DIVISION  
 37 For salaries, support, maintenance, miscellaneous  
 38 purposes, and for not more than the following full-  
 39 time equivalent positions:  
 40 ..... \$ 495,682  
 41 ..... FTEs 21.00

42 2. AUDITS DIVISION  
 43 For salaries, support, maintenance, miscellaneous  
 44 purposes, and for not more than the following full-  
 45 time equivalent positions:  
 46 ..... \$ 372,432  
 47 ..... FTEs 11.00

48 3. APPEALS AND FAIR HEARINGS DIVISION  
 49 For salaries, support, maintenance, miscellaneous  
 50 purposes, and for not more than the following full-

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1 time equivalent positions:  
 2 ..... \$ 170,823  
 3 ..... FTEs 24.50

4 4. INVESTIGATIONS DIVISION  
 5 For salaries, support, maintenance, miscellaneous  
 6 purposes, and for not more than the following full-  
 7 time equivalent positions:  
 8 ..... \$ 756,040  
 9 ..... FTEs 35.00

10 5. HEALTH FACILITIES DIVISION  
 11 For salaries, support, maintenance, miscellaneous  
 12 purposes, and for not more than the following full-  
 13 time equivalent positions:  
 14 ..... \$ 1,797,191  
 15 ..... FTEs 103.00

16 It is the intent of the general assembly that  
 17 \$120,000 and 2 FTEs included in this subsection shall  
 18 be used for additional inspections of state-licensed  
 19 residential care facilities only.



20 6. INSPECTIONS DIVISION

21 For salaries, support, maintenance, miscellaneous  
22 purposes, and for not more than the following full-  
23 time equivalent positions:

24 ..... \$ 600,210  
25 ..... FTEs 13.00

26 7. EMPLOYMENT APPEAL BOARD

27 For salaries, support, maintenance, miscellaneous  
28 purposes, and for not more than the following full-  
29 time equivalent positions:

30 ..... \$ 33,181  
31 ..... FTEs 14.00

32 The employment appeal board shall be reimbursed by  
33 the labor services division of the department of  
34 employment services for all costs associated with  
35 hearings conducted under chapter 91C, related to  
36 contractor registration. The board may expend, in  
37 addition to the amount appropriated under this  
38 subsection, additional amounts as are directly  
39 billable to the labor services division under this  
40 subsection and to retain the additional full-time  
41 equivalent positions as needed to conduct hearings  
42 required pursuant to chapter 91C.

43 8. STATE FOSTER CARE REVIEW BOARD

44 For salaries, support, maintenance, miscellaneous  
45 purposes, and for not more than the following full-  
46 time equivalent positions:

47 ..... \$ 547,579  
48 ..... FTEs 13.00

49 The department of human services, in coordination  
50 with the state foster care review board and the

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1 department of inspections and appeals, shall submit an  
2 application for funding available pursuant to Title  
3 IV-E of the federal Social Security Act for claims for  
4 state foster care review board administrative review  
5 costs.

6 The department of inspections and appeals shall  
7 provide an accounting of all costs associated with  
8 negotiating agreements and compacts pursuant to  
9 section 10A.104, subsection 10, and all costs  
10 associated with monitoring such agreements and  
11 compacts. Information in the accounting shall include  
12 the dates and destinations of all travel related to  
13 the negotiations and monitoring, and all costs  
14 associated with the personnel involved, including  
15 salary, travel, and support costs.

16 The department of inspections and appeals may  
17 charge state departments, agencies, and commissions  
18 for services rendered and the payment received shall  
19 be considered repayment receipts as defined in section

20 8.2.

21 Notwithstanding section 8.33, any funds remaining  
 22 from the funds appropriated to the state foster care  
 23 review board for the fiscal year beginning July 1,  
 24 1995, pursuant to 1995 Iowa Acts, chapter 219, shall  
 25 not revert until August 31, 1998. Any such funds  
 26 remaining shall be used by the state foster care  
 27 review board for program operations during the fiscal  
 28 years beginning July 1, 1996, and ending June 30,  
 29 1998.

30 Sec. 9. RACETRACK REGULATION. There is  
 31 appropriated from the general fund of the state to the  
 32 racing and gaming commission of the department of  
 33 inspections and appeals for the fiscal year beginning  
 34 July 1, 1996, and ending June 30, 1997, the following  
 35 amount, or so much thereof as is necessary, to be used  
 36 for the purposes designated:

37 For salaries, support, maintenance, miscellaneous  
 38 purposes, for the regulation of pari-mutuel  
 39 racetracks, and for not more than the following full-  
 40 time equivalent positions:  
 41 ..... \$ 1,789,375  
 42 ..... FTEs 24.07

43 It is the intent of the general assembly that the  
 44 state racing and gaming commission may expend funds  
 45 during the fiscal year beginning July 1, 1996, and  
 46 ending June 30, 1997, as approved by the department of  
 47 management, for regulation of live and simultaneously  
 48 telecast pari-mutuel racing at the Waterloo greyhound  
 49 park if the national cattle congress is issued a  
 50 license from the state racing and gaming commission

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1 for the conduct of pari-mutuel racing.  
 2 Sec. 10. EXCURSION BOAT REGULATION. There is  
 3 appropriated from the general fund of the state to the  
 4 racing and gaming commission of the department of  
 5 inspections and appeals for the fiscal year beginning  
 6 July 1, 1996, and ending June 30, 1997, the following  
 7 amount, or so much thereof as is necessary, to be used  
 8 for the purposes designated:

9 For salaries, support, maintenance, and  
 10 miscellaneous purposes for administration and  
 11 enforcement of the excursion boat gambling laws, and  
 12 for not more than the following full-time equivalent  
 13 positions:  
 14 ..... \$ 1,128,828  
 15 ..... FTEs 23.79

16 It is the intent of the general assembly that the  
 17 racing and gaming commission shall only employ  
 18 additional full-time equivalent positions for  
 19 riverboat gambling enforcement as authorized by the  
 20 department of management as needed for enforcement on

21 new riverboats. If more than nine riverboats are  
 22 operating during the fiscal year beginning July 1,  
 23 1996, and ending June 30, 1997, the commission may  
 24 expend no more than \$84,917 for no more than 2 FTEs  
 25 for each additional riverboat in excess of nine. The  
 26 additional expense associated with the positions shall  
 27 be paid from fees assessed by the commission as  
 28 provided in chapter 99F.

29 Notwithstanding section 8.39, funds shall not be  
 30 transferred to the department of inspections and  
 31 appeals which would be used for monitoring Indian  
 32 gaming.

33 Sec. 11. USE TAX APPROPRIATION. There is  
 34 appropriated from the use tax receipts collected  
 35 pursuant to section 423.7 prior to their deposit in  
 36 the road use tax fund pursuant to section 423.24,  
 37 subsection 1, to the appeals and fair hearings  
 38 division of the department of inspections and appeals  
 39 for the fiscal year beginning July 1, 1996, and ending  
 40 June 30, 1997, the following amount, or so much  
 41 thereof as is necessary, for the purposes designated:

42 For salaries, support, maintenance, and  
 43 miscellaneous purposes:  
 44 ..... \$ 1,012,835

45 Sec. 12. DEPARTMENT OF MANAGEMENT. There is  
 46 appropriated from the general fund of the state to the  
 47 department of management for the fiscal year beginning  
 48 July 1, 1996, and ending June 30, 1997, the following  
 49 amounts, or so much thereof as is necessary, to be  
 50 used for the purposes designated:

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1 1. GENERAL OFFICE

2 For salaries, support, maintenance, miscellaneous  
 3 purposes, and for not more than the following full-  
 4 time equivalent positions:  
 5 ..... \$ 2,033,779  
 6 ..... FTEs 30.00

7 2. LAW ENFORCEMENT TRAINING REIMBURSEMENTS

8 For reimbursement to local law enforcement agencies  
 9 for the training of officers who resign pursuant to  
 10 section 384.15, subsection 7:  
 11 ..... \$ 72,500

12 3. COUNCIL OF STATE GOVERNMENTS

13 For support of the membership assessment:  
 14 ..... \$ 75,500

15 Sec. 13. ROAD USE TAX APPROPRIATION. There is  
 16 appropriated from the road use tax fund to the  
 17 department of management for the fiscal year beginning  
 18 July 1, 1996, and ending June 30, 1997, the following  
 19 amount, or so much thereof as is necessary, to be used

20 for the purposes designated:

21 For salaries, support, maintenance, and

22 miscellaneous purposes:

23 ..... \$ 56,000

24 The department of management shall report to the  
25 chairpersons and ranking members of the senate and  
26 house committees on appropriations, the chairpersons  
27 and ranking members of the joint appropriations  
28 subcommittee on administration and regulation, and the  
29 legislative fiscal bureau, the number of furloughs and  
30 the number of layoffs that occur in each state agency,  
31 the savings associated with those furloughs and  
32 layoffs, the effect of the furloughs and layoffs on  
33 services provided by the state agency, and other  
34 relevant information. The department shall provide a  
35 year-end report summarizing the information for the  
36 fiscal year beginning July 1, 1996, which will be due  
37 by September 1, 1997.

38 When addressing staffing targets for state  
39 agencies, the department of management shall state the  
40 number of staff authorized for a state agency in terms  
41 of full-time equivalent positions.

42 Sec. 14. DEPARTMENT OF PERSONNEL. There is  
43 appropriated from the general fund of the state to the  
44 department of personnel for the fiscal year beginning  
45 July 1, 1996, and ending June 30, 1997, the following  
46 amounts, or so much thereof as is necessary, to be  
47 used for the purposes designated including the filing  
48 of quarterly reports as required in this section:

49 1. OPERATIONS

50 For salaries, support, maintenance, and

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1 miscellaneous purposes for the director's staff,  
2 information services, data processing, and financial  
3 services, and for not more than the following full-  
4 time equivalent positions:

5 ..... \$ 977,321

6 ..... FTEs 16.08

7 2. PROGRAM DELIVERY SERVICES

8 For salaries for personnel services, employment law  
9 and labor relations and training for not more than the  
10 following full-time equivalent positions:

11 ..... \$ 1,292,434

12 ..... FTEs 33.20

13 3. PROGRAM ADMINISTRATION AND DEVELOPMENT

14 For salaries for employment, compensation, and  
15 benefits and workers' compensation and for not more  
16 than the following full-time equivalent positions:

17 ..... \$ 1,511,191

18 ..... FTEs 34.80

19 Any funds received by the department for workers'

20 compensation purposes other than the funds  
 21 appropriated in subsection 3 shall be used only for  
 22 the payment of workers' compensation claims.  
 23 The funds for support, maintenance, and  
 24 miscellaneous purposes for personnel assigned to  
 25 program delivery under subsection 2 and program  
 26 administration and development under subsection 3 are  
 27 payable from the appropriation made in subsection 1.  
 28 The department of personnel shall report semi-  
 29 annually to the chairpersons and ranking members of  
 30 the joint appropriations subcommittee on  
 31 administration and regulation concerning the number of  
 32 vacancies in existing full-time equivalent positions  
 33 and the average time taken to fill the vacancies. The  
 34 reports shall include quarterly and annual averages  
 35 organized according to state agency and general  
 36 occupational category as established by the federal  
 37 equal employment opportunity commission. All  
 38 departments and agencies of the state shall cooperate  
 39 with the department in the preparation of the reports.  
 40 The department of personnel shall report annually  
 41 to the chairpersons and ranking members of the joint  
 42 appropriations subcommittee on administration and  
 43 regulation concerning the number of private consultant  
 44 contracts of one year or more which are entered into  
 45 or extended each year by the departments and agencies  
 46 of the state. All departments and agencies of the  
 47 state shall cooperate with the department in the  
 48 preparation of this report.  
 49 The department of personnel shall submit, annually,  
 50 a report to the chairpersons and ranking members of

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1 the joint appropriations subcommittee on  
 2 administration and regulation and to the legislative  
 3 fiscal bureau regarding the results of the state's top  
 4 achievement recognition program. The reports  
 5 submitted shall include, but are not limited to,  
 6 identification of the recipients, a description of the  
 7 meritorious achievements, and the awards conferred.  
 8 Sec. 15. IPERS. There is appropriated from the  
 9 Iowa public employees' retirement system fund to the  
 10 department of personnel for the fiscal year beginning  
 11 July 1, 1996, and ending June 30, 1997, the following  
 12 amount, or so much thereof as is necessary, to be used  
 13 for the purposes designated:

- 14 1. For salaries, support, maintenance, and other  
 15 operational purposes to pay the costs of the Iowa  
 16 public employees' retirement system:  
 17 ..... \$ 4,368,900
- 18 2. It is the intent of the general assembly that  
 19 the Iowa public employees' retirement system employ

20 sufficient staff within the appropriation provided in  
 21 this section to meet the developing requirements of  
 22 the investment program.

23 Sec. 16. PRIMARY ROAD FUND APPROPRIATION. There  
 24 is appropriated from the primary road fund to the  
 25 department of personnel for the fiscal year beginning  
 26 July 1, 1996, and ending June 30, 1997, the following  
 27 amount, or so much thereof as is necessary, to be used  
 28 for the purposes designated:

29 For salaries, support, maintenance, and  
 30 miscellaneous purposes to provide personnel services  
 31 for the state department of transportation:  
 32 ..... \$ 358,671

33 Sec. 17. ROAD USE TAX FUND APPROPRIATION. There  
 34 is appropriated from the road use tax fund to the  
 35 department of personnel for the fiscal year beginning  
 36 July 1, 1996, and ending June 30, 1997, the following  
 37 amount, or so much thereof as is necessary, to be used  
 38 for the purposes designated:

39 For salaries, support, maintenance, and  
 40 miscellaneous purposes to provide personnel services  
 41 for the state department of transportation:  
 42 ..... \$ 58,388

43 Sec. 18. STATE WORKERS' COMPENSATION CLAIMS.

44 There is appropriated from the general fund of the  
 45 state to the department of personnel for the fiscal  
 46 year beginning July 1, 1996, and ending June 30, 1997,  
 47 the following amount, or so much thereof as is  
 48 necessary, to be used for the purpose designated:

49 For distribution, subject to approval of the  
 50 department of management, to various state departments

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1 to fund the premiums for paying workers' compensation  
 2 claims which are assessed to and collected from the  
 3 state department by the department of personnel based  
 4 upon a rating formula established by the department of  
 5 personnel:

6 ..... \$ 5,884,740

7 The premiums collected by the department of  
 8 personnel shall be segregated into a separate workers'  
 9 compensation fund in the state treasury to be used for  
 10 payment of state employees' workers' compensation  
 11 claims. Notwithstanding section 8.33, unencumbered or  
 12 unobligated moneys remaining in this workers'  
 13 compensation fund at the end of the fiscal year shall  
 14 not revert but shall be available for expenditure for  
 15 purposes of the fund for subsequent fiscal years.

16 Sec. 19. DEPARTMENT OF REVENUE AND FINANCE. There  
 17 is appropriated from the general fund of the state to  
 18 the department of revenue and finance for the fiscal  
 19 year beginning July 1, 1996, and ending June 30, 1997,

20 the following amounts, or so much thereof as is  
 21 necessary, to be used for the purposes designated, and  
 22 for not more than the following full-time equivalent  
 23 positions used for the purposes designated in  
 24 subsections 1 through 3:

25 .....	FTEs	576.43
26 1. COMPLIANCE		
27 For salaries, support, maintenance, and		
28 miscellaneous purposes:		
29 .....		\$ 10,789,038
30 2. STATE FINANCIAL MANAGEMENT		
31 For salaries, support, maintenance, and		
32 miscellaneous purposes:		
33 .....		\$ 9,717,637
34 3. INTERNAL RESOURCES MANAGEMENT		
35 For salaries, support, maintenance, and		
36 miscellaneous purposes:		
37 .....		\$ 6,025,904
38 4. COLLECTION COSTS AND FEES		
39 For payment of collection costs and fees pursuant		
40 to section 422.26:		
41 .....		\$ 45,000

42 5. a. In addition to the requirements in section  
 43 8.39, the department of revenue and finance shall not  
 44 change the appropriations for the purposes designated  
 45 in subsections 1 through 3 from the amounts  
 46 appropriated in those subsections unless notice of the  
 47 revisions is given prior to their effective date to  
 48 the legislative fiscal bureau. The notice shall  
 49 include information on the department's rationale for  
 50 making the changes.

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1 b. The department of revenue and finance shall  
 2 report quarterly to the legislative fiscal bureau  
 3 concerning progress in the implementation of generally  
 4 accepted accounting principles, including  
 5 determination of reporting entities, fund  
 6 classifications, modification of the Iowa financial  
 7 accounting system, progress on preparing a  
 8 comprehensive annual financial report, and the most  
 9 current estimate of the general fund balance based on  
 10 current generally accepted accounting principles.

11 c. The director of revenue and finance shall  
 12 report annually to the chairpersons and ranking  
 13 members of the joint appropriations subcommittee on  
 14 administration and regulation and the legislative  
 15 fiscal bureau on the implementation and financial  
 16 status of the integrated revenue information system.  
 17 The report shall include any changes from the  
 18 scheduled progress including expenditures or estimated  
 19 revenue.

20 d. The director of revenue and finance shall  
 21 prepare and issue a state appraisal manual and the  
 22 revisions to the state appraisal manual as provided in  
 23 section 421.17, subsection 18, without cost to a city  
 24 or county.

25 Sec. 20. LOTTERY. There is appropriated from the  
 26 lottery fund to the department of revenue and finance  
 27 for the fiscal year beginning July 1, 1996, and ending  
 28 June 30, 1997, the following amount, or so much  
 29 thereof as is necessary, to be used for the purposes  
 30 designated:

31 For salaries, support, maintenance, miscellaneous  
 32 purposes for the administration and operation of  
 33 lottery games, and for not more than the following  
 34 full-time equivalent positions:

35 ..... \$ 7,494,998  
 36 ..... FTEs 120.00

37 It is the intent of the general assembly that of  
 38 the moneys budgeted for education, promotion, and  
 39 advertising for the state lottery pursuant to section  
 40 99E.10, \$1,700,000 shall be transferred to the  
 41 department of human services for state child care  
 42 assistance to be used as otherwise provided by the  
 43 general assembly for the fiscal year beginning July 1,  
 44 1996. The moneys transferred pursuant to this  
 45 paragraph are in addition to any other funds  
 46 appropriated for that purpose.

47 Sec. 21. MOTOR VEHICLE FUEL TAX APPROPRIATION.

48 There is appropriated from the motor vehicle fuel tax  
 49 fund created by section 452A.77 to the department of  
 50 revenue and finance for the fiscal year beginning July

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1 1, 1996, and ending June 30, 1997, the following  
 2 amount, or so much thereof as is necessary, to be used  
 3 for the purposes designated:

4 For salaries, support, maintenance, and  
 5 miscellaneous purposes for administration and  
 6 enforcement of the provisions of chapter 452A and the  
 7 motor vehicle use tax program:

8 ..... \$ 1,034,482

9 Sec. 22. SECRETARY OF STATE. There is  
 10 appropriated from the general fund of the state to the  
 11 office of the secretary of state for the fiscal year  
 12 beginning July 1, 1996, and ending June 30, 1997, the  
 13 following amounts, or so much thereof as is necessary,  
 14 to be used for the purposes designated:

15 1. ADMINISTRATION AND ELECTIONS

16 For salaries, support, maintenance, miscellaneous  
 17 purposes, and for not more than the following full-  
 18 time equivalent positions:

19 ..... \$ 368,508



20 ..... FTEs 5.00  
 21 2. BUSINESS SERVICES  
 22 For salaries, support, maintenance, miscellaneous  
 23 purposes, and for not more than the following full-  
 24 time equivalent positions:  
 25 ..... \$ 1,610,502  
 26 ..... FTEs 32.00  
 27 Sec. 23. STATE-FEDERAL RELATIONS. There is  
 28 appropriated from the general fund of the state to the  
 29 office of state-federal relations for the fiscal year  
 30 beginning July 1, 1996, and ending June 30, 1997, the  
 31 following amount, or so much thereof as is necessary,  
 32 to be used for the purposes designated:  
 33 For salaries, support, maintenance, miscellaneous  
 34 purposes, and for not more than the following full-  
 35 time equivalent positions:  
 36 ..... \$ 240,172  
 37 ..... FTEs 3.00  
 38 Sec. 24. TREASURER. There is appropriated from  
 39 the general fund of the state to the office of  
 40 treasurer of state for the fiscal year beginning July  
 41 1, 1996, and ending June 30, 1997, the following  
 42 amount, or so much thereof as is necessary, to be used  
 43 for the purposes designated:  
 44 For salaries, support, maintenance, miscellaneous  
 45 purposes, and for not more than the following full-  
 46 time equivalent positions:  
 47 ..... \$ 902,594  
 48 ..... FTEs 27.80  
 49 The office of treasurer of state shall supply  
 50 clerical and secretarial support for the executive

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1 council.  
 2 Sec. 25. SURCHARGE FOR THE 1996-1997 FISCAL YEAR.  
 3 1. For the fiscal year commencing July 1, 1996,  
 4 the treasurer of state may assess a surcharge on  
 5 workers' compensation weekly benefits paid in the  
 6 state during the immediately preceding fiscal year.  
 7 The surcharge is payable by all self-insured employers  
 8 making weekly benefit payments and all insurers making  
 9 weekly benefit payments on behalf of insured  
 10 employers. The surcharge applies to all workers'  
 11 compensation insurance policies and self-insurance  
 12 coverages of employers approved for self-insurance by  
 13 the commissioner of insurance pursuant to section 87.4  
 14 or 87.11, and to the state of Iowa, its departments,  
 15 divisions, agencies, commissions, and boards, or any  
 16 political subdivision coverages whether insured or  
 17 self-insured. The surcharge shall not apply to any  
 18 reinsurance or retrocessional transaction under  
 19 section 520.4 or 520.9. The treasurer of state shall

20 base the surcharge for each payor upon the payor's pro  
21 rata share of weekly benefits paid in the state during  
22 the immediately preceding fiscal year. The treasurer  
23 may use reports of weekly benefits paid derived from  
24 the last completed policy or reporting year, or other  
25 consistent allocation methodology. The surcharge is  
26 collectable by an insurer or from its policyholders if  
27 the insured employer fails to pay the insurer. An  
28 insurance carrier, its agent, or a third-party  
29 administrator shall not be entitled to any portion of  
30 the surcharge as a fee or commission for its  
31 collection. The surcharge is not subject to any  
32 taxes, licenses, or fees. The surcharge is not deemed  
33 to be an assessment or tax, but shall be deemed an  
34 additional benefit paid for injuries compensable under  
35 the second injury fund. However, the treasurer of  
36 state shall not collect over \$870,000 in assessing the  
37 surcharge.

38 2. The surcharges collected pursuant to this  
39 section shall be deposited in the second injury fund,  
40 and may be used for the payment of claims,  
41 settlements, expenses for claim adjustments, and  
42 administrative costs. The expenses incurred by the  
43 treasurer of state, the attorney general, the second  
44 injury fund, the task force, or the department of  
45 revenue and finance, in connection with the second  
46 injury fund, may be paid from the fund. However, the  
47 payment of administrative costs and expenses incurred  
48 by the treasurer of state, the attorney general, the  
49 second injury fund, the task force, and the department  
50 of revenue and finance, as authorized in this

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1 subsection, shall only be permitted for administrative  
2 costs and expenses incurred in the fiscal year  
3 commencing July 1, 1996, and shall not exceed  
4 \$170,000.

5 3. An insurer or self-insurer shall pay a  
6 surcharge imposed by this section no later than thirty  
7 days following the assessment.

8 4. a. If an insurer, policyholder, or self-  
9 insurer withdraws from doing business in this state  
10 before the surcharges authorized by this section  
11 become due, or fails or neglects to pay the surcharge  
12 imposed, the treasurer of state shall at once proceed  
13 to collect the surcharge, and may employ such legal  
14 process as may be necessary for that purpose, and when  
15 so collected shall deposit the surcharge into the  
16 second injury fund. The treasurer may bring the suit  
17 in any court of this state having jurisdiction, and  
18 reasonable attorney's fees may be taxed as costs in  
19 the suit.

20 b. If the surcharges imposed by this section are  
21 not paid or transferred when due, the insurer,  
22 policyholder, or self-insurer responsible for the  
23 failure shall be required to pay, as part of the  
24 surcharge, interest on the surcharge at the rate of  
25 one and one-half percent per month for each month or  
26 fraction of a month delinquent. If the treasurer of  
27 state prevails in any dispute concerning the  
28 assessment of a surcharge which has not been paid or  
29 transferred, interest shall be paid upon the amount  
30 found due to the state at the rate of one and one-half  
31 percent per month for each month or fraction of a  
32 month delinquent.

33 c. An insurer is not liable for a surcharge which  
34 is not paid to the insurer by the policyholder or  
35 employer provided the insurer has made good faith  
36 efforts to collect the surcharge from the policyholder  
37 or employer. An insurance carrier shall report to the  
38 treasurer of state a policyholder or employer who  
39 fails to pay a surcharge within thirty days of its due  
40 date.

41 d. In any action concerning the amount of a  
42 surcharge imposed by this section, any other surcharge  
43 shall continue to be made based upon the amount  
44 assessed by the treasurer of state. In the event of  
45 an overpayment, the excess amount paid may be credited  
46 against future payments otherwise due.

47 e. An employer who fails to pay the surcharges  
48 imposed under this section shall not be allowed to  
49 purchase workers' compensation insurance coverage or  
50 to renew a self-insurance authorization unless and

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1 until the surcharge has been paid.

2 5. For the purposes of this section, "insurer"  
3 includes a self-insurance group approved by the  
4 commissioner of insurance pursuant to section 87.4.

5 Sec. 26. IMPLEMENTATION OF FUNDING REDUCTIONS —

6 INTENT OF GENERAL ASSEMBLY. It is the intent of the  
7 general assembly that the departments, agencies, and  
8 offices of the executive department of state  
9 government shall implement funding reductions through  
10 organizational changes which reduce supervisory  
11 positions, vertically and horizontally, and increase  
12 the span of control of the remaining supervisors as  
13 recommended by the governor's committee on government  
14 spending reform.

15 Sec. 27. ELIMINATION OF VACANT UNFUNDED JOBS. The  
16 state departments, agencies, or offices receiving  
17 appropriations under this Act shall eliminate, within  
18 thirty days after the beginning of a fiscal year, all  
19 vacant unfunded positions on the table of organization

20 of the state department, agency, or office.

21 Sec. 28. STATE COMMUNICATIONS NETWORK — REDUCTION  
22 OF TRAVEL AND RELATED EXPENSES. The offices of the  
23 governor and lieutenant governor, the office of  
24 secretary of state, the office of treasurer of state,  
25 the auditor of state, the department of commerce, the  
26 department of inspections and appeals, the Iowa ethics  
27 and campaign disclosure board, the department of  
28 general services, the department of management, the  
29 department of revenue and finance, and the department  
30 of personnel shall use the services of the state  
31 communications network as much as possible for  
32 interagency communication, meetings, and conferences  
33 to reduce travel and related expenses for the  
34 respective offices or departments.

35 Sec. 29. REPORT OF ADDITIONAL INCOME AND  
36 EXPENDITURES. The state departments, agencies, and  
37 offices receiving appropriations under this Act shall  
38 report all expenses in excess of the funds  
39 appropriated from any statutory revolving funds during  
40 the fiscal year beginning July 1, 1995, and ending  
41 June 30, 1996. The report shall also include any  
42 income and the beginning and ending balances of the  
43 revolving funds.

44 The report required pursuant to this section shall  
45 be submitted not later than September 30, 1996, for  
46 expenditures made during the fiscal year beginning  
47 July 1, 1995, and ending June 30, 1996, to the  
48 chairpersons and ranking members of the joint  
49 appropriations subcommittee on administration and  
50 regulations and the legislative fiscal bureau.

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1 Sec. 30. SALARY ADJUSTMENTS LIMITED. A salary  
2 adjustment for any full-time equivalent position  
3 funded under this Act for the fiscal year beginning  
4 July 1, 1996, and ending June 30, 1997, shall not  
5 exceed \$1,500. This section does not apply to the  
6 following state officers: governor, lieutenant  
7 governor, auditor of state, secretary of state, and  
8 treasurer of state.

9 Sec. 31. FEDERAL GRANTS. All federal grants to  
10 and the federal receipts of agencies appropriated  
11 funds under this Act, not otherwise appropriated, are  
12 appropriated for the purposes set forth in the federal  
13 grants or receipts unless otherwise provided by the  
14 general assembly.

15 Sec. 32. NEW SECTION. 7D.4 LEGISLATIVE APPROVAL  
16 REQUIRED.

17 The executive council may, after authorization by a  
18 constitutional majority of the general assembly,  
19 expend moneys from any surplus funds in the health

20 insurance reserve operating or terminal liability  
21 accounts, the life insurance reserve operating or  
22 terminal liability accounts, the dental insurance  
23 reserve operating or terminal liability accounts, or  
24 the long-term disability operating or terminal  
25 liability accounts.

26 Sec. 33. Section 99D.11, subsection 6, paragraph  
27 b, Code 1995, is amended to read as follows:

28 b. The commission may authorize the licensee to  
29 simultaneously telecast within the racetrack  
30 enclosure, for the purpose of pari-mutuel wagering, a  
31 horse or dog race licensed by the racing authority of  
32 another state. It is the responsibility of each  
33 licensee to obtain the consent of appropriate racing  
34 officials in other states as required by the federal  
35 Interstate Horseracing Act of 1978, 15 U.S.C. § 3001-  
36 3007, to televise races for the purpose of conducting  
37 pari-mutuel wagering. A licensee may also obtain the  
38 permission of a person licensed by the commission to  
39 conduct horse or dog races in this state to televise  
40 races conducted by that person for the purpose of  
41 conducting pari-mutuel racing. However, arrangements  
42 made by a licensee to televise any race for the  
43 purpose of conducting pari-mutuel wagering are subject  
44 to the approval of the commission, and the commission  
45 shall select the races to be televised. The races  
46 selected by the commission shall be the same for all  
47 licensees approved by the commission to televise races  
48 for the purpose of conducting pari-mutuel wagering.  
49 The commission shall not authorize the simultaneous  
50 telecast or televising of and a licensee shall not

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1 simultaneously telecast or televise any horse or dog  
2 race for the purpose of conducting pari-mutuel  
3 wagering unless the simultaneous telecast or  
4 televising is done at the racetrack of a licensee that  
5 schedules no less than sixty performances of nine live  
6 races each day of the season. For purposes of the  
7 taxes imposed under this chapter, races televised by a  
8 licensee for purposes of pari-mutuel wagering shall be  
9 treated as if the races were held at the racetrack of  
10 the licensee. Notwithstanding any contrary provision  
11 in this chapter, the commission may allow a licensee  
12 to adopt the same deductions as those of the pari-  
13 mutuel racetrack from which the races are being  
14 simultaneously telecast.

15 Sec. 34. Section 321.19, subsection 1, unnumbered  
16 paragraph 2, Code Supplement 1995, is amended to read  
17 as follows:

18 The department shall furnish, on application, free  
19 of charge, distinguishing plates for vehicles thus

20 exempted, which plates except plates on Iowa highway  
21 safety patrol vehicles shall bear the word "official"  
22 and the department shall keep a separate record.  
23 Registration plates issued for Iowa highway safety  
24 patrol vehicles, except unmarked patrol vehicles,  
25 shall bear two red stars on a yellow background, one  
26 before and one following the registration number on  
27 the plate, which registration number shall be the  
28 officer's badge number. Registration plates issued  
29 for a county sheriff's patrol vehicles shall display  
30 one seven-pointed gold star followed by the letter "S"  
31 and the call number of the vehicle. However, the  
32 director of general services or the director of  
33 transportation may order the issuance of regular  
34 registration plates for any exempted vehicle used by  
35 peace officers in the enforcement of the law, persons  
36 enforcing chapter 124 and other laws relating to  
37 controlled substances, persons in the department of  
38 justice, the alcoholic beverages division of the  
39 department of commerce, and the department of  
40 inspections and appeals who are regularly assigned to  
41 conduct investigations which cannot reasonably be  
42 conducted with a vehicle displaying "official" state  
43 registration plates, and persons in the lottery  
44 division of the department of revenue and finance  
45 whose regularly assigned duties relating to security  
46 or the carrying of lottery tickets cannot reasonably  
47 be conducted with a vehicle displaying "official"  
48 registration plates. For purposes of sale of exempted  
49 vehicles, the exempted governmental body, upon the  
50 sale of the exempted vehicle, may issue for in-transit

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1 purposes a pasteboard card bearing the words "Vehicle  
2 in Transit", the name of the official body from which  
3 the vehicle was purchased, together with the date of  
4 the purchase plainly marked in at least one-inch  
5 letters, and other information required by the  
6 department. The in-transit card is valid for use only  
7 within forty-eight hours after the purchase date as  
8 indicated on the bill of sale which shall be carried  
9 by the driver."

Garman of Story asked and received unanimous consent to withdraw amendment H-5673, filed by her on March 27, 1996.

On motion by Hanson of Black Hawk, the House refused to concur in the Senate amendment H-5589, to House File 2416.

**IMMEDIATE MESSAGE**

Siegrist of Pottawattamie asked and received unanimous consent

that House File 2416 be immediately messaged to the Senate.

Appropriations Calendar

Senate File 2448, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Kremer of Buchanan offered amendment H-5541 filed by the committee on appropriations as follows:

H-5541

1 Amend Senate File 2448, 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. DEPARTMENT FOR THE BLIND. There is  
6 appropriated from the general fund of the state to the  
7 department for the blind for the fiscal year beginning  
8 July 1, 1996, and ending June 30, 1997, the following  
9 amount, or so much thereof as is necessary, to be used  
10 for the purpose designated:

11 For salaries, support, maintenance, miscellaneous  
12 purposes, and for not more than the following full-  
13 time equivalent positions:

14 ..... \$ 1,458,496  
15 ..... FTEs 95.00

16 Sec. 2. CIVIL RIGHTS COMMISSION. There is  
17 appropriated from the general fund of the state to the  
18 Iowa state civil rights commission for the fiscal year  
19 beginning July 1, 1996, and ending June 30, 1997, the  
20 following amount, or so much thereof as is necessary,  
21 to be used for the purpose designated:

22 For salaries, support, maintenance, miscellaneous  
23 purposes, and for not more than the following full-  
24 time equivalent positions:

25 ..... \$ 1,128,354  
26 ..... FTEs 36.00

27 If the anticipated amount of federal funding from  
28 the federal equal employment opportunity commission  
29 and the federal department of housing and urban  
30 development exceeds \$467,900 during the fiscal year  
31 beginning July 1, 1996, and ending June 30, 1997, the  
32 Iowa state civil rights commission may exceed the  
33 staffing level authorized by this section as necessary

34 to hire additional staff to process or to support the  
35 processing of employment and housing complaints.

36 A first-time violation detected during or as a  
37 result of random testing to detect civil rights  
38 violations shall not result in adjudication or the  
39 assessment of a fine. The intent of civil rights  
40 testing shall be strictly educational. If this  
41 provision is determined to be illegal or  
42 unconstitutional by a court of law, or if the  
43 provision would in any way jeopardize a federal  
44 department of housing and urban development grant to  
45 the commission, the provision shall not apply.

46 The questionnaire which the Iowa state civil rights  
47 commission requires an employer to complete during the  
48 course of an investigation, after a complaint against  
49 the employer has been filed, shall be revised and  
50 shortened.

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1 Sec. 3. DEPARTMENT OF ELDER AFFAIRS. There is  
2 appropriated from the general fund of the state to the  
3 department of elder affairs for the fiscal year  
4 beginning July 1, 1996, and ending June 30, 1997, the  
5 following amounts, or so much thereof as is necessary,  
6 to be used for the purposes designated:

- 7 1. For salaries, support, maintenance,
- 8 miscellaneous purposes, and for not more than the
- 9 following full-time equivalent positions:
- 10 ..... \$ 445,650
- 11 ..... FTEs 28.00
- 12 2. For aging programs and services:
- 13 ..... \$ 3,040,586

14 All funds appropriated in this subsection shall be  
15 received and disbursed by the director of elder  
16 affairs for aging programs and services, shall not be  
17 used by the department for administrative purposes,  
18 not more than \$151,654 shall be used for area agencies  
19 on aging administrative purposes, and shall be used  
20 for citizens of Iowa over 60 years of age for case  
21 management for the frail elderly, mental health  
22 outreach, Alzheimer's support, retired senior  
23 volunteer program, care review committee coordination,  
24 employment, adult day care, respite care, chore  
25 services, telephone reassurance, information and  
26 assistance, and home repair services, including the  
27 winterizing of homes, and for the construction of  
28 entrance ramps which make residences accessible to the  
29 physically handicapped. Funds appropriated in this  
30 subsection may be used to supplement federal funds  
31 under federal regulations. To receive funds  
32 appropriated in this subsection, a local area agency  
33 on aging shall match the funds with funds from other



34 sources in accordance with rules adopted by the  
 35 department. Funds appropriated in this subsection may  
 36 be used for elderly services not specifically  
 37 enumerated in this subsection only if approved by an  
 38 area agency on aging for provision of the service  
 39 within the area.

40 The department shall maintain policies and  
 41 procedures regarding Alzheimer's support and the  
 42 retired senior volunteer program.

43 Sec. 4. GOVERNOR'S ALLIANCE ON SUBSTANCE ABUSE.

44 There is appropriated from the general fund of the  
 45 state to the governor's alliance on substance abuse  
 46 for the fiscal year beginning July 1, 1996, and ending  
 47 June 30, 1997, the following amounts, or so much  
 48 thereof as is necessary, to be used for the purposes  
 49 designated:

50 1. For salaries, support, maintenance,

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1 miscellaneous purposes, and for not more than the  
 2 following full-time equivalent positions:

3 .....	\$ 300,778
4 .....	FTEs 10.00

5 2. For the Iowa substance abuse clearinghouse in  
 6 Cedar Rapids for staff, materials, and operating  
 7 expenses:

8 .....	\$ 32,510
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9 Sec. 5. DEPARTMENT OF PUBLIC HEALTH. There is  
 10 appropriated from the general fund of the state to the  
 11 Iowa department of public health for the fiscal year  
 12 beginning July 1, 1996, and ending June 30, 1997, the  
 13 following amounts, or so much thereof as is necessary,  
 14 to be used for the purposes designated:

15 1. a. PLANNING AND ADMINISTRATION DIVISION

16 For salaries, support, maintenance, miscellaneous  
 17 purposes, and for not more than the following full-  
 18 time equivalent positions:

19 .....	\$ 2,171,724
20 .....	FTEs 61.15

21 (1) Of the funds appropriated in this lettered  
 22 paragraph, \$738,182 shall be used for the chronic  
 23 renal disease program. The types of assistance  
 24 available to eligible recipients under the program may  
 25 include insurance premiums, travel reimbursement, and  
 26 prescription and nonprescription drugs. The program  
 27 expenditures shall not exceed this allocation. If  
 28 projected expenditures would exceed the allocation,  
 29 the department shall establish by administrative rule  
 30 a mechanism to reduce financial assistance under the  
 31 renal disease program in order to keep expenditures  
 32 within the amount allocated in this paragraph.

33 (2) Hospitals shall not collect fees for birth

34 certificates in excess of the fees as set out in the  
35 administrative rules of the Iowa department of public  
36 health.

37 (3) Of the funds appropriated in this lettered  
38 paragraph, \$117,027 shall be used to provide  
39 regulatory oversight of accountable health plans.

40 (4) Of the funds appropriated in this lettered  
41 paragraph, \$46,658 shall be used for the purchase,  
42 verification, updating, and storage of health data  
43 information.

44 The department shall compile, correlate, and  
45 disseminate data from health care providers, the state  
46 medical assistance program, third-party payors,  
47 associations, and other appropriate sources in  
48 furtherance of the purpose and intent of this  
49 appropriation.

50 The department shall request and receive

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1 information from other state agencies similar to that  
2 required of third-party payors for the purpose of  
3 dissemination of health data. The department may  
4 enter into agreements for studies on health-related  
5 questions and provide or make data available to health  
6 care providers, health care subscribers, third-party  
7 payors and the general public. The department may  
8 purchase data for the purpose of dissemination of  
9 health data information. The department shall assure  
10 the confidentiality of the data collected from other  
11 state agencies, hospitals, and third-party payors  
12 under chapter 22. The compilation of data information  
13 prepared for release or dissemination from the data  
14 collected shall be a public record. The department  
15 shall adopt administrative rules to address a  
16 contracting process, define confidential information,  
17 set fees to be charged for data, and prescribe the  
18 forms upon which the information is to be made  
19 available.

20 b. PROFESSIONAL LICENSURE

21 For salaries, support, maintenance, miscellaneous  
22 purposes, and for not more than the following full-  
23 time equivalent positions:

24 .....	\$	986,242
25 .....	FTEs	12.00

26 The director of public health, when estimating  
27 expenditure requirements for the boards funded under  
28 this paragraph, shall base the budget on 85 percent of  
29 the average annual fees generated for the previous two  
30 fiscal years. The department shall confer with the  
31 boards funded under this paragraph in estimating the  
32 boards' annual fee generation and administrative  
33 costs. When the department develops each board's

34 annual budget, a board's budget shall not exceed 85  
 35 percent of fees collected, based on the average of the  
 36 previous two fiscal years. The department may expend  
 37 funds in addition to amounts budgeted, if those  
 38 additional expenditures are directly the result of  
 39 unanticipated litigation costs arising from the  
 40 discharge of the board's regulatory duties. Before  
 41 the department expends or encumbers an amount in  
 42 excess of the funds budgeted for a board, the director  
 43 of the department of management shall approve the  
 44 expenditure or encumbrance. The amounts necessary to  
 45 fund the unanticipated litigation in the fiscal year  
 46 beginning July 1, 1996, shall not exceed 5 percent of  
 47 the average annual fees generated by the board for the  
 48 previous two fiscal years.

49 c. EMERGENCY MEDICAL SERVICES

50 For salaries, support, maintenance, and emergency

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1 medical services training of emergency medical  
 2 services (EMS) personnel at the state, county, and  
 3 local levels and for not more than the following full-  
 4 time equivalent positions:  
 5 ..... \$ 1,010,416  
 6 ..... FTEs 12.00

7 If a person in the course of responding to an  
 8 emergency renders aid to an injured person and becomes  
 9 exposed to bodily fluids of the injured person, that  
 10 emergency responder shall be entitled to hepatitis  
 11 testing and immunization in accordance with the latest  
 12 available medical technology to determine if infection  
 13 with hepatitis has occurred. The person shall be  
 14 entitled to reimbursement from the EMS funds available  
 15 under this lettered paragraph only if the  
 16 reimbursement is not available through any employer or  
 17 third-party payor.

18 2. HEALTH PROTECTION DIVISION

19 a. For salaries, support, maintenance,  
 20 miscellaneous purposes, and for not more than the  
 21 following full-time equivalent positions:  
 22 ..... \$ 2,141,836  
 23 ..... FTEs 76.00

24 b. Of the funds appropriated in this subsection,  
 25 \$75,000 shall be used for chlamydia testing.

26 c. Of the funds appropriated in this subsection,  
 27 \$39,547 shall be used for the lead abatement program.

28 d. The state university of Iowa hospitals and  
 29 clinics shall not receive indirect costs from the  
 30 funds appropriated in this subsection.

31 3. SUBSTANCE ABUSE AND HEALTH PROMOTION DIVISION

32 a. For salaries, support, maintenance,  
 33 miscellaneous purposes, and for not more than the

34 following full-time equivalent positions:  
 35 ..... \$ 625,907  
 36 ..... FTEs 47.35  
 37 (1) The division shall continue to coordinate with  
 38 substance abuse treatment and prevention providers  
 39 regardless of funding source to assure the delivery of  
 40 substance abuse treatment and prevention programs.  
 41 (2) The commission on substance abuse, in  
 42 conjunction with the division, shall continue to  
 43 coordinate the delivery of substance abuse services  
 44 involving prevention, social and medical  
 45 detoxification, and other treatment by medical and  
 46 nonmedical providers to uninsured and court-ordered  
 47 substance abuse patients in all counties of the state.  
 48 b. Of the funds appropriated in this subsection,  
 49 \$15,000 is allocated to support the surveillance and  
 50 reporting of disabilities suffered by persons engaged

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1 in agriculture resulting from diseases or injuries,  
 2 including identifying the amount and severity of  
 3 agriculture-related injuries and diseases in the  
 4 state, identifying causal factors associated with  
 5 agriculture-related injuries and diseases, and  
 6 evaluating the effectiveness of intervention programs  
 7 designed to reduce injuries and diseases. The  
 8 department shall cooperate with the department of  
 9 agriculture and land stewardship, Iowa state  
 10 university of science and technology, and the college  
 11 of medicine at the state university of Iowa in  
 12 accomplishing these duties.

13 c. For program grants:  
 14 ..... \$ 7,896,812

15 (1) Of the funds appropriated in this lettered  
 16 paragraph, \$193,500 shall be used for the provision of  
 17 aftercare services for persons completing substance  
 18 abuse treatment.

19 (2) Of the funds appropriated in this lettered  
 20 paragraph, a minimum of \$950,000 shall be used by the  
 21 Iowa department of public health to continue the  
 22 integrated substance abuse managed care system.

23 4. FAMILY AND COMMUNITY HEALTH DIVISION

24 a. For salaries, support, maintenance,  
 25 miscellaneous purposes, and for not more than the  
 26 following full-time equivalent positions:

27 ..... \$ 3,375,144  
 28 ..... FTEs 71.00

29 (1) Of the funds appropriated in this lettered  
 30 paragraph, at least \$587,865 shall be allocated by the  
 31 division for the birth defects and genetics counseling  
 32 program and of these funds, \$279,402 is allocated for  
 33 regional genetic counseling services contracted from

34 the state university of Iowa hospitals and clinics  
 35 under the control of the state board of regents.  
 36 (2) Of the funds appropriated in this lettered  
 37 paragraph, the following amounts are allocated to the  
 38 state university of Iowa hospitals and clinics under  
 39 the control of the state board of regents for the  
 40 following programs under the Iowa specialized child  
 41 health care services:

42 (a) Mobile and regional child health specialty  
 43 clinics:  
 44 ..... \$ 392,931

45 The regional clinic located in Sioux City shall  
 46 maintain a social worker component to assist the  
 47 families of children participating in the clinic  
 48 program.

49 Of the funds allocated in this subparagraph,  
 50 \$97,937 shall be used for a specialized medical home

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1 care program providing care planning and coordination  
 2 of community support services for children who require  
 3 technical medical care in the home.

4 (b) Muscular dystrophy and related genetic disease  
 5 programs:  
 6 ..... \$ 115,613

7 (c) Statewide perinatal program:  
 8 ..... \$ 61,693

9 (3) The birth defects and genetic counseling  
 10 service shall apply a sliding fee scale to determine  
 11 the amount a person receiving the services is required  
 12 to pay for the services. These fees shall be  
 13 considered repayment receipts and used for the  
 14 program.

15 (4) The state university of Iowa hospitals and  
 16 clinics shall not receive indirect costs from the  
 17 funds allocated in this lettered paragraph.

18 (5) Of the funds appropriated in this lettered  
 19 paragraph, \$1,001,209 shall be used for maternal and  
 20 child health services.

21 (6) If during the 1996-1997 fiscal year, the  
 22 federal government incorporates the special  
 23 supplemental nutrition program for women, infants, and  
 24 children into a block grant, the department of human  
 25 services, Iowa department of public health, or any  
 26 other state agency which administers the block grant  
 27 shall require a competitive bid process for infant  
 28 formula purchased by or for families under the block  
 29 grant.

30 (7) The Iowa department of public health shall  
 31 administer the statewide maternal and child health  
 32 program, conduct mobile and regional child health  
 33 specialty clinics, and conduct other activities to

34 improve the health of low-income women and children  
 35 and to promote the welfare of children with actual or  
 36 potential handicapping conditions and chronic  
 37 illnesses in accordance with the requirements of Title  
 38 V of the federal Social Security Act.

39 (8) The department shall continue efforts to  
 40 realize the "Healthy Iowans 2000" goal of promoting  
 41 prevention and health promotion to improve the quality  
 42 of life of Iowans and to hold down health care costs  
 43 and shall submit an annual "Healthy Iowans 2000"  
 44 progress report to the general assembly on January 1  
 45 of each fiscal year.

46 (9) Of the funds appropriated in this lettered  
 47 paragraph, \$165,391 is allocated for the office of  
 48 rural health to provide technical assistance to rural  
 49 areas in the area of health care delivery.

50 (10) Of the funds appropriated in this lettered

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1 paragraph, \$182,028 shall be used to develop,  
 2 implement, and maintain rural health-provider  
 3 recruitment and retention efforts.

4 b. Sudden infant death syndrome autopsies:

5 For reimbursing counties for expenses resulting  
 6 from autopsies of suspected victims of sudden infant  
 7 death syndrome required under section 331.802,  
 8 subsection 3, paragraph "j":

9 ..... \$ 9,562

10 c. For grants to local boards of health for the  
 11 public health nursing program:

12 ..... \$ 2,482,525

13 (1) Funds appropriated in this lettered paragraph  
 14 shall be used to maintain and expand the existing  
 15 public health nursing program for elderly and low-  
 16 income persons with the objective of preventing or  
 17 reducing inappropriate institutionalization. The  
 18 funds shall not be used for any other purpose. As  
 19 used in this lettered paragraph, "elderly person"  
 20 means a person who is 60 years of age or older and  
 21 "low-income person" means a person whose income and  
 22 resources are below the guidelines established by the  
 23 department.

24 (2) One-fourth of the total amount to be allocated  
 25 shall be divided so that an equal amount is available  
 26 for use in each county in the state. Three-fourths of  
 27 the total amount to be allocated shall be divided so  
 28 that the share available for use in each county is  
 29 proportionate to the number of elderly and low-income  
 30 persons living in that county in relation to the total  
 31 number of elderly and low-income persons living in the  
 32 state.

33 (3) In order to receive allocations under this

34 lettered paragraph, the local board of health having  
 35 jurisdiction shall prepare a proposal for the use of  
 36 the allocated funds available for that jurisdiction  
 37 that will provide the maximum benefits of expanded  
 38 public health nursing care to elderly and low-income  
 39 persons in the jurisdiction. After approval of the  
 40 proposal by the department, the department shall enter  
 41 into a contract with the local board of health. The  
 42 local board of health shall subcontract with a  
 43 nonprofit nurses' association, an independent  
 44 nonprofit agency, or a suitable local governmental  
 45 body to use the allocated funds to provide public  
 46 health nursing care. Local boards of health shall  
 47 make an effort to prevent duplication of services.  
 48 (4) If by July 30 of the fiscal year, the  
 49 department is unable to conclude contracts for use of  
 50 the allocated funds in a county, the department shall

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1 consider the unused funds appropriated under this  
 2 lettered paragraph an unallocated pool. If the  
 3 unallocated pool is \$50,000 or more it shall be  
 4 reallocated to the counties in substantially the same  
 5 manner as the original allocations. The reallocated  
 6 funds are available for use in those counties during  
 7 the period beginning January 1 and ending June 30 of  
 8 the fiscal year. If the unallocated pool is less than  
 9 \$50,000, the department may allocate the pool to  
 10 counties with demonstrated special needs for public  
 11 health nursing.

12 (5) The department shall maintain rules governing  
 13 the expenditure of funds appropriated in this lettered  
 14 paragraph. The rules shall require each local agency  
 15 receiving funds to establish and use a sliding fee  
 16 scale for those persons able to pay for all or a  
 17 portion of the cost of the care.

18 (6) The department shall annually evaluate the  
 19 success of the public health nursing program. The  
 20 evaluation shall include the extent to which the  
 21 program reduced or prevented inappropriate  
 22 institutionalization, the extent to which the program  
 23 increased the availability of public health nursing  
 24 care to elderly and low-income persons, and the extent  
 25 of public health nursing care provided to elderly and  
 26 low-income persons. The department shall submit a  
 27 report of each annual evaluation to the governor and  
 28 the general assembly.

29 d. For grants to county boards of supervisors for  
 30 the home care aide program:

31 ..... \$ 8,486,400

32 Funds appropriated in this lettered paragraph shall  
 33 be used to provide home care aide services with

34 emphasis on services to elderly and persons below the  
35 poverty level and children and adults in need of  
36 protective services with the objective of preventing  
37 or reducing inappropriate institutionalization. In  
38 addition, up to 15 percent of the funds appropriated  
39 in this lettered paragraph may be used to provide  
40 chore services. The funds shall not be used for any  
41 other purposes. In providing services to elderly  
42 persons, the service provider shall coordinate efforts  
43 with the integrated case management for the frail  
44 elderly program of the department of elder affairs.  
45 As used in this lettered paragraph:

46 (1) "Chore services" means services provided to  
47 individuals or families, who, due to incapacity, or  
48 illness, are unable to perform certain home  
49 maintenance functions. The services include but are  
50 not limited to yard work such as mowing lawns, raking

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1 leaves, and shoveling walks; window and door  
2 maintenance such as hanging screen windows and doors,  
3 replacing windowpanes, and washing windows; and minor  
4 repairs to walls, floors, stairs, railings, and  
5 handles. It also includes heavy house cleaning which  
6 includes cleaning attics or basements to remove fire  
7 hazards, moving heavy furniture, extensive wall  
8 washing, floor care or painting, and trash removal.

9 (2) "Elderly person" means a person who is 60  
10 years of age or older.

11 (3) "Home care aide services" means services  
12 intended to enhance the capacity of household members  
13 to attain or maintain the independence of the  
14 household members and provided by trained and  
15 supervised workers to individuals or families, who,  
16 due to the absence, incapacity, or limitations of the  
17 usual homemaker, are experiencing stress or crisis.  
18 The services include but are not limited to essential  
19 shopping, housekeeping, meal preparation, child care,  
20 respite care, money management and consumer education,  
21 family management, personal services, transportation,  
22 and providing information, assistance, and household  
23 management.

24 (4) "Low-income person" means a person whose  
25 income and resources are below the guidelines  
26 established by the department.

27 (5) "Protective services" means those home care  
28 aide services intended to stabilize a child's or an  
29 adult's residential environment and relationships with  
30 relatives, caretakers, and other persons or household  
31 members in order to alleviate a situation involving  
32 abuse or neglect or to otherwise protect the child or  
33 adult from a threat of abuse or neglect.



34 The amount appropriated in this lettered paragraph  
35 shall be allocated for use in the counties of the  
36 state. Fifteen percent of the amount shall be divided  
37 so that an equal amount is available for use in each  
38 county in the state. The following percentages of the  
39 remaining amount shall be allocated to each county  
40 according to that county's proportion of residents  
41 with the following demographic characteristics: 60  
42 percent according to the number of elderly persons  
43 living in the county, 20 percent according to the  
44 number of persons below the poverty level living in  
45 the county, and 20 percent according to the number of  
46 substantiated cases of child abuse in the county  
47 during the three most recent fiscal years for which  
48 data is available.

49 In order to receive allocations in this lettered  
50 paragraph, the county board of supervisors, after

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1 consultation with the local boards of health, human  
2 services county cluster boards, area agency on aging  
3 advisory council, local office of the department of  
4 human services, and other in-home health care provider  
5 agencies in the jurisdiction, shall prepare a proposal  
6 for the use of the allocated funds available for that  
7 jurisdiction that will provide the maximum benefits of  
8 home care aide services to elderly and low-income  
9 persons and children and adults in need of protective  
10 services in the jurisdiction. An agency requesting  
11 service or financial information about a current  
12 subcontractor shall provide similar information  
13 concerning its own home care aide or chore services  
14 program to the current subcontractor. The proposal  
15 may provide that a maximum of 15 percent of the  
16 allocated funds will be used to provide chore  
17 services. The proposal shall include a statement  
18 assuring that children and adults in need of  
19 protective services are given priority for home care  
20 aide services and that the appropriate local agencies  
21 have participated in the planning for the proposal.  
22 After approval of the proposal by the department, the  
23 department shall enter into a contract with the county  
24 board of supervisors or a governmental body designated  
25 by the county board of supervisors. The county board  
26 of supervisors or its designee shall subcontract with  
27 a nonprofit nurses' association, an independent  
28 nonprofit agency, the department of human services, or  
29 a suitable local governmental body to use the  
30 allocated funds to provide home care aide services and  
31 chore services providing that the subcontract requires  
32 any service provided away from the home to be  
33 documented in a report available for review by the

34 department, and that each home care aide  
35 subcontracting agency shall maintain the direct  
36 service workers' time assigned to direct client  
37 service at 70 percent or more of the workers' paid  
38 time and that not more than 35 percent of the total  
39 cost of the service be included in the combined costs  
40 for service administration and agency administration.  
41 The subcontract shall require that each home care aide  
42 subcontracting agency shall pay the employer's  
43 contribution of social security and provide workers'  
44 compensation coverage for persons providing direct  
45 home care aide service and meet any other applicable  
46 legal requirements of an employer-employee  
47 relationship.  
48 If by July 30 of the fiscal year, the department is  
49 unable to conclude contracts for use of the allocated  
50 funds in a county, the department shall consider the

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1 unused funds appropriated in this lettered paragraph  
2 an unallocated pool. The department shall also  
3 identify any allocated funds which the counties do not  
4 anticipate spending during the fiscal year. If the  
5 amount of anticipated excess funds to any county is  
6 substantial, the department and the county may agree  
7 to return those excess funds, if the funds are other  
8 than program revenues, to the department, and if  
9 returned, the department shall consider the returned  
10 funds a part of the unallocated pool. The department  
11 shall, prior to February 15 of the fiscal year,  
12 reallocate the funds in the unallocated pool among the  
13 counties in which the department has concluded  
14 contracts under this lettered paragraph. The  
15 department shall also review the first 10 months'  
16 expenditures for each county in May of the fiscal  
17 year, to determine if any counties possess contracted  
18 funds which they do not anticipate spending. If such  
19 funds are identified and the county agrees to release  
20 the funds, the released funds will be considered a new  
21 reallocation pool. The department may, prior to June  
22 1 of the fiscal year, reallocate funds from this new  
23 reallocation pool to those counties which have  
24 experienced a high utilization of protective service  
25 hours for children and dependent adults.  
26 The department shall maintain rules governing the  
27 expenditure of funds appropriated in this lettered  
28 paragraph. The rules shall require each local agency  
29 receiving funds to establish and use a sliding fee  
30 scale for those persons able to pay for all or a  
31 portion of the cost of the services and shall require  
32 the payments to be applied to the cost of the  
33 services. The department shall also maintain rules

34 for standards regarding training, supervision,  
 35 recordkeeping, appeals, program evaluation, cost  
 36 analysis, and financial audits, and rules specifying  
 37 reporting requirements.

38 The department shall annually evaluate the success  
 39 of the home care aide program. The evaluation shall  
 40 include a description of the program and its  
 41 implementation, the extent of local participation, the  
 42 extent to which the program reduced or prevented  
 43 inappropriate institutionalization, the extent to  
 44 which the program provided or increased the  
 45 availability of home care aide services to elderly and  
 46 low-income persons and children and adults in need of  
 47 protective services, any problems and recommendations  
 48 concerning the program, and an analysis of the costs  
 49 of services across the state. The department shall  
 50 submit a report of the annual evaluation to the

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1 governor and the general assembly.

2 e. For the development and maintenance of well-  
 3 elderly clinics in the state:

4 ..... \$ 578,499

5 The appropriation in this lettered paragraph shall  
 6 be distributed by a formula to well-elderly clinics  
 7 located in counties which provide funding on a  
 8 matching basis for the well-elderly clinics.

9 f. For the physician care for children program:

10 ..... \$ 406,383

11 The physician services shall be subject to managed  
 12 care and selective contracting provisions and shall be  
 13 used to provide for the medical treatment of children  
 14 and shall include coverage of diagnostic procedures,  
 15 prescription drugs, and physician-ordered treatments  
 16 necessary to treat an acute condition. Services  
 17 provided under this lettered paragraph shall be  
 18 reimbursed according to medical assistance  
 19 reimbursement rates.

20 g. For primary and preventive health care for  
 21 children:

22 ..... \$ 74,124

23 Funds appropriated in this lettered paragraph shall  
 24 be for the public purpose of providing a renewable  
 25 grant, following a request for proposals, to a  
 26 statewide charitable organization within the meaning  
 27 of section 501(c)(3) of the Internal Revenue Code  
 28 which was organized prior to April 1, 1989, and has as  
 29 one of its purposes the sponsorship or support for  
 30 programs designed to improve the quality, awareness,  
 31 and availability of health care for the young, to  
 32 serve as the funding mechanism for the provision of  
 33 primary health care and preventive services to

34 children in the state who are uninsured and who are  
 35 not eligible under any public plan of health  
 36 insurance, provided all of the following conditions  
 37 are met:

38 (1) The organization shall provide a match of \$4  
 39 in advance of each state dollar provided.

40 (2) The organization coordinates services with new  
 41 or existing public programs and services provided by  
 42 or funded by appropriate state agencies in an effort  
 43 to avoid inappropriate duplication of services and  
 44 ensure access to care to the extent as is reasonably  
 45 possible. The organization shall work with the Iowa  
 46 department of public health, family and community  
 47 health division, to ensure duplication is minimized.

48 (3) The organization's governing board includes in  
 49 its membership representatives from the executive and  
 50 legislative branches of state government.

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1 (4) Grant funds are available as needed to provide  
 2 services and shall not be used for administrative  
 3 costs of the department or the grantee.

4 h. For the Iowa healthy family program under  
 5 section 135.106:

6 ..... \$ 1,052,558

7 The moneys appropriated in this lettered paragraph  
 8 shall be granted pursuant to 1992 Iowa Acts, Second  
 9 Extraordinary Session, chapter 1001, section 415,  
 10 except that the grants shall be extended through  
 11 September 30, 1997. Notwithstanding the provisions of  
 12 1992 Iowa Acts, Second Extraordinary Session, chapter  
 13 1001, section 416, the use of mid-level practitioners  
 14 to improve access to prenatal care shall include  
 15 obstetrical-gynecological nurse practitioners and  
 16 family nurse practitioners focusing on maternal and  
 17 child health. The department is encouraged to expand  
 18 funding eligibility under the program to private  
 19 physician and clinic-sponsored programs servicing low-  
 20 income populations. The administrative entities of  
 21 the Iowa healthy family program shall work  
 22 collaboratively to assure continuity of the provision  
 23 of services from the prenatal to the preschool period  
 24 to an individual client by having a single resource  
 25 mother work with that client. The department shall  
 26 submit an annual report to the general assembly  
 27 concerning the efficiency of the healthy family  
 28 program and make any recommendations for improvements.  
 29 Any funds contracted to agencies under this paragraph  
 30 which are projected to be unused at the close of the  
 31 fiscal year shall be allowed to be reallocated within  
 32 the healthy family program by April 1, 1997.  
 33 The Iowa department of public health and the

34 department of human services shall determine if  
 35 expenses under any portion of the healthy family  
 36 program would qualify for payment under the medical  
 37 assistance program and if so, shall apply to the  
 38 federal government for a medical assistance waiver.  
 39 The Iowa department of public health and the  
 40 department of human services shall evaluate the  
 41 funding change's potential impact upon clients of the  
 42 healthy family program.

43 Of the funds appropriated in this lettered  
 44 paragraph, a minimum of \$735,000 shall be used for the  
 45 healthy opportunities for parents to experience  
 46 success program. If funds are appropriated by the  
 47 Seventy-sixth General Assembly, 1996 Session, in  
 48 excess of \$335,000, the excess funds shall be used by  
 49 the department to expand the program to counties of  
 50 greatest need.

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1	i. For primary care provider recruitment and	
2	retention endeavors:	
3	.....	\$ 232,255
4	5. STATE BOARD OF DENTAL EXAMINERS	
5	For salaries, support, maintenance, miscellaneous	
6	purposes, and for not more than the following full-	
7	time equivalent positions:	
8	.....	\$ 306,149
9	..... FTEs	4.00
10	6. STATE BOARD OF MEDICAL EXAMINERS	
11	For salaries, support, maintenance, miscellaneous	
12	purposes, and for not more than the following full-	
13	time equivalent positions:	
14	.....	\$ 1,024,051
15	..... FTEs	18.00
16	7. STATE BOARD OF NURSING EXAMINERS	
17	For salaries, support, maintenance, miscellaneous	
18	purposes, and for not more than the following full-	
19	time equivalent positions:	
20	.....	\$ 969,938
21	..... FTEs	18.00
22	8. STATE BOARD OF PHARMACY EXAMINERS	
23	For salaries, support, maintenance, miscellaneous	
24	purposes, and for not more than the following full-	
25	time equivalent positions:	
26	.....	\$ 672,192
27	..... FTEs	11.00
28	9. The state board of medical examiners, the state	
29	board of pharmacy examiners, the state board of dental	
30	examiners, and the state board of nursing examiners	
31	shall prepare estimates of projected receipts to be	
32	generated by the licensing, certification, and	
33	examination fees of each board as well as a projection	

34 of the fairly apportioned administrative costs and  
 35 rental expenses attributable to each board. Each  
 36 board shall annually review and adjust its schedule of  
 37 fees so that, as nearly as possible, projected  
 38 receipts equal projected costs.

39 10. The state board of medical examiners, the  
 40 state board of pharmacy examiners, the state board of  
 41 dental examiners, and the state board of nursing  
 42 examiners shall retain their individual executive  
 43 officers, but are strongly encouraged to share  
 44 administrative, clerical, and investigative staffs to  
 45 the greatest extent possible.

46 11. A local health care provider or nonprofit  
 47 health care organization seeking grant moneys  
 48 administered by the Iowa department of public health  
 49 shall provide documentation that the provider or  
 50 organization has coordinated its services with other

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1 local entities providing similar services.

2 12. Consolidation of state funding sources for  
 3 public health nursing, home care aid, and the senior  
 4 health program into a single contract for each county  
 5 shall be available for implementation beginning July  
 6 1, 1996. It is the department's goal to add federal  
 7 funding for health promotion as federal funds become  
 8 available. The department shall implement statewide a  
 9 single source contract on July 1, 1997, for each  
 10 county. The department may include other state and  
 11 federal funding sources with the understanding that  
 12 local, city, or county funds not be supplanted.

13 Sec. 6. DEPARTMENT OF HUMAN RIGHTS. There is  
 14 appropriated from the general fund of the state to the  
 15 department of human rights for the fiscal year  
 16 beginning July 1, 1996, and ending June 30, 1997, the  
 17 following amounts, or so much thereof as is necessary,  
 18 to be used for the purposes designated:

19 1. CENTRAL ADMINISTRATION DIVISION

20 For salaries, support, maintenance, miscellaneous  
 21 purposes, and for not more than the following full-  
 22 time equivalent positions:

23 .....	\$	184,343
24 .....	FTEs	6.60

25 2. COMMUNITY ACTION AGENCIES DIVISION

26 For the expenses of the community action agencies  
 27 commission:

28 .....	\$	3,327
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29 3. DEAF SERVICES DIVISION

30 For salaries, support, maintenance, miscellaneous  
 31 purposes, and for not more than the following full-  
 32 time equivalent positions:

33 .....	\$	253,174
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34 ..... FTEs 7.00  
 35 The fees collected by the division for provision of  
 36 interpretation services by the division to obligated  
 37 agencies shall be disbursed pursuant to the provisions  
 38 of section 8.32, and shall be dedicated and used by  
 39 the division for continued and expanded interpretation  
 40 services.  
 41 The department shall conduct a study to evaluate  
 42 the access to and quality of interpretative services  
 43 provided for persons who are deaf or hard-of-hearing.  
 44 The study shall include input from persons who are  
 45 deaf or hard-of-hearing. A report of the department's  
 46 findings shall be submitted to the general assembly by  
 47 January 15, 1997.  
 48 4. PERSONS WITH DISABILITIES DIVISION  
 49 For salaries, support, maintenance, miscellaneous  
 50 purposes, and for not more than the following full-

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1 time equivalent positions:  
 2 ..... \$ 96,623  
 3 ..... FTEs 2.00

4 5. LATINO AFFAIRS DIVISION

5 For salaries, support, maintenance, miscellaneous  
 6 purposes, and for not more than the following full-  
 7 time equivalent positions:  
 8 ..... \$ 140,778  
 9 ..... FTEs 3.00

10 6. STATUS OF WOMEN DIVISION

11 For salaries, support, maintenance, miscellaneous  
 12 purposes, and for not more than the following full-  
 13 time equivalent positions:  
 14 ..... \$ 320,095  
 15 ..... FTEs 3.00

16 a. Of the funds appropriated in this subsection,  
 17 at least \$125,775 shall be spent for the displaced  
 18 homemaker program.

19 b. Of the funds appropriated in this subsection,  
 20 at least \$42,570 shall be spent for domestic violence  
 21 and sexual assault-related grants.

22 c. If the general assembly does not enact a  
 23 statute establishing a workforce development  
 24 department, then moneys appropriated in this  
 25 subsection shall be spent as directed in law by the  
 26 general assembly for the mentoring project for family  
 27 investment program participants developed in  
 28 accordance with section 239.22.

29 7. STATUS OF AFRICAN-AMERICANS DIVISION

30 For salaries, support, maintenance, miscellaneous  
 31 purposes, and for not more than the following full-  
 32 time equivalent positions:  
 33 ..... \$ 104,159

34 ..... FTEs 2.00  
 35 8. CRIMINAL AND JUVENILE JUSTICE PLANNING DIVISION  
 36 For salaries, support, maintenance, miscellaneous  
 37 purposes, and for not more than the following full-  
 38 time equivalent positions:  
 39 ..... \$ 472,648  
 40 ..... FTEs 10.05  
 41 a. The criminal and juvenile justice planning  
 42 advisory council and the juvenile justice advisory  
 43 council shall coordinate their efforts in carrying out  
 44 their respective duties relative to juvenile justice.  
 45 b. Of the funds appropriated in this subsection,  
 46 at least \$36,300 shall be spent for expenses relating  
 47 to the administration of federal funds for juvenile  
 48 assistance. It is the intent of the general assembly  
 49 that the department of human rights employ sufficient  
 50 staff to meet the federal funding match requirements

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1 established by the federal office for juvenile justice  
 2 delinquency prevention. The governor's advisory  
 3 council on juvenile justice shall determine the  
 4 staffing level necessary to carry out federal and  
 5 state mandates for juvenile justice.  
 6 9. COMMUNITY GRANT FUND  
 7 For the community grant fund established under  
 8 section 232.190 for the continuation of existing  
 9 grants for the fiscal year beginning July 1, 1996, and  
 10 ending June 30, 1997, to be used for the purposes of  
 11 the community grant fund and for not more than the  
 12 following full-time equivalent positions:  
 13 ..... \$ 1,778,971  
 14 ..... FTEs 1.43  
 15 10. SHARED STAFF. Except for the persons with  
 16 disabilities division which shall be administered by  
 17 the director of the department of human rights, the  
 18 divisions of the department of human rights shall  
 19 retain their individual administrators, but shall  
 20 share staff to the greatest extent possible.  
 21 Sec. 7. COMMISSION OF VETERANS AFFAIRS. There is  
 22 appropriated from the general fund of the state to the  
 23 commission of veterans affairs for the fiscal year  
 24 beginning July 1, 1996, and ending June 30, 1997, the  
 25 following amounts, or so much thereof as is necessary,  
 26 to be used for the purposes designated:  
 27 1. COMMISSION OF VETERANS AFFAIRS ADMINISTRATION  
 28 For salaries, support, maintenance, and  
 29 miscellaneous purposes, and for not more than the  
 30 following full-time equivalent positions:  
 31 ..... \$ 286,128  
 32 ..... FTEs 5.00  
 33 The commission of veterans affairs may use the



34 gifts accepted by the chairperson of the commission of  
 35 veterans affairs, or designee, and other resources  
 36 available to the commission for use at its Camp Dodge  
 37 office. The commission shall report annually to the  
 38 governor and the general assembly on monetary gifts  
 39 received by the commission for the Camp Dodge office.

40 2. WAR ORPHANS

41 For the war orphans educational aid fund  
 42 established pursuant to chapter 35:

43 ..... \$ 4,744

44 3. IOWA VETERANS HOME

45 For salaries, support, maintenance, and  
 46 miscellaneous purposes and for not more than the  
 47 following full-time equivalent positions:

48 ..... \$ 38,445,924

49 ..... FTEs 800.82

50 a. The Iowa veterans home may use the gifts

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1 accepted by the chairperson of the commission of  
 2 veterans affairs and other resources available to the  
 3 commission for use at the Iowa veterans home.

4 b. If medical assistance revenues are expanded at  
 5 the Iowa veterans home, and this expansion results in  
 6 medical assistance reimbursements which exceed the  
 7 amount budgeted for that purpose in the fiscal year  
 8 beginning July 1, 1996, and ending June 30, 1997, the  
 9 Iowa veterans home may expend the excess amounts to  
 10 exceed the number of full-time equivalent positions  
 11 authorized in this section for the purpose of meeting  
 12 related certification requirements or to provide  
 13 additional beds. The expenditure of additional funds  
 14 received, as outlined in this paragraph, is subject to  
 15 the approval by the department of management.

16 Sec. 8. COMMUNITY GRANT FUND AND SUBSTANCE ABUSE  
 17 GRANTS — FISCAL YEAR 1996. There is appropriated  
 18 from the unobligated and unencumbered balance of the  
 19 gamblers assistance fund for the fiscal year beginning  
 20 July 1, 1995, and ending June 30, 1996, the following  
 21 amounts to be used for the purposes designated:

22 1. COMMUNITY GRANT FUND

23 To the community grant fund established under  
 24 section 232.190, to be allocated by the division of  
 25 criminal and juvenile justice planning of the  
 26 department of human rights for a grant to an urban  
 27 facility whose primary function is to provide shelter  
 28 services for runaways ages 11 through 17:

29 ..... \$ 200,000

30 2. SUBSTANCE ABUSE GRANTS

31 To the Iowa department of public health for  
 32 substance abuse program grants administered by the  
 33 department:

34 ..... \$ 400,000

35 The appropriations made in this section shall be in  
36 descending priority order and if the unobligated and  
37 unencumbered balance of the fund is insufficient for  
38 both appropriations, the appropriation in subsection 2  
39 shall be reduced accordingly.

40 Notwithstanding section 8.33, moneys appropriated  
41 in this section shall not revert to the gamblers  
42 assistance fund but shall remain available to be used  
43 for the purpose designated in the fiscal year  
44 beginning July 1, 1996.

45 Sec. 9. DIRECT PURCHASE INCENTIVE.

46 1. If a department is able to demonstrate a 10  
47 percent savings resulting from a direct purchase of  
48 equipment which is otherwise required to be purchased  
49 pursuant to a state contract, the department, after  
50 consultation with the department of general services,

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1 is authorized to make the direct purchase,  
2 notwithstanding section 18.6. To provide an incentive  
3 to encourage departments to consider direct  
4 purchasing, 50 percent of the savings realized from  
5 the direct purchase may be retained by a department,  
6 and the remaining 50 percent shall be deposited into  
7 the general fund of the state. The department of  
8 management shall monitor the savings for a one-year  
9 period beginning on July 1, 1996, and submit a report  
10 at the conclusion of the one-year period to the health  
11 and human rights appropriations subcommittee.

12 2. The provisions of this section shall apply to  
13 purchases made with moneys appropriated in sections 1  
14 through 7 of this Act.

15 Sec. 10. Section 22.7, Code Supplement 1995, is  
16 amended by adding the following new subsection:

17 **NEW SUBSECTION.** 33. Records of the Iowa  
18 department of public health pertaining to participants  
19 in the gamblers treatment program except as otherwise  
20 provided in this chapter.

21 Sec. 11. Section 99D.7, subsection 21, Code  
22 Supplement 1995, is amended to read as follows:

23 21. To cooperate with the gamblers assistance  
24 ~~treatment~~ program administered by the department of  
25 ~~human services~~ Iowa department of public health to  
26 incorporate information regarding the gamblers  
27 assistance ~~treatment~~ program and its toll-free  
28 telephone number in printed materials distributed by  
29 the commission. The commission may require licensees  
30 to have the information available in a conspicuous  
31 place as a condition of licensure.

32 Sec. 12. Section 99E.9, subsection 8, Code

33 Supplement 1995, is amended to read as follows:  
34 8. The Iowa lottery board shall cooperate with the  
35 gamblers assistance treatment program administered by  
36 the ~~department of human services~~ Iowa department of  
37 public health to incorporate information regarding the  
38 gamblers assistance treatment program and its toll-  
39 free telephone number in printed materials distributed  
40 by the board.

41 Sec. 13. Section 99E.10, subsection 1, paragraph  
42 a, Code 1995, is amended to read as follows:

43 a. An amount equal to three-tenths of one percent  
44 of the gross lottery revenue shall be deposited in a  
45 gamblers assistance treatment fund in the office of  
46 the treasurer of state. The director of ~~human~~  
47 services the Iowa department of public health shall  
48 administer the fund and shall provide that receipts  
49 are allocated on a monthly basis to fund  
50 administrative costs and to provide programs which may

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1 include, but are not limited to, outpatient and  
2 follow-up treatment for persons affected by problem  
3 gambling, rehabilitation and residential treatment  
4 programs, information and referral services, and  
5 education and preventive services.

6 Sec. 14. Section 99E.10, subsection 1, paragraph  
7 a, Code 1995, is amended by adding the following new  
8 unnumbered paragraph:

9 NEW UNNUMBERED PARAGRAPH. Of the moneys remaining  
10 in the gamblers treatment fund at the close of the  
11 fiscal year which otherwise would remain unexpended or  
12 unobligated for the purposes designated in this  
13 paragraph "a", up to four hundred thousand dollars  
14 shall be used by the Iowa department of public health  
15 for substance abuse program grants.

16 Sec. 15. Section 216A.2, subsection 5, Code  
17 Supplement 1995, is amended by striking the subsection  
18 and inserting in lieu thereof the following:

19 5. Appoint the administrator of each division in  
20 cooperation and consultation with the commissions.  
21 Each administrator shall be exempt from the merit  
22 system provisions of chapter 19A. The director shall  
23 set the salary of the division administrators within  
24 the range set by the general assembly.

25 Sec. 16. Section 216A.2, subsection 8, Code  
26 Supplement 1995, is amended by striking the subsection  
27 and inserting in lieu thereof the following:

28 8. Establish goals and objectives for  
29 administrators to assist in complying with policy set  
30 by the commissions.

31 Sec. 17. Section 216A.2, Code Supplement 1995, is  
32 amended by adding the following new subsections:

33 NEW SUBSECTION. 10. After consultation with the  
 34 appropriate commission, discipline or discharge an  
 35 administrator or employee, when determined  
 36 appropriate, provided the discharge or disciplinary  
 37 action conforms to existing statutory requirements,  
 38 and does not conflict with labor contract provisions.

39 NEW SUBSECTION. 11. Assign staff to obtain  
 40 maximum efficiency and coordination of duties to  
 41 facilitate the administration of functions required to  
 42 be performed by the various divisions.

43 Sec. 18. Section 216A.2, unnumbered paragraph 2,  
 44 Code Supplement 1995, is amended by striking the  
 45 paragraph and inserting in lieu thereof the following:

46 The terms of all division administrators in the  
 47 department shall terminate on July 1, 1996.

48 Sec. 19. Section 232.190, subsection 1, Code 1995,  
 49 is amended to read as follows:

50 1. A community grant fund is established in the

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1 state treasury under the control of the division of  
 2 criminal and juvenile justice planning of the  
 3 department of human rights for the purposes of  
 4 awarding grants under this section. The criminal and  
 5 juvenile justice planning advisory council and the  
 6 juvenile justice advisory council shall assist the  
 7 division in administering grants awarded under this  
 8 section. The department of human services shall  
 9 advise the division on programs which meet the  
 10 criteria established for grant recipients. Not more  
 11 than one five percent of the moneys appropriated to  
 12 the fund shall be used for administrative purposes.

13 Sec. 20. 1993 Iowa Acts, chapter 55, section 1,  
 14 subsection 3, is amended to read as follows:

15 3. The project shall be completed on or before  
 16 June 30, 1997, and existing vital records shall be  
 17 converted to the electronic system by that date.  
 18 Moneys appropriated pursuant to this section which  
 19 remain unexpended unencumbered on June 30, 1997, shall  
 20 revert to the general fund of the state. The  
 21 remaining encumbered moneys which remain unexpended on  
 22 June 30, 1998, shall revert to the general fund of the  
 23 state. For the fiscal year beginning July 1, 1997,  
 24 and succeeding fiscal years, the provisions of section  
 25 144.46, requiring the vital records fee to be set by  
 26 rule based on the average administrative costs, shall  
 27 apply.

28 Sec. 21. Section 216A.5, Code 1995, is repealed.

29 Sec. 22. EFFECTIVE DATE. Section 8 of this Act,  
 30 being deemed of immediate importance, takes effect  
 31 upon enactment."

Brammer of Linn offered the following amendment H-5717, to the committee amendment H-5541 filed by him as follows:

H-5717

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the the Senate,  
3 as follows:

4 1. Page 1, by striking line 5 and inserting the  
5 following:

6 "DIVISION I

7 DEPARTMENT APPROPRIATIONS

8 Section 1. DEPARTMENT FOR THE BLIND. There is".

9 2. Page 20, by inserting after line 14 the  
10 following:

11 "DIVISION II

12 IOWA CODE AMENDMENTS".

13 3. Page 22, by inserting after line 31 the  
14 following:

15 "DIVISION III

16 CIGARETTE AND TOBACCO PRODUCT

17 HEALTH IMPACT AND SALE RESTRICTION

18 Sec. \_\_\_\_ Section 142B.6, Code 1995, is amended to  
19 read as follows:

20 142B.6 CIVIL PENALTY FOR VIOLATION — UNIFORM  
21 APPLICATION ENFORCEMENT.

22 A person who smokes in those areas prohibited in  
23 section 142B.2, or who violates section 142B.4, shall  
24 pay a civil fine pursuant to section 805.8, subsection  
25 11, for each violation.

26 Judicial magistrates shall hear and determine  
27 violations of this chapter. The civil penalties paid  
28 pursuant to this chapter shall be deposited in the  
29 county treasury.

30 ~~Enforcement of this chapter shall be implemented in~~  
31 ~~an equitable manner throughout the state. For the~~  
32 ~~purpose of equitable and uniform implementation,~~  
33 ~~application, and enforcement of state and local laws~~  
34 ~~and regulations, the provisions of this chapter shall~~  
35 ~~supersede any local law or regulation which is~~  
36 ~~inconsistent with or conflicts with the provisions of~~  
37 ~~this chapter. The Iowa department of public health~~  
38 ~~shall adopt rules to enforce this chapter.~~

39 Sec. \_\_\_\_ NEW SECTION. 142C.1 LEGISLATIVE  
40 FINDINGS — CIGARETTE AND TOBACCO PRODUCTS.

41 Following an analysis of data regarding cigarettes  
42 and tobacco products and the addictive nature of the  
43 nicotine contained in these products which was  
44 provided by the Iowa department of public health, the  
45 United States environmental protection agency, the  
46 United States public health service, the world health  
47 organization, the American cancer society, the

48 American heart association, the American lung  
 49 association, the American medical association, the  
 50 American dental association, the American public

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1 health association, the national cancer institute, and  
 2 the international agency for research on cancer, the  
 3 general assembly finds and declares all of the  
 4 following:

5 1. That cigarettes and tobacco products, with  
 6 their inherent and supplemented quantities of  
 7 nicotine, are highly addictive and that use of these  
 8 products threatens the health and lives of lowans.

9 2. That environmental tobacco smoke is a group A  
 10 carcinogen known to cause lung cancer in nonsmokers as  
 11 well as in smokers.

12 3. That tobacco and resultant environmental  
 13 tobacco smoke are the highest causative agents in  
 14 increased mortality and morbidity in the state.

15 4. That the federal Americans with Disabilities  
 16 Act specifies that persons sensitive to tobacco smoke,  
 17 including persons with asthma, are "handicapped  
 18 persons" and that businesses are required to make  
 19 reasonable accommodations to allow handicapped persons  
 20 access to offices and workplaces.

21 5. That a principal manufacturer of tobacco  
 22 products has admitted to these findings, has agreed to  
 23 a financial settlement based upon the damage caused by  
 24 the effects of these products, and has agreed to limit  
 25 advertising in accordance with the limitations  
 26 established by the United States environmental  
 27 protection agency.

28 6. That based upon all of the above, the general  
 29 assembly declares the use of cigarettes and tobacco  
 30 products to be an immediate health emergency of  
 31 epidemic proportions and a menace as an entry-level  
 32 drug in the youth population of the state and will  
 33 enact legislation to address this public health  
 34 problem.

35 Sec. \_\_\_\_ NEW SECTION. 249A.30 RECOVERY OF  
 36 MEDICAL ASSISTANCE EXPENDITURE — CIGARETTE AND  
 37 TOBACCO PRODUCTS — RELATED MEDICAL EXPENSES BY  
 38 RESIDENT RECIPIENTS.

39 1. Notwithstanding chapter 668, the attorney  
 40 general shall institute a civil action on behalf of  
 41 the state against any manufacturer of cigarettes or  
 42 other tobacco products to recover the full amount of  
 43 medical assistance provided by the state to a resident  
 44 of the state for the payment of medical services which  
 45 are reasonably attributable to the use of cigarettes  
 46 or tobacco products and all reasonable expenses  
 47 associated with instituting the action.

- 48 2. In determining liability in an action under  
49 this section, all of the following shall apply:  
50 a. Any manufacturer of cigarettes or other tobacco

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1 products shall be strictly liable for the medical  
2 expenses reasonably attributable to the use of the  
3 manufacturer's product, without regard to any  
4 negligence, intent, warnings, or other conduct or  
5 knowledge on the part of the manufacturer.

6 b. The state may recover medical expenses, without  
7 regard to the defenses of assumption of the risk,  
8 contributory or comparative negligence, or other  
9 defenses which might be asserted.

10 c. Any action instituted by the attorney general  
11 is independent of any rights or causes of action of  
12 any individual.

13 3. In determining the extent of the liability of  
14 any manufacturer under this section, the court shall  
15 apply the following evidentiary presumptions:

16 a. The ratio of the expenses attributable to the  
17 use of cigarettes or tobacco products produced by any  
18 manufacturer to the expenses of all manufacturers is  
19 presumed to be equivalent to the ratio of the sales by  
20 the manufacturer within the state during the most  
21 recent year for which data are available to the sales  
22 of all manufacturers for that year.

23 b. The medical expenses for individuals  
24 attributable to the use of cigarettes or tobacco  
25 products shall be based on reliable estimates for the  
26 class of persons affected, rather than proof of the  
27 cause of expenses in the case of any particular  
28 individual.

29 c. Estimates of medical expenses shall be based on  
30 epidemiological, scientific, survey, and other data,  
31 determined by the director of public health to be  
32 reliable and reasonably available. The Iowa  
33 department of public health shall adopt rules to  
34 specify the methodology for making the estimates in  
35 any action under this section.

36 d. A defendant shall have the opportunity to rebut  
37 any presumption by clear and convincing evidence,  
38 provided that the court shall take reasonable steps to  
39 ensure that determination of damages is concluded in a  
40 timely and expeditious manner and that no party to the  
41 action is permitted to unduly delay the conclusion of  
42 the action.

43 4. For the purposes of this section, "cigarette"  
44 and "tobacco products" mean cigarette and tobacco  
45 products as defined in section 453A.1.

46 Sec. \_\_\_\_ Section 453A.1, subsections 3 and 4,  
47 Code 1995, are amended by striking the subsections.

48 Sec. \_\_\_\_ Section 453A.2, Code 1995, is amended by  
49 adding the following new subsection:  
50 NEW SUBSECTION. 5. A violation of subsection 1 is

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1 a violation of section 714.16, subsection 2, paragraph  
2 "a".

3 Sec. \_\_\_\_ Section 453A.3, unnumbered paragraph 1,  
4 Code 1995, is amended to read as follows:

5 A person who violates section 453A.2, subsection 1,  
6 ~~or section 453A.3~~ is guilty of a simple misdemeanor.

7 Sec. \_\_\_\_ Section 453A.13, subsections 1 and 2,  
8 Code 1995, are amended to read as follows:

9 1. PERMITS REQUIRED. Every distributor,  
10 wholesaler, ~~cigarette vendor~~, and retailer, now  
11 engaged or who desires to become engaged in the sale  
12 or use of cigarettes, upon which a tax is required to  
13 be paid, shall obtain a state or retail cigarette  
14 permit as a distributor, wholesaler, ~~cigarette vendor~~,  
15 or retailer, as the case may be.

16 2. ISSUANCE OR DENIAL.

17 a. The department shall issue state permits to  
18 distributors, and wholesalers, ~~and cigarette vendors~~  
19 subject to the conditions provided in this division.  
20 Cities may issue retail permits to dealers within  
21 their respective limits. County boards of supervisors  
22 may issue retail permits to dealers in their  
23 respective counties, outside of the corporate limits  
24 of cities.

25 b. The department may deny the issuance of a  
26 permit to a distributor, wholesaler, ~~vendor~~ or  
27 retailer who is substantially delinquent in the  
28 payment of a tax due, or the interest or penalty on  
29 the tax, administered by the department at the time of  
30 application. If the applicant is a partnership, a  
31 permit may be denied if a partner is substantially  
32 delinquent on any delinquent tax, penalty or interest.  
33 If the applicant is a corporation, a permit may be  
34 denied if any officer having a substantial legal or  
35 equitable interest in the ownership of the corporation  
36 owes any delinquent tax, interest or penalty of the  
37 applicant corporation.

38 Sec. \_\_\_\_ Section 453A.13, subsection 3,  
39 unnumbered paragraph 1, Code 1995, is amended to read  
40 as follows:

41 All permits provided for in this division shall  
42 expire on June 30 of each year. A permit shall not be  
43 granted or issued until the applicant has paid for the  
44 period ending June 30 next, to the department or the  
45 city or county granting the permit, the fees provided  
46 for in this division. The annual state permit fee for  
47 a distributor, ~~cigarette vendor~~, and wholesaler is one



48 hundred dollars when the permit is granted during the  
49 months of July, August, or September. However,  
50 whenever a state permit holder operates more than one

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1 place of business, a duplicate state permit shall be  
2 issued for each additional place of business on  
3 payment of five dollars for each duplicate state  
4 permit, but refunds as provided in this division do  
5 not apply to any duplicate permit issued.

6 Sec. \_\_\_\_ Section 453A.13, subsection 6, Code  
7 1995, is amended to read as follows:

8 6. NO SALES WITHOUT PERMIT. No distributor,  
9 wholesaler, ~~cigarette vendor~~, or retailer shall sell  
10 any cigarettes until such application has been filed  
11 and the fee prescribed paid for a permit and until  
12 such permit is obtained and only while such permit is  
13 unrevoked and unexpired.

14 Sec. \_\_\_\_ Section 453A.22, subsection 2,  
15 unnumbered paragraph 1, Code 1995, is amended to read  
16 as follows:

17 If a retailer or employee of a retailer has  
18 violated section 453A.2, or 453A.36, subsection 6, ~~or~~  
19 ~~453A.39~~, the department or local authority, in  
20 addition to the other penalties fixed for such  
21 violations in this section, shall assess a penalty  
22 upon the same hearing and notice as prescribed in  
23 subsection 1 as follows:

24 Sec. \_\_\_\_ Section 453A.22, subsection 2,  
25 unnumbered paragraph 1, Code 1995, is amended to read  
26 as follows:

27 If a retailer or employee of a retailer has  
28 violated section 453A.2, or 453A.36, subsection 6, ~~or~~  
29 ~~453A.39~~ 8, or 9, the department or local authority, in  
30 addition to the other penalties fixed for such  
31 violations in this section, shall assess a penalty  
32 upon the same hearing and notice as prescribed in  
33 subsection 1 as follows:

34 Sec. \_\_\_\_ Section 453A.36, subsection 6, Code  
35 1995, is amended by striking the subsection and  
36 inserting in lieu thereof the following:

37 6. a. A person shall not sell cigarettes or  
38 tobacco products through a vending machine or through  
39 self-service displays in this state.

40 b. A manufacturer, distributor, wholesaler,  
41 retailer, distributing agent or agent thereof shall  
42 not give away cigarettes or tobacco products at any  
43 time in connection with the manufacturer's,  
44 distributor's, wholesaler's, retailers', distributing  
45 agent's or agent's thereof promotion of the business  
46 or product.

47 c. It is unlawful for any manufacturer,

48 distributor, wholesaler, retailer, distributing agent  
49 or agent thereof to advertise on any advertising  
50 device cigarettes or other tobacco products within one

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1 thousand feet of any playground, elementary school,  
2 middle school, high school, or other facility when  
3 such facility is being used primarily by persons under  
4 age eighteen for recreational, educational, or other  
5 purposes.

6 d. A manufacturer, distributor, wholesaler,  
7 retailer, distributing agent or agent thereof shall  
8 not advertise cigarettes or tobacco products on  
9 advertising devices in this state, no matter where  
10 located, including but not limited to advertising  
11 devices located on public transportation or at the  
12 point-of-sale, shall be in black and white text only.

13 e. A manufacturer, distributor, wholesaler,  
14 retailer, distributing agent or agent thereof shall  
15 not sell or distribute in this state promotional items  
16 and prizes, including but not limited to caps, T-  
17 shirts, and bags, which bear the logo or name of a  
18 cigarette or tobacco product, and shall not utilize  
19 proof-of-purchase exchanges for cigarettes or other  
20 tobacco products in this state.

21 f. Any cigarettes or tobacco products or related  
22 items sold or distributed in this state are subject to  
23 all of the following, as applicable:

24 (1) All sales of cigarettes and tobacco products  
25 shall be made in face-to-face sales, and age  
26 verification shall be required for each sale.

27 (2) All cigarettes and tobacco products shall be  
28 located behind a counter or in another location which  
29 is under the exclusive control of the seller and which  
30 is not directly accessible to the general public.

31 g. In addition to any other penalty which applies  
32 to a violation of this subsection, any person, as  
33 specified in this subsection, who violates this  
34 subsection, is guilty of a serious misdemeanor.

35 Sec. \_\_\_\_ Section 453A.42, subsection 8, Code  
36 1995, is amended to read as follows:

37 8. "Place of business" means any place where  
38 tobacco products are sold or where tobacco products  
39 are manufactured, stored, or kept for the purpose of  
40 sale or consumption, including any vessel, vehicle,  
41 airplane, or train, or vending machine.

42 Sec. \_\_\_\_ Section 453A.56, Code 1995, is amended  
43 to read as follows:

44 453A.56 UNIFORM APPLICATION.

45 Enforcement of this chapter shall be implemented in  
46 an equitable manner throughout the state. For the  
47 purpose of equitable and uniform implementation,  
48 application, and enforcement of state and local laws

49 and regulations, the provisions of this chapter shall  
50 supersede any local law or regulation which is

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1 inconsistent with or conflicts with the provisions of  
2 this chapter, unless the local law or regulation is  
3 more restrictive in application in which case the more  
4 restrictive portion of the local law or regulation  
5 shall supersede any inconsistent or conflicting  
6 provision of this chapter. This section and any other  
7 provision in this chapter shall not prohibit the  
8 imposition of a local option cigarette and tobacco tax  
9 under chapter 422B.

10 Sec. \_\_\_\_ NEW SECTION. 453A.57 IOWA DO NOT  
11 START-STOP SMOKING FUND ESTABLISHED.

12 1. An Iowa do not start-stop smoking fund is  
13 created within the state treasury under the control of  
14 the Iowa department of public health. Moneys received  
15 by the department from the proceeds of any tobacco  
16 company settlement with the state of Iowa shall be  
17 deposited in the state treasury to the credit of the  
18 fund and are appropriated for the purposes specified  
19 in this section. Notwithstanding section 8.33, any  
20 unexpended balance in the fund at the end of each  
21 fiscal year shall be retained in the fund. Any  
22 interest and earnings on investments from money in the  
23 fund shall be credited to the fund, section 12C.7  
24 notwithstanding.

25 2. The Iowa department of public health shall  
26 develop and implement a do not start-stop smoking  
27 education campaign to educate minors and others about  
28 the hazards of using cigarettes and tobacco products.

29 Sec. \_\_\_\_ Section 453A.39, Code 1995, is repealed.

30 Sec. \_\_\_\_ EFFECTIVE DATE. Section 249A.30, as  
31 enacted by this Act, relating to the recovery of  
32 medical assistance expenditures due to smoking, being  
33 deemed of immediate importance, takes effect upon  
34 enactment.

35 Sec. \_\_\_\_ RETROACTIVE APPLICABILITY. The state  
36 may recover, pursuant to section 249A.30, in addition  
37 to any subsequent damages, any applicable damages  
38 incurred within the two years preceding the date of  
39 enactment of section 249A.30 of this Act."

40 4. Page 22, by inserting after line 28 the  
41 following:

42 " \_\_\_\_ Title page, line 1, by inserting after the  
43 words "relating to" the following: "health matters".

44 \_\_\_\_ Title page, line 6, by inserting after the  
45 word "affairs," the following: "providing  
46 penalties,"."

47 5. By renumbering as necessary.

The House stood at ease at 3:47 p.m., until the fall of the gavel.

The House resumed session at 4:43 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

Brammer of Linn rose on a point of order that amendment H-5717 was not germane, to the committee amendment H-5541.

The Speaker ruled the point well taken and amendment H-5717 not germane, to the committee amendment H-5541.

Brammer of Linn asked for unanimous consent to suspend the rules to consider amendment H-5717.

Objection was raised.

Brammer of Linn moved to suspend the rules to consider amendment H-5717, to the committee amendment H-5541.

Roll call was requested by Brammer of Linn and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-5717, to the committee amendment H-5541?" (S.F. 2448)

The ayes were, 35:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shoultz	Taylor	Thomson	Warnstadt
Weigel	Wise	Witt	

The nays were, 59:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Cataldo	Churchill	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme

Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Weidman	Van Maanen, Presiding	

Absent or not voting, 6:

Eddie	Harrison	Moreland	Mundie
Nelson, B.	Welter		

The motion to suspend the rules lost.

Weigel of Chickasaw offered the following amendment H-5679, to the committee amendment H-5541, filed by him and moved its adoption:

H-5679

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 36 through 45.

Roll call was requested by Murphy of Dubuque and Ollie of Clinton.

On the question "Shall amendment H-5679, to the committee amendment H-5541, be adopted?" (S.F. 2448)

The ayes were, 37:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cphoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

The nays were, 62:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney

Drake	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen, Presiding		

Absent or not voting, 1:

Eddie

Amendment H-5679 lost.

Weigel of Chickasaw offered the following amendment H-5680, to the committee amendment H-5541, filed by him and moved its adoption:

H-5680

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 46 through 50.

Amendment H-5680 lost.

Mascher of Johnson offered the following amendment H-5702, to the committee amendment H-5541, filed by her and moved its adoption:

H-5702

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 13, by striking the figure
- 5 "3,040,586" and inserting the following: "3,076,528".
- 6 2. Page 14, line 6, by striking the figure
- 7 "1,052,558" and inserting the following: "1,065,000".
- 8 3. Page 18, line 13, by striking the figure
- 9 "1,778,971" and inserting the following: "1,800,000".

Roll call was requested by Murphy of Dubuque and Brunkhorst of Bremer.

On the question "Shall amendment H-5702, to the committee

## amendment H-5541, be adopted?" (S.F. 2448)

The ayes were, 39:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Coon	Dinkla	Doderer
Drees	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Martin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	

The nays were, 54:

Arnold	Blodgett	Boddicker	Bogges
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Cormack	Daggett	Disney
Drake	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Lord	Main	Metcalf
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Witt	Van Maanen, Presiding		

Absent or not voting, 7:

Bradley	Corbett, Spkr.	Eddie	Hahn
Larson	Meyer	Millage	

### Amendment H-5702 lost.

Weigel of Chickasaw asked and received unanimous consent to withdraw amendment H-5704, to the committee amendment H-5541, filed by Weigel, et. al., on March 27, 1996.

Shoultz of Black Hawk offered the following amendment H-5708, to the committee amendment H-5541, filed by him and moved its adoption:

H-5708

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, line 13, by striking the figure

- 5 "3,040,586" and inserting the following: "3,050,586".  
 6 2. Page 2, by inserting after line 42 the  
 7 following:  
 8 "Of the funds appropriated in this subsection,  
 9 \$10,000 is for use by the Hawkeye area agency on aging  
 10 for support of programs at the Jesse Cosby center."

Roll call was requested by Holveck of Polk and Disney of Polk.

On the question "Shall amendment H-5708, to the committee amendment H-5541, be adopted?" (S.F. 2448)

The ayes were, 35:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Wise	Witt	

The nays were, 61:

Arnold	Blodgett	Boddicker	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, 4:

Bogges	Eddie	Tyrrell	Weigel
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Amendment H-5708 lost.



Nelson of Marshall asked and received unanimous consent to withdraw amendment H-5728, to the committee amendment H-5541, filed by her on March 28, 1996.

Murphy of Dubuque offered the following amendment H-5681, to the committee amendment H-5541, filed by him and moved its adoption:

H-5681

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 6, line 14, by striking the figure
- 5 "7,896,812" and inserting the following: "8,296,812".
- 6 2. Page 18, line 13, by striking the figure
- 7 "1,778,971" and inserting the following: "1,978,971".
- 8 3. Page 18, by inserting after line 14 the
- 9 following:
- 10 "Of the amount appropriated to the community grant
- 11 fund, \$200,000 shall be allocated by the division of
- 12 criminal and juvenile justice planning of the
- 13 department of human rights, for a grant to an urban
- 14 facility whose primary function is to provide shelter
- 15 services for runaways ages 11 through 17. This shall
- 16 be the only new grant allocated out of this
- 17 appropriation."
- 18 4. Page 19, by striking lines 16 through 44.
- 19 5. Page 21, by striking lines 6 through 15.
- 20 6. By renumbering as necessary.

Amendment H-5681 lost.

Harrison of Scott offered amendment H-5703, to the committee amendment H-5541, filed by him and Brunkhorst and requested division as follows:

H-5703

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

H-5703A

- 4 1. Page 6, line 14, by striking the figure
- 5 "7,896,812" and inserting the following: "8,296,812".
- 6 2. Page 14, line 6, by striking the figure
- 7 "1,052,558" and inserting the following: "652,558".

H-5703B

- 8 3. Page 14, line 7, by inserting before the word
- 9 "The" the following: "(1)".

## H-5703B

- 10 4. Page 14, line 33, by inserting before the word  
11 "The" the following: "(2)".  
12 5. Page 14, line 43, by inserting before the word  
13 "Of" the following: "(3)".

## H-5703A

- 14 6. Page 14, line 44, by striking the figure  
15 "735,000" and inserting the following: "335,000".

## H-5703B

- 16 7. Page 14, by inserting after line 50 the  
17 following:  
18 "(4) It is the intent of the general assembly to  
19 develop a process for the fiscal year beginning July  
20 1, 1997, using the criteria set out in this  
21 subparagraph, to appropriate state funds in block  
22 grant form to communities for programs for families  
23 with children between zero and five years of age,  
24 based upon the recommendation of the blueprint for  
25 Iowa's young children 1995 interim study committee.  
26 The funds, in block grant form, shall be allocated  
27 to a community, for the fiscal year beginning July 1,  
28 1997, and ending June 30, 1998, which may be a city, a  
29 county, a school district, or a group of cities,  
30 counties, or school districts for which a city  
31 government, a county board of supervisors, or a school  
32 district or a group of city governments, county boards  
33 of supervisors, or school districts submits an  
34 application for funding services to families with  
35 children between zero and five years of age.  
36 The application shall be submitted to the  
37 department of management and shall propose a  
38 collaborative community strategy through participation  
39 of a wide range of consumers and public, private  
40 sector, and voluntary groups and organizations within  
41 the community in the development and implementation of  
42 the plan; to provide matching funds in an amount  
43 designated by the department of management based upon  
44 the number of families with children between zero and  
45 five years of age in the community, and to evaluate  
46 programs through state-developed performance measures.  
47 The department of management shall develop criteria  
48 for and a procedure for the approval of community  
49 plans, determine the number of families within a  
50 community with children between zero and five years of

## Page 2

- 1 age, and develop performance measures, involving both  
2 process and impact evaluation, in consultation with  
3 state agencies which provide services to these  
4 families including but not limited to the department

H-5703B

5 of human services, the Iowa department of public  
6 health, the department of education, the department of  
7 economic development, the department of employment  
8 services, and the department of human rights.  
9 The directors of state agencies which provide  
10 services to children and families, including but not  
11 limited to the department of human services, the Iowa  
12 department of public health, the department of  
13 education, the department of economic development, the  
14 department of employment services, and the department  
15 of human rights, shall form a work group to internally  
16 coordinate and to increase collaboration regarding  
17 policies and programs which focus on children and  
18 families. The work group shall further evaluate the  
19 best process for the appropriation of state funds in  
20 block grant form as provided in this subparagraph and  
21 shall develop a joint strategic plan to reduce  
22 regulation, to eliminate duplication, and to develop a  
23 system for evaluation of existing and future programs  
24 and activities relating to children and families. The  
25 work group shall submit a comprehensive report to the  
26 general assembly detailing the progress in meeting  
27 this directive on or before December 1, 1996, and  
28 annually on December 1 thereafter."

H-5703A

- 29 8. Page 19, by striking lines 16 through 44.  
30 9. Page 21, by striking lines 6 through 15.  
31 10. Page 22, by striking lines 29 through 31.  
32 11. By renumbering as necessary.

On motion by Harrison of Scott, amendment H-5703A, to the committee amendment H-5541, was adopted, placing out of order amendment H-5709, to the committee amendment H-5541, filed by Brand of Benton on March 27, 1996.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Wise of Lee, until his return, on request of Bernau of Story.

Holveck of Polk offered the following amendment H-5741, to the committee amendment H-5541, filed by him from the floor and moved its adoption:

H-5741

- 1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 9, line 31, by striking the figure  
5 "8,486,400" and inserting the following: "8,586,716".

Roll call was requested by Holveck of Polk and Murphy of Dubuque.

On the question "Shall amendment H-5741, to the committee amendment H-5541, be adopted?" (S.F. 2448)

The ayes were, 40:

Arnold	Baker	Bell	Bernau
Brammer	Brand	Burnett	Cataldo
Cohoon	Connors	Doderer	Drees
Fallon	Garman	Hammitt Barry	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Murphy	McRoy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Teig	Warnstadt	Weigel	Witt

The nays were, 55:

Blodgett	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Daggett
Dinkla	Disney	Drake	Ertl
Gipp	Greig	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hanson
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen,	
		Presiding	

Absent or not voting, 5:

Corbett, Spkr.	Eddie	Greiner	Harrison
Wise			

Amendment H-5741 lost.

Brand of Benton offered the following amendment H-5731, to the committee amendment H-5541, filed by him and moved its adoption:

H-5731

1 Amend the amendment, H-5541, to Senate File 2448,

- 2 as amended, passed, and reprinted by the Senate, as  
3 follows:
- 4 1. Page 16, line 4, by striking the word "county"
  - 5 and inserting the following: "county, as agreed upon
  - 6 by the county board of supervisors and any boards of
  - 7 health within the county,".
  - 8 2. Page 16, by striking lines 8 through 10 and
  - 9 inserting the following: "available. The department
  - 10 shall submit a report to the general assembly on or
  - 11 before January 2, 1997, which shall include an
  - 12 evaluation of the first year of the voluntary
  - 13 demonstration project and a plan to expand statewide a
  - 14 single source contract for each county beginning July
  - 15 1, 1997. The department may include other state and".

Amendment H-5731 was adopted.

Harrison of Scott asked and received unanimous consent to withdraw amendment H-5703B, to the committee amendment H-5541, found on pages 1255 through 1257 of the House Journal.

Mascher of Johnson offered the following amendment H-5701, to the committee amendment H-5541, filed by her and Mundie and moved its adoption:

H-5701

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 16, by striking lines 41 through 47.
- 5 2. Page 22, by inserting after line 28 the
- 6 following:
- 7 "Sec. 22. INTERPRETIVE SERVICES STUDY. The
- 8 legislative council is requested to establish an
- 9 interim committee to evaluate the access to and
- 10 quality of interpretive services provided for the deaf
- 11 and hard-of-hearing population."
- 12 3. By renumbering as necessary.

Amendment H-5701 lost.

Kremer of Buchanan offered the following amendment H-5712, to the committee amendment H-5541, filed by him and moved its adoption:

H-5712

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 17, by striking lines 22 through 28 and

5 inserting the following:

6 "6A. STATUS OF WOMEN DIVISION CONTINGENT  
7 APPROPRIATION

8 If the general assembly does not enact a statute  
9 creating a workforce development department with  
10 responsibility for the mentoring project for family  
11 investment program participants, the following amount  
12 for the division of the status of women to implement  
13 the mentoring project under section 239.22:

14 ..... \$ 72,000"

15 2. By renumbering, relettering, and redesignating  
16 as necessary.

Amendment H-5712 was adopted.

Weigel of Chickasaw offered amendment H-5713, to the committee amendment H-5541, filed by him and Murphy and requested division as follows:

H-5713

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

H-5713A

4 1. Page 18, line 8, by inserting after the word  
5 "for" the following: "new grants and".

H-5713B

6 2. Page 22, by inserting after line 12 the  
7 following:

8 "Sec. 20. Section 232.190, subsection 4, Code  
9 1995, is amended to read as follows:

10 ~~4. This section is repealed effective June 30,~~  
11 ~~1998.~~ The division of criminal and juvenile justice  
12 planning and the department of human services shall  
13 submit a report to the general assembly by January 15,  
14 1998, regarding the effectiveness of the programs  
15 funded under this section in meeting the objectives  
16 contained in subsection 3."

17 3. By renumbering as necessary.

Weigel of Chickasaw asked and received unanimous consent that amendment H-5713A be deferred.

Nelson of Marshall offered the following amendment H-5625, to the committee amendment H-5541, filed by her and moved its adoption:

H-5625

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 18, line 48, by striking the figure
- 5 "38,445,924" and inserting the following:
- 6 "38,900,388".

Amendment H-5625 was adopted.

Speaker Corbett in the chair at 6:38 p.m.

Brand of Benton asked and received unanimous consent to withdraw amendment H-5710, to the committee amendment H-5541, filed by him on March 27, 1996.

Brunkhorst of Bremer offered the following amendment H-5718, to the committee amendment H-5541, filed by him and Baker and moved its adoption:

H-5718

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 20, line 2, by striking the figure
- 5 "18.6." and inserting the following: "18.6,
- 6 subsections 1 through 7, and subsections 9 through 14,
- 7 and the dollar limitation in subsection 8."
- 8 2. Page 20, line 11, by inserting after the word
- 9 "subcommittee." the following: "Prior to making a
- 10 purchase under this section, the department shall
- 11 first determine whether goods or services are
- 12 available from a targeted small business and
- 13 preference shall be given to making the purchases from
- 14 targeted small businesses."

Amendment H-5718 was adopted.

Kremer of Buchanan offered amendment H-5623, to the committee amendment H-5541, filed by him and requested division as follows:

H-5623

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

H-5623A

- 4 1. Page 20, line 19, by striking the word
- 5 "gamblers" and inserting the following: "gambling".

- 6 2. Page 20, line 23, by striking the words  
 7 "gamblers assistance" and inserting the following:  
 8 "~~gamblers assistance~~ gambling".  
 9 3. Page 20, lines 26 and 27, by striking the  
 10 words "gamblers assistance" and inserting the  
 11 following: "~~gamblers assistance~~ gambling".  
 12 4. Page 20, line 35, by striking the words  
 13 "gamblers assistance" and inserting the following:  
 14 "~~gamblers assistance~~ gambling".  
 15 5. Page 20, line 38, by striking the words  
 16 "gamblers assistance" and inserting the following:  
 17 "~~gamblers assistance~~ gambling".  
 18 6. Page 20, line 45, by striking the words  
 19 "gamblers assistance" and inserting the following:  
 20 "~~gamblers assistance~~ gambling".

H-5623B

- 21 7. Page 21, line 10, by striking the word  
 22 "gamblers" and inserting the following: "gambling".

On motion by Kremer of Buchanan, amendment H-5623A was adopted.

Harrison of Scott asked and received unanimous consent to withdraw amendment H-5711, to the committee amendment H-5541, filed by him on March 28, 1996.

Van Maanen of Marion asked and received unanimous consent to withdraw amendment H-5635, to the committee amendment H-5541, filed by Eddie of Buena Vista, et. al., on March 26, 1996.

Kremer of Buchanan offered amendment H-5626, to the committee amendment H-5541, filed by Kremer et. al. as follows:

H-5626

- 1 Amend the amendment, H-5541, to Senate File 2448,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 21, by inserting after line 15 the  
 5 following:  
 6 "Sec. \_\_\_\_ Section 135.1, subsection 4, Code  
 7 Supplement 1995, is amended to read as follows:  
 8 4. "Physician" means a person licensed to practice  
 9 medicine and surgery, osteopathic medicine and  
 10 surgery, osteopathy, chiropractic, ~~or~~ podiatry, or  
 11 optometry under the laws of this state; but a person  
 12 licensed as a physician and surgeon shall be  
 13 designated as a "physician" or "surgeon", a person  
 14 licensed as an osteopathic physician and surgeon shall  
 15 be designated as an "osteopathic physician" or



16 "osteopathic surgeon", a person licensed as an  
17 osteopath shall be designated as an "osteopathic  
18 physician", a person licensed as a chiropractor shall  
19 be designated as a "chiropractor", and a person  
20 licensed as a podiatrist shall be designated as a  
21 "podiatric physician", and a person licensed as an  
22 optometrist shall be designated as an "optometrist".  
23 A definition or designation contained in this  
24 subsection shall not be interpreted to expand the  
25 scope of practice of such licensees."  
26 2. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-5626 was not germane, to the committee amendment H-5541.

The Speaker ruled the point well taken and amendment H-5626 not germane, to the committee amendment H-5541.

Blodgett of Cerro Gordo offered amendment H-5667, to the committee amendment H-5541, filed by him as follows:

H-5667

1 Amend the amendment, H-5541, to Senate File 2448,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 21, by inserting after line 15 the  
5 following:  
6 "Sec.     NEW SECTION. 135.23 GROUP B  
7 STREPTOCOCCUS.  
8 1. A physician providing prenatal care shall  
9 routinely furnish pregnant patients with written  
10 information, to be developed or approved by the  
11 department, regarding group B streptococcus disease  
12 incidence, risks, prevention strategies, diagnosis,  
13 and treatment. Prevention strategy information shall  
14 include the significance and availability of screening  
15 cultures that may be useful in determining whether or  
16 not a pregnant patient is colonized with group B  
17 streptococcus.  
18 2. If a screening culture is taken and the patient  
19 tests positive for group B streptococcus colonization,  
20 the physician or designated member of the physician's  
21 staff shall report this status to the hospital or  
22 birth facility to which the patient is to be admitted.  
23 The information shall be entered upon the patient's  
24 medical records by a physician or designated hospital  
25 or birth facility staff member prior to or at the time  
26 of delivery.  
27 3. As used in this section, "physician" means a  
28 physician licensed to practice medicine and surgery or  
29 osteopathic medicine and surgery.  
30 4. If the centers for disease control and

31 prevention of the United States department of health  
 32 and human services, with the concurrence of the  
 33 American academy of pediatrics and the American  
 34 college of obstetrics and gynecology, determines that  
 35 culture screenings of pregnant women to identify those  
 36 who may be at greater risk of delivering babies with  
 37 group B streptococcus disease is no longer an  
 38 appropriate strategy or is replaced by a treatment  
 39 modality which renders the culture screening  
 40 unnecessary, the director shall adopt rules pursuant  
 41 to section 17A.4, subsection 2, and section 17A.5,  
 42 subsection 2, paragraph "b", to reflect the  
 43 determination."

44 2. Page 22, by inserting after line 28 the  
 45 following:

46 "Sec. \_\_\_\_ GROUP B STREPTOCOCCUS EMERGENCY RULES.  
 47 The Iowa department of public health shall adopt rules  
 48 pursuant to section 17A.4, subsection 2, and section  
 49 17A.5, subsection 2, paragraph "b", necessary to  
 50 administer the provisions of section 135.23, as

**Page 2**

1 enacted by this Act. The rules shall become effective  
 2 July 1, 1996."  
 3 3. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-5667, to the committee amendment H-5541, was not germane.

The House stood at ease at 7:15 p.m. until the fall of the gavel.

The House resumed session at 7:42 p.m., Speaker Corbett in the chair.

The Speaker ruled the point not well taken and amendment H-5667, to the committee amendment H-5541, germane.

Blodgett of Cerro Gordo moved the adoption of amendment H-5667, to the committee amendment H-5441.

A non-record roll call was requested.

The ayes were 30, nays 49.

Amendment H-5667 lost.

The Speaker announced that amendment H-5623B, to the committee amendment H-5541, found on page 1262 of the House Journal, was out of order.

The House considered amendment H-5713A, to the committee amendment H-5541, found on page 1260 of the House Journal.

On motion by Weigel of Chickasaw amendment H-5713A, to the committee amendment H-5541, lost.

Wiegel of Chickasaw asked and received unanimous consent to withdraw amendment H-5713B, to the committee amendment H-5541, found on page 1260 of the House Journal.

Brand of Benton offered amendment H-5762, to the committee amendment H-5541, filed by him from the floor and requested divisions as follows:

H-5762

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

H-5762A

- 4 1. Page 2, by inserting after line 42 the
- 5 following:
- 6 "Sec. 100. DEPARTMENT OF ELDER AFFAIRS CONTINGENT
- 7 APPROPRIATION. If actual revenues for the fiscal year
- 8 beginning July 1, 1995, and ending June 30, 1996,
- 9 exceed the revenue estimating conference projections
- 10 of December 12, 1995, for that fiscal year by at least
- 11 \$250,000, there is appropriated from the general fund
- 12 of the state to the department of elder affairs for
- 13 the fiscal year beginning July 1, 1995, and ending
- 14 June 30, 1996, the following amount or so much thereof
- 15 as is necessary, to be used for the purpose
- 16 designated:
- 17 To supplant lost federal funds for congregate meal
- 18 sites:
- 19 ..... \$ 250,000
- 20 Notwithstanding section 8.33, moneys appropriated
- 21 in this section shall not revert to the general fund
- 22 of the state at the close of the fiscal year but shall
- 23 remain available to be used for the purpose designated
- 24 in the succeeding fiscal year."

H-5762B

- 25 2. Page 22, line 29, by striking the word
- 26 "Section" and inserting the following: "Sections 100
- 27 and".
- 28 3. Page 22, line 30, by striking the word "takes"
- 29 and inserting the following: "take".
- 30 4. By renumbering as necessary.

Brand of Benton moved the adoption of amendment H-5762A, to the committee amendment H-5541.

Roll call was requested by Brand of Benton and Siegrist of Pottawattamie.

On the question "Shall amendment H-5762A, to the committee amendment H-5541, be adopted?" (S.F. 2448)

The ayes were, 36:

Bell	Bernau	Brammer	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

The nays were, 61:

Arnold	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Daggett
Dinkla	Disney	Drake	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Schulte	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Mr. Speaker			
Corbett			

Absent or not voting, 3:

Baker	Blodgett	Eddie
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Amendment H-5762A lost.

The Speaker announced that amendment H-5762B, to the committee amendment H-5541, was out of order.

Brand of Benton offered the following amendment H-5766, to the committee amendment H-5541, filed by him from the floor and moved its adoption:

H-5766

1 Amend the amendment, H-5541, to Senate File 2448,

- 2 as amended, passed, and reprinted by the Senate; as  
 3 follows:  
 4 1. Page 6, line 14, by striking the figure  
 5 "7,896,812" and inserting the following: "8,390,159".

Amendment H-5766 lost.

Doderer of Johnson offered the following amendment H-5746, to the committee amendment H-5541, filed by Doderer, Kreiman, Holveck, Shoultz, Fallon, Mascher and Brammer from the floor and moved its adoption:

H-5746

- 1 Amend the amendment, H-5541, to Senate File 2448,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 21, by striking lines 16 through 47.  
 5 2. By renumbering as necessary.

Roll call was requested by Doderer of Johnson and Moreland of Wapello.

On the question "Shall amendment H-5746, to the committee amendment H-5541, be adopted?" (S.F. 2448)

The ayes were, 45:

Bell	Bernau	Brammer	Brand
Burnett	Cataldo	Churchill	Cohoon
Connors	Dinkla	Doderer	Drees
Fallon	Garman	Grundberg	Hammitt Barry
Harper	Holveck	Houser	Jacobs
Jochum	Koenigs	Kreiman	Larkin
Martin	Mascher	May	McCoy
Mertz	Metcalf	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

The nays were, 50:

Arnold	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Coon	Cormack	Daggett	Disney
Drake	Ertl	Gipp	Greig
Greiner	Gries	Hahn	Halvorson
Hanson	Harrison	Heaton	Hurley
Huseman	Klemme	Kremer	Lamberti
Larson	Lord	Main	Meyer

Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Schulte	Siegrist
Sukup	Teig	Thomson	Tyrrell
Van Maanen	Vande Hoef	Veenstra	Weidman
Welter	Mr. Speaker		
	Corbett		

Absent or not voting, 5:

Baker	Blodgett	Eddie	Grubbs
Van Fossen			

Amendment H-5746 lost.

Brammer of Linn offered amendment H-5791, to the committee amendment H-5541, filed by him from the floor as follows:

H-5791

- 1 Amend the amendment, H-5541, to Senate File 2448,
- 2 as amended, passed, and reprinted by the the Senate,
- 3 as follows:
- 4 1. Page 21, by inserting after line 24 the
- 5 following:
- 6 "Sec. \_\_\_\_ NEW SECTION. 135.110 LEGISLATIVE
- 7 FINDINGS — CIGARETTE AND TOBACCO PRODUCTS.
- 8 Following an analysis of data regarding cigarettes
- 9 and tobacco products and the addictive nature of
- 10 nicotine contained in these products which was
- 11 provided by the Iowa department of public health, the
- 12 United States environmental protection agency, the
- 13 United States public health service, the world health
- 14 organization, the American cancer society, the
- 15 American heart association, the American lung
- 16 association, the American medical association, the
- 17 American dental association, the American public
- 18 health association, the national cancer institute, and
- 19 the international agency for research on cancer, the
- 20 general assembly finds and declares all of the
- 21 following:
- 22 1. That cigarettes and tobacco products, with
- 23 their inherent and supplemented quantities of
- 24 nicotine, are highly addictive and that use of these
- 25 products threatens the health and lives of Iowans.
- 26 2. That environmental tobacco smoke is a group A
- 27 carcinogen known to cause lung cancer in nonsmokers as
- 28 well as in smokers.
- 29 3. That tobacco and resultant environmental
- 30 tobacco smoke are the highest causative agents in
- 31 increased mortality and morbidity in the state.
- 32 4. That the federal Americans with Disabilities

33 Act specifies that persons sensitive to tobacco smoke,  
34 including persons with asthma, are "handicapped  
35 persons" and that businesses are required to make  
36 reasonable accommodations to allow handicapped persons  
37 access to offices and workplaces.

38 5. That a principal manufacturer of tobacco  
39 products has admitted to these findings, has agreed to  
40 a financial settlement based upon the damage caused by  
41 the effects of these products, and has agreed to limit  
42 advertising in accordance with the limitations  
43 established by the United States environmental  
44 protection agency.

45 6. That based upon all of the above, the general  
46 assembly declares the use of cigarettes and tobacco  
47 products to be an immediate health emergency of  
48 epidemic proportions and a menace as an entry-level  
49 drug in the youth population of the state and will  
50 enact legislation to address this public health

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1 problem.

2 Sec. \_\_\_\_ NEW SECTION. 135.111 RECOVERY OF  
3 MEDICAL ASSISTANCE EXPENDITURE — CIGARETTE AND  
4 TOBACCO PRODUCTS — RELATED MEDICAL EXPENSES BY  
5 RESIDENT RECIPIENTS.

6 1. Notwithstanding chapter 668, the attorney  
7 general shall institute a civil action on behalf of  
8 the state against any manufacturer of cigarettes or  
9 other tobacco products to recover the full amount of  
10 medical assistance provided by the state to a resident  
11 of the state for the payment of medical services which  
12 are reasonably attributable to the use of cigarettes  
13 or tobacco products and all reasonable expenses  
14 associated with instituting the action.

15 2. In determining liability in an action under  
16 this section, all of the following shall apply:

17 a. Any manufacturer of cigarettes or other tobacco  
18 products shall be strictly liable for the medical  
19 expenses reasonably attributable to the use of the  
20 manufacturer's product, without regard to any  
21 negligence, intent, warnings, or other conduct or  
22 knowledge on the part of the manufacturer.

23 b. The state may recover medical expenses, without  
24 regard to the defenses of assumption of the risk,  
25 contributory or comparative negligence, or other  
26 defenses which might be asserted.

27 c. Any action instituted by the attorney general  
28 is independent of any rights or causes of action of  
29 any individual.

30 3. In determining the extent of the liability of  
31 any manufacturer under this section, the court shall  
32 apply the following evidentiary presumptions:

33 a. The ratio of the expenses attributable to the  
34 use of cigarettes or tobacco products produced by any  
35 manufacturer to the expenses of all manufacturers is  
36 presumed to be equivalent to the ratio of the sales by  
37 the manufacturer within the state during the most  
38 recent year for which data are available to the sales  
39 of all manufacturers for that year.

40 b. The medical expenses for individuals  
41 attributable to the use of cigarettes or tobacco  
42 products shall be based on reliable estimates for the  
43 class of persons affected, rather than proof of the  
44 cause of expenses in the case of any particular  
45 individual.

46 c. Estimates of medical expenses shall be based on  
47 epidemiological, scientific, survey, and other data,  
48 determined by the director of public health to be  
49 reliable and reasonably available. The Iowa  
50 department of public health shall adopt rules to

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1 specify the methodology for making the estimates in  
2 any action under this section.

3 d. A defendant shall have the opportunity to rebut  
4 any presumption by clear and convincing evidence,  
5 provided that the court shall take reasonable steps to  
6 ensure that determination of damages is concluded in a  
7 timely and expeditious manner and that no party to the  
8 action is permitted to unduly delay the conclusion of  
9 the action.

10 4. For the purposes of this section, "cigarette"  
11 and "tobacco products" mean cigarette and tobacco  
12 products as defined in section 453A.1.

13 Sec. \_\_\_\_ NEW SECTION. 135.112 IOWA DO NOT  
14 START-STOP SMOKING FUND ESTABLISHED.

15 1. An Iowa do not start-stop smoking fund is  
16 created within the state treasury under the control of  
17 the Iowa department of public health. Moneys received  
18 by the department from the proceeds of any tobacco  
19 company settlement with the state of Iowa shall be  
20 deposited in the state treasury to the credit of the  
21 fund and are appropriated for the purposes specified  
22 in this section. Notwithstanding section 8.33, any  
23 unexpended balance in the fund at the end of each  
24 fiscal year shall be retained in the fund. Any  
25 interest and earnings on investments from money in the  
26 fund shall be credited to the fund, section 12C.7  
27 notwithstanding.

28 2. The Iowa department of public health shall  
29 develop and implement a do not start-stop smoking  
30 education campaign to educate minors and others about  
31 the hazards of using cigarettes and tobacco products.

32 Sec. \_\_\_\_ NEW SECTION. 135.113 ENFORCEMENT OF



## 33 SMOKING PROHIBITIONS.

34 The Iowa department of public health shall adopt  
35 rules to enforce the smoking prohibitions contained in  
36 chapter 142B. Notwithstanding sections 142B.6 and  
37 453A.56, local law or regulation relating to smoking  
38 prohibitions which is more restrictive in application  
39 in which case the more restrictive portion of the  
40 local law or regulation shall supersede any  
41 inconsistent or conflicting provisions of chapter 142B  
42 or 453A.

43 Sec. \_\_\_\_ NEW SECTION. 135.114 CIGARETTE VENDING  
44 MACHINE SALES PROHIBITED.

45 A person shall not sell cigarettes or tobacco  
46 products through a vending machine or through self-  
47 service displays in this state. A violation of this  
48 section constitutes a serious misdemeanor."

49 2. Page 22, by inserting after line 28 the  
50 following:

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1 "Sec. \_\_\_\_ EFFECTIVE DATE. Section 135.111, as  
2 enacted by this Act, relating to the recovery of  
3 medical assistance expenditures due to smoking, being  
4 deemed of immediate importance, takes effect upon  
5 enactment.

6 Sec. \_\_\_\_ RETROACTIVE APPLICABILITY. The state  
7 may recover, pursuant to section 135.111, in addition  
8 to any subsequent damages, any applicable damages  
9 incurred within the two years preceding the date of  
10 enactment of section 135.111 of this Act."

11 3. By renumbering as necessary.

Millage of Scott rose on a point of order that amendment H-5791 was not germane, to the committee amendment H-5541.

The Speaker ruled the point well taken and amendment H-5791 not germane, to the committee amendment H-5541.

Brammer of Linn asked for unanimous consent to suspend the rules to consider amendment H-5791, to the committee amendment H-5541.

Objection was raised.

Brammer of Linn moved to suspend the rules to consider amendment H-5791.

Roll call was requested by Brammer of Linn and Fallon of Polk.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider amendment H-5791, to the committee amendment H-5541?" (S.F. 2448)

The ayes were, 37:

Bell	Bernau	Bradley	Brammer
Brand	Burnett	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Hurley	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shultz
Taylor	Warnstadt	Weigel	Wise
Witt			

The nays were, 60:

Arnold	Boddicker	Boguess	Branstad
Brauns	Brunkhorst	Carroll	Cataldo
Churchill	Coon	Cormack	Daggett
Dinkla	Disney	Drake	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Houser	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

Absent or not voting, 3:

Baker	Blodgett	Eddie
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The motion to suspend the rules lost.

Weigel of Chickasaw rose on a point of order that the committee amendment H-5541 was not germane.

The Speaker ruled the point well taken and the committee amendment H-5541 not germane.

Siegrist of Pottawattamie moved to suspend the rules to consider the committee amendment H-5541.

Roll call was requested by Schrader of Marion and Siegrist of Pottawattamie.

On the question "Shall the rules be suspended to consider the committee amendment H-5541?" (S.F. 2448)

The ayes were, 58:

Arnold	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Coon	Cormack	Daggett	Dinkla
Disney	Drake	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vand Hoef	Veenstra	Weidman
Welter	Mr. Speaker Corbett		

The nays were, 38:

Bell	Bernau	Brammer	Brand
Burnett	Cataldo	Churchill	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Metcalf	Moreland
Mundie	Murphy	Myers	Nelson, L.
O'Brien	Ollie	Osterhaus	Schrader
Shultz	Taylor	Warnstadt	Weigel
Wise	Witt		

Absent or not voting, 4:

Baker	Bloodgett	Eddie	Grundberg
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The motion to suspend the rules prevailed.

Kremer of Buchanan moved the adoption of the committee amendment H-5541, as amended.

Roll call was requested by Murphy of Dubuque and Siegrist of Pottawattamie.

On the question "Shall the committee amendment H-5541, as amended, be adopted?" (S.F. 2448)

The ayes were, 60:

Arnold	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Daggett
Dinkla	Disney	Drake	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

The nays were, 36:

Bell	Bernau	Brammer	Brand
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

Absent or not voting, 4:

Baker	Blodgett	Eddie	Grundberg
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The committee amendment H-5541, as amended, was adopted.

Kremer of Buchanan 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. 2448)

The ayes were, 60:

Arnold	Boddicker	Boggess	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Cormack	Daggett

Dinkla	Disney	Drake	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schulte
Siegrist	Sukup	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	Mr. Speaker Corbett

The nays were, 36:

Bell	Bernau	Brammer	Brand
Burnett	Cataldo	Cohon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Shoultz	Taylor
Warnstadt	Weigel	Wise	Witt

Absent or not voting, 4:

Baker	Blodgett	Eddie	Grundberg
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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

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2448** 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 1, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2113, a bill for an act providing for a permanent registration plate for motor trucks and truck tractors licensed pursuant to multistate registration.

Also: That the Senate has on April 1, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2140, a bill for an act relating to the motor vehicle fuel tax law and providing effective and retroactive applicability dates.

Also: That the Senate has on April 1, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2306, a bill for an act relating to the regulation of motorboats on certain artificial lakes, and providing an effective date

Also: That the Senate has on April 1, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2308, a bill for an act relating to asbestos removal and encapsulation.

Also: That the Senate has on April 1, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2350, a bill for an act relating to motor vehicle dimensional and weight requirements and certificates of title for commercial vehicles.

Also: Mr. Speaker I am directed to inform your honorable body that the Senate has on April 1, 1996, insisted on its amendment to House File 2416, a bill for an act relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority and other properly related matters, and the members of the Conference Committee on the part of the Senate are: The Senator from Monroe, Senator Judge, Chair; the Senator from Boone, Senator Sorensen; the Senator from Webster, Senator Halvorson; the Senator from Worth, Senator Bartz; the Senator from Linn, Senator Lundby.

Also: That the Senate has on April 1, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2419, a bill for an act relating to transportation by granting the state department of transportation condemnation rights for utility facility replacement, requiring sixty day property payments, requiring certain criteria be adopted by administrative rule, modifying certain damage disclosure statement requirements, providing for entry onto private property for sounding and drilling, exempting operators of trucks hauling cement from certain regulations, and relating to the disposal of abandoned vehicles, and providing for release of retained funds for public improvements.

Also: Mr. Speaker I am directed to inform your honorable body that the Senate has, on April 1, 1996, insisted on its amendment to House File 2472, a bill for an act relating to and making appropriations to the justice system and providing effective dates, and the members of the Conference Committee on the part of the Senate are: The Senator from Lee, Senator Fraise, Chair; the Senator from Johnson, Senator Dvorsky; the Senator from Tama, Senator Husak; the Senator from Black Hawk, Senator Redfern; the Senator from Wright, Senator Iverson, Jr.

Also: That the Senate has on April 1, 1996, Concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2062, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and providing effective and retroactive applicability dates.

Also: That the Senate has on April 1, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2213, a bill for an act relating to the continued existence of the prevention of disabilities policy council and technical assistance committee and providing an effective date.

Also: That the Senate has on April 1, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2260, a bill for an act relating to soil and water conservation, by providing for the powers and duties of commissioners of soil and water conservation districts, and soil and water conservation practices.

Also: That the Senate has on April 1, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2375, a bill for an act relating to a limitation on qualifications for rebuttable presumptions for nuisance defenses for certain persons classified as chronic violators involved in confinement feeding operations.

Also: That the Senate has on April 1, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2422, a bill for an act removing the requirement that a corporation which has adopted a corporate seal affix the seal to all documents affecting real estate executed by the corporation.

JOHN F. DWYER, Secretary

**CONFERENCE COMMITTEE APPOINTED**  
(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: Hanson of Black Hawk, Chair; Gipp of Winneshiek, Main of Jefferson, Cataldo of Polk and McCoy of Polk.

**CONFERENCE COMMITTEE APPOINTED**  
(House File 2472)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 2472: Garman of Story, Chair; Heaton of Henry, Schulte of Linn, Bell of Jasper and Larkin of Lee.

**BILL ENROLLED, SIGNED AND SENT TO  
SECRETARY OF STATE**

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bill has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Secretary of State for his approval on this Twenty-eighth day of March: House Joint Resolution 11.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

Report adopted.

**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 Twenty-ninth day of March, 1996: House Files 2036, 2150, 2297, 2310, 2400, 2408, 2426, and 2429.

Also presented to the Governor for his approval on this First day of April, 1996: House Files 523, 2001, 2081, 2165, 2177, 2202, 2207, 2318.

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

Report adopted.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 29, 1996, he approved and transmitted to the Secretary of State the following bills:

**House File 2225**, an act relating to motorcycle rider education and providing an effective date.

**Senate File 2087**, an act providing that appeal of certain sentences be by writ of certiorari.

**Senate File 2259**, an act relating to issuance of a certificate of title for a documented vessel.

**Senate File 2278**, an act repealing the prohibition on political activity by a member, officer, or employee of the Natural Resource Commission.

**Senate File 2405**, an act relating to the duties of the clerk of court concerning court records.

**Senate File 2408**, an act relating to disclosure requirements under the federal community reinvestment act with respect to the eligibility of a financial institution to receive state public funds.



Also on April 1, 1996, he approved and transmitted to the Secretary of State the following bills:

**House File 2107**, an act relating to the requirements regarding human immunodeficiency virus-related tests and making existing remedies applicable.

**House File 2127**, an act relating to the exemption of certain individual property management accounts from certification and auditing requirements.

**House File 2152**, an act relating to the delay of the repeal for the exemption of certain multiple employer welfare arrangements from regulation by the insurance division and providing an effective date.

**House File 2187**, an act relating to the attachment of property to a rural water district.

**House File 2258**, an act relating to the powers of a benefited recreational lake district to promote water quality.

**Senate File 2121**, an act providing for auditing practices by the Iowa state fair board.

**Senate File 2270**, an act amending the uniform commercial code relating to letters of credit and providing an effective date.

**Senate File 2336**, an act providing for the selection and tenure of the executive director of the agricultural development authority.

**Senate File 2337**, an act relating to receiverships regarding the administration of the assets of grain dealers.

**Senate File 2363**, an act relating to entities and subject matter under the regulatory authority of the securities bureau of the division of insurance.

### PRESENTATION OF VISITORS

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

Thirty government and economic students from Tri-County High School, Thornburg, accompanied by James Freeze. By Greiner of Washington and Tyrrell of Iowa.

### CERTIFICATES OF RECOGNITION

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

**ELIZABETH A. ISAACSON**  
Chief Clerk of the House

1996\379 Janet Ecklin, Lenox - For being the State Winner of the History Essay Contest, "Explorers of America" sponsored by the Daughters of the American Revolution.

- 1996\380 Pat Dodson, Davenport – For receiving an Automotive Society of Engineers certification.
- 1996\381 Leora and Glenn W. Smith, Council Bluffs – For celebrating their Fiftieth wedding anniversary.
- 1996\382 Elmer Fahrenkrug, Council Bluffs – For celebrating his Ninetieth birthday.
- 1996\383 Elmer A. Schroeder, Council Bluffs – For celebrating his Eightieth birthday.
- 1996\384 Clara Home, Council Bluffs – For celebrating her Ninetieth birthday.
- 1996\385 Ken Petersen, Council Bluffs – For receiving the 1996 Heritage Award in Education.
- 1996\386 Loyd Hornback Jr., Council Bluffs – For receiving the 1996 Heritage Award in Education in Business.
- 1996\387 Merle L. Johnson, Council Bluffs – For receiving the 1996 Heritage Award in Health.
- 1996\388 Donna Yeatman Brown, Council Bluffs – For receiving the 1996 Heritage Award in Arts and Humanities.
- 1996\389 Ben Gerleman, Creston – For being named to the 1996 Class 3A 1st All-State Boys Basketball Team.
- 1996\390 Kyle McCann, Creston – For being named to the 1996 Class 3A 2nd All-State Boys Basketball Team.
- 1996\391 Coach Mike Gerleman and the Creston Boys Basketball Team, Creston – For being the Class 3A Consolation winners at the 1996 Boys State Basketball Tournament.
- 1996\392 John Harris, Corning – For receiving The Coaches' Lifetime Service Award from the National Wrestling Hall of Fame.
- 1996\393 Tony Jensen, Decorah – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\394 Jared Sheridan, Decorah – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\395 Marie and Charles Vandel, Corydon – For celebrating their Sixtieth wedding anniversary.
- 1996\396 Ada and Merle Cadwell, Promise City – For celebrating their Sixty-seventh wedding anniversary.
- 1996\397 Mrs. Kim Heithoff and Gunn School Fourth and Fifth Grade Students, Council Bluffs – For their contributing to "Friends of the Capitol" for the restoration of the Iowa State Capitol.

- 1996\398 Captain Paul Andresen, Dubuque – For his thirty-one years of service to the Dubuque Professional Fire Fighters' Association.
- 1996\399 Captain Frank "Bud" Basten, Dubuque – For his thirty years of service to the Dubuque Professional Fire Fighters' Association.
- 1996\400 Fire Equipment Operator Dave Ehlinger, Dubuque – For his thirty-two years of service to the Dubuque Professional Fire Fighters' Association.
- 1996\401 Fire Marshal Wayne Jochum, Dubuque – For his thirty-three years of service to the Dubuque Professional Fire Fighters' Association.
- 1996\402 Chief William Miller, Dubuque – For his thirty-one years of service to the Dubuque Professional Fire Fighters' Association.
- 1996\403 Ellen Johnson, Fort Dodge – For celebrating her Ninetieth birthday.
- 1996\404 Mildred Sandquist, Gowrie – For celebrating her Ninetieth birthday.
- 1996\405 Maude Hines, Lake City – For celebrating her One hundredth birthday.
- 1996\406 Edna and Raymond Dorothy, Stockport – For celebrating her Eighty-second birthday, his Ninety-eighth birthday, and their Sixty-third wedding anniversary.
- 1996\407 Frank Murphy, Sigourney – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\408 Chris Berry, Lone Tree – For being selected to the Iowa Newspaper All-State 1st Team.

## AMENDMENTS FILED

H—5735	H.F.	2433	Senate Amendment
H—5738	S.F.	2269	Kreiman of Davis Greiner of Washington
H—5740	S.F.	2420	Lamberti of Polk Warnstadt of Woodbury Rants of Woodbury Nutt of Woodbury
H—5742	H.F.	2486	Sukup of Franklin
H—5744	H.F.	2298	Boddicker of Cedar
H—5745	S.F.	2410	Salton of Palo Alto Fallon of Polk Veenstra of Sioux
			Murphy of Dubuque Jochum of Dubuque Lord of Dallas

H—5747	H.F.	2423	McCoy of Polk
H—5748	H.F.	2423	McCoy of Polk
H—5749	H.F.	2423	McCoy of Polk
H—5750	H.F.	2423	McCoy of Polk
H—5751	H.F.	2423	McCoy of Polk
H—5752	H.F.	2423	McCoy of Polk
H—5753	H.F.	2423	McCoy of Polk
H—5754	H.F.	2423	McCoy of Polk
H—5755	S.F.	2324	Boddicker of Cedar
H—5756	H.F.	2419	Senate Amendment
H—5757	H.F.	2306	Senate Amendment
H—5758	H.F.	2350	Senate Amendment
H—5759	H.F.	2423	Cataldo of Polk McCoy of Polk Lamberti of Polk
H—5760	H.F.	2423	Cataldo of Polk
H—5761	H.F.	2423	Cataldo of Polk
H—5763	H.F.	2423	Cataldo of Polk
H—5764	H.F.	2423	Cataldo of Polk
H—5765	H.F.	2423	Cataldo of Polk
H—5767	H.F.	2298	Disney of Polk
H—5768	H.F.	2298	Disney of Polk
H—5769	H.F.	2298	Disney of Polk
H—5770	H.F.	2298	Grundberg of Polk
H—5771	H.F.	2298	Grundberg of Polk
H—5772	H.F.	2298	Jacobs of Polk
H—5773	H.F.	2298	Jacobs of Polk
H—5774	H.F.	2298	Grundberg of Polk
H—5775	H.F.	2298	Grundberg of Polk
H—5776	H.F.	2298	Grundberg of Polk
H—5777	H.F.	2298	Metcalf of Polk
H—5778	H.F.	2298	Jacobs of Polk
H—5779	H.F.	2298	Grundberg of Polk
H—5780	H.F.	2298	Grundberg of Polk
H—5781	H.F.	2298	Grundberg of Polk
H—5782	H.F.	2298	Grundberg of Polk
H—5783	H.F.	2433	Gipp of Winneshiek
H—5784	S.F.	2406	Grubbs of Scott
H—5785	S.F.	2419	Gries of Crawford
H—5786	H.F.	2298	Grundberg of Polk
H—5787	S.F.	2409	McCoy of Polk
H—5788	S.F.	2409	Connors of Polk
H—5789	S.F.	2409	Brand of Benton

H—5790	S.F.	2409	Taylor of Linn
H—5792	S.F.	2245	Larkin of Lee
			Schrader of Marion
			May of Worth
			Ollie of Clinton
			Shoultz of Black Hawk
			Bernau of Story
			Cphoon of Des Moines
			Drees of Carroll
			Brammer of Linn
			Kreiman of Davis
			Harper of Black Hawk
			Osterhaus of Jackson
			O'Brien of Boone
			McCoy of Polk
			Witt of Black Hawk
H—5793	H.F.	2298	Grundberg of Polk
H—5794	H.F.	2298	Grundberg of Polk
H—5795	H.F.	2298	Grundberg of Polk
H—5796	H.F.	2298	Grundberg of Polk
H—5797	H.F.	2298	Grundberg of Polk
H—5798	H.F.	2298	Grundberg of Polk
H—5799	H.F.	2298	Grundberg of Polk
H—5800	H.F.	2298	Grundberg of Polk
H—5801	H.F.	2298	Grundberg of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 9:28 p.m., until 8:45 a.m., Tuesday, April 2, 1996.

# JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day – Fifty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 2, 1996

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

Prayer was offered by Sister Mary Louise Sczienski, Principal of St. Patrick School, Cedar Falls.

The Journal of Monday, April 1, 1996 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Weidman of Cass from one hundred sixty-five constituents opposing legislation which would restrict Iowa utilities from offering non-utility service.

## INTRODUCTION OF BILL

**House File 2492**, by Halvorson, a bill for an act relating to the state individual income tax by imposing a single rate of tax and providing an effective and applicability date provision.

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

## SENATE MESSAGE CONSIDERED

**Senate File 2422**, by committee on judiciary, a bill for an act removing the requirement that a corporation which has adopted a corporate seal affix the seal to all documents affecting real estate executed by the corporation.

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

## CONSIDERATION OF BILLS

### Unfinished Business Calendar

The House resumed consideration of **House File 2352**, a bill for an act relating to programs available to persons with disabilities which are administered by the department of human services, with report of committee recommending passage, previously deferred and placed on the unfinished business calendar.

### SENATE FILE 2307 SUBSTITUTED FOR HOUSE FILE 2352

Witt of Black Hawk asked and received unanimous consent to substitute Senate File 2307 for House File 2352.

**Senate File 2307**, a bill for an act relating to programs available to persons with disabilities which are administered by the department of human services, was taken up for consideration.

Witt 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. 2307)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Cataldo	Churchill	Cohoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hamitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

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

HOUSE FILE 2352 WITHDRAWN

Gipp of Winneshiek asked and received unanimous consent to withdraw House File 2352 from further consideration by the House.

The House resumed consideration of **Senate File 2410**, a bill for an act relating to juvenile justice chapter provisions involving medically relevant tests for the presence of illegal drugs in a child or parent, parent visitations with a child who has been removed from the child's home, voiding related administrative rules, and providing an effective date, previously placed on the unfinished business calendar.

Salton of Palo Alto offered amendment H-5526 filed by the committee on human resources as follows:

H-5526

- 1 Amend Senate File 2410, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 1, line 35, through page 2,
- 4 line 17.
- 5 2. By renumbering as necessary.

Salton of Palo Alto offered the following amendment H-5745, to the committee amendment H-5526 filed by Salton, et. al., and moved its adoption:

H-5745

- 1 Amend the amendment, H-5526, to Senate File 2410,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 and 4 and
- 5 inserting the following:
- 6 "\_. Page 2, by striking lines 14 through 17 and
- 7 inserting the following: "receipt of such a report.
- 8 A positive test result obtained prior to the birth of
- 9 a child shall not be used for the criminal prosecution
- 10 of a parent for acts and omissions resulting in
- 11 intrauterine exposure of the child to an illegal
- 12 drug."
- 13 \_. Page 3, line 18, by inserting after the word
- 14 "to" the following: "the legislative council and
- 15 to".

Amendment H-5745 was adopted.

On motion by Salton of Palo Alto, the committee amendment H-5526, as amended, was adopted.

Salton 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. 2410)



The ayes were, 99:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Brammer

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

### SENATE AMENDMENTS CONSIDERED

Gipp of Winneshiek called up for consideration **House File 2433**, a bill for an act relating to the management of waste tires by providing for the establishment of a waste tire management fund, allocation of moneys to facilitate elimination of waste tires and the establishment of future markets for waste tires, providing for the redirection of the existing fee on certificates of title of motor vehicles, and providing a repeal, amended by the Senate amendment H-5735 as follows:

H-5735

- 1 Amend House File 2433, as amended, passed, and
- 2 reprinted by the House, as follows:

- 3 1. Page 2, by inserting after line 4 the  
4 following:  
5 "Sec. \_\_\_\_ Section 455D.11, subsection 1,  
6 paragraph f, Code 1995, is amended to read as follows:  
7 f. (1) "Waste tire" means a tire that is no  
8 longer suitable for its originally intended purpose  
9 due to wear, damage, or defect.  
10 (2) "Waste tire" does not include a nonpneumatic  
11 tire.  
12 (3) For the purposes of this section and sections  
13 455D.11A and 455D.11B, a nonpneumatic tire and a  
14 processed tire are not solid waste as defined in  
15 section 455B.301.  
16 Sec. \_\_\_\_ Section 455D.11, Code 1995, is amended  
17 by adding the following new subsection:  
18 NEW SUBSECTION. 8. The department shall adopt  
19 rules relating to the storage and disposal of  
20 nonpneumatic tires and processed tires."  
21 2. Page 3, line 31, by striking the word and  
22 figures "July 1, 2000" and inserting the following:  
23 "June 30, 2001".  
24 3. Page 7, by inserting after line 12 the  
25 following:  
26 "Sec. \_\_\_\_ RULES. The department shall adopt  
27 rules to allow beneficial uses of whole or processed  
28 waste tires in consultation with a committee  
29 consisting of a member of the Iowa society of solid  
30 waste operators, a member from a major farm  
31 organization, a member from the Iowa state association  
32 of counties, a member from the consulting engineers  
33 council, and two members who are actively engaged in  
34 tire processing. The rules shall include, but need  
35 not be limited to, the appropriate beneficial uses of  
36 whole or processed waste tires for the construction of  
37 erosion control structures, French drains, drainage  
38 structures, leachate recovery systems, septic system  
39 drainage fields, road bases, culverts, field  
40 crossings, or intakes, or agricultural or construction  
41 uses, including, but not limited to, weight or tie  
42 downs, fences, or waterways, or other uses where the  
43 intended purpose is to produce a beneficial product or  
44 an end use. The committee shall review and consider  
45 available scientific engineering research on methods  
46 of beneficially using whole or processed waste tires.  
47 This section is repealed effective June 30, 1998.  
48 Sec. \_\_\_\_ SEVERABILITY. If any provision of this  
49 Act or any application of this Act to any person or  
50 circumstances is held invalid, such invalidity shall

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- 1 not affect other provisions or applications of this  
2 Act which can be given effect without the invalid

- 3 provision or application, and to this end the  
 4 provisions of this Act are severable.”  
 5 4. By renumbering, relettering, or redesignating  
 6 and correcting internal references as necessary.

Gipp of Winneshiek offered the following amendment H-5783, to the Senate amendment H-5735, filed by him and moved its adoption:

H-5783-

- 1 Amend the Senate amendment, H-5735, to House File  
 2 2433, as amended, passed, and reprinted by the House,  
 3 as follows:  
 4 1. Page 1, by striking lines 5 through 15.

Amendment H-5783 was adopted.

On motion by Gipp of Winneshiek, the House concurred in the Senate amendment H-5735, as amended.

Gipp of Winneshiek 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. 2433)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammit Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalfe	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrill	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Brammer

Hurley

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2433; Senate Files 2307 and 2410.**

Houser of Pottawattamie called up for consideration **House File 2324**, a bill for an act relating to state employee disclosures of information and making penalties applicable and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-5645:

H-5645

- 1 Amend House File 2324, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 28, by inserting after the word
- 4 "executive" the following: "or legislative".
- 5 2. Page 2, by inserting after line 28 the
- 6 following:
- 7 "Sec. \_\_\_\_ Section 70A.28, subsection 7, Code
- 8 1995, is amended to read as follows:
- 9 7. The director of the department of personnel or,
- 10 for employees of the general assembly or of the state
- 11 board of regents, the legislative council or the state
- 12 board of regents, respectively, shall provide
- 13 procedures for notifying new state employees of the
- 14 provisions of this section and shall periodically
- 15 conduct promotional campaigns to provide similar
- 16 information to all state employees. The information
- 17 shall include the toll-free telephone number of the
- 18 citizens' aide.
- 19 Sec. \_\_\_\_ Section 70A.28, Code 1995, is amended by
- 20 adding the following new subsection:
- 21 **NEW SUBSECTION.** 8. For purposes of this section,
- 22 "state employee" and "employee" includes, but is not
- 23 limited to, persons employed by the general assembly
- 24 and persons employed by the state board of regents."
- 25 3. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-5645.

Houser of Pottawattamie 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. 2324)

The ayes were, 97:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker Corbett			

The nays were, none.

Absent or not voting, 3:

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

### Appropriations Calendar

**House File 2444**, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds, was taken up for consideration.

Sukup of Franklin offered the following amendment H-5239 filed by Sukup, et. al., and moved its adoption:

H-5239

- 1 Amend House File 2444 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "users," the following: "and may include the low-
- 4 income home energy assistance program,".

Amendment H-5239 was adopted.

Brand of Benton offered the following amendment H-5219 filed by him and moved its adoption:

H-5219

- 1 Amend House File 2444 as follows:
- 2 1. Page 1, line 20, by striking the figure
- 3 "700,000" and inserting the following: "850,000".
- 4 2. Page 1, line 29, by striking the figure
- 5 "300,000" and inserting the following: "150,000".

Amendment H-5219 lost.

Sukup of Franklin 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. 2444)

The ayes were, 99:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Fallon	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammit Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Mr. Speaker	
		Corbett	

The nays were, none.

Absent or not voting, 1:

Brammer

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 2387**, a bill for an act relating to the department of general services, by providing for the sale or disposal of unwanted state personal property and by establishing a monument maintenance account, previously deferred and placed on the unfinished business calendar.

Disney 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. 2387)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Cphoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Brammer

Churchill

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 2186**, a bill for an act relating to transportation-related sanctions by increasing penalties for certain offenses, providing for the issuance of temporary restricted licenses for certain offenses, providing scheduled fines for various violations, prohibiting certain activities of motor vehicle dealers, and allowing the issuance of a uniform citation and complaint to a corporation for certain violations, previously deferred and placed on the unfinished business calendar.

Welter of Jones offered amendment H-5480 filed by the committee on transportation as follows:

H-5480

- 1 Amend Senate File 2186, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. By striking page 4, line 26, through page 5,
- 4 line 4.
- 5 2. By striking page 7, line 1, through page 8,
- 6 line 5.
- 7 3. Page 13, by striking lines 28 through 34.
- 8 4. Title page, by striking lines 5 through 7 and
- 9 inserting the following: "activities of motor vehicle
- 10 dealers."
- 11 5. By renumbering as necessary.

Harper of Black Hawk offered the following amendment H-5674, to the committee amendment H-5480, filed by her, and moved its adoption:

H-5674

- 1 Amend the amendment, H-5480, to Senate File 2186,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 1, by striking lines 3 and 4.
- 5 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 13, nays 44.

Amendment H-5674 lost.

Welter of Jones offered the following amendment H-5521, to the committee amendment H-5480, filed by him and moved its adoption:



H-5521

1 Amend the amendment, H-5480, to Senate File 2186,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

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

6 "\_\_\_ Page 13, by inserting after line 2 the  
7 following:

8 "Sec. \_\_\_ Section 805.8, subsection 2, paragraph  
9 h, Code Supplement 1995, is amended to read as  
10 follows:

11 h. For operating, passing, turning and standing  
12 violations under sections 321.236, subsections 3, 4, 9  
13 and 12, 321.275, subsections 1 through 8, 321.295,  
14 321.297, 321.299, 321.303, 321.304, subsections 1 and  
15 2, 321.305, 321.306, 321.311, 321.312, 321.314,  
16 321.315, 321.316, 321.318, 321.323, 321.340, ~~321.344,~~  
17 321.353, 321.354, 321.363, 321.365, 321.366, 321.368,  
18 321.382, and 321.395, the scheduled fine is fifteen  
19 dollars.

20 Sec. \_\_\_ Section 805.8, subsection 2, paragraph  
21 l, Code Supplement 1995, is amended to read as  
22 follows:

23 1. For violations of traffic signs and signals,  
24 and for failure to obey an officer under sections  
25 321.229, 321.236, subsections 2 and 6, 321.256,  
26 321.257, subsection 2, 321.294, 321.304, subsection 3,  
27 321.322, ~~321.341, 321.342, 321.343~~ and 321.415, the  
28 scheduled fine is twenty dollars."

29 \_\_\_ Page 13, by inserting after line 14 the  
30 following:

31 "NEW PARAGRAPH. cc. For violations of sections  
32 321.341, 321.342, 321.343, and 321.344, the scheduled  
33 fine is fifty dollars."

34 2. By renumbering as necessary.

Amendment H-5521 was adopted.

On motion by Welter of Jones, the committee amendment H-5480,  
as amended, was adopted.

Welter of Jones 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. 2186)

The ayes were, 98:

Arnold	Baker	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett

Carroll	Cataldo	Churchill	Cohon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Bell                      Brammer

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

The House resumed consideration of **Senate File 2074**, a bill for an act relating to the dates on which city hospital or health care facility trustees take and depart from office, previously deferred and placed on the unfinished business calendar.

Disney of Polk offered the following amendment H-5109 filed by the committee on state government and moved its adoption:

H-5109

- 1 Amend Senate File 2074 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 26.
- 4 2. By renumbering as necessary.

The committee amendment H-5109 was adopted.

Disney 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. 2074)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brand	Branstad	Brauns	Brunkhorst
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Cormack
Daggett	Dinkla	Disney	Doderer
Drake	Drees	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalfe	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Brammer                      Eddie

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 2085**, a bill for an act relating to handicapped parking and providing a penalty, previously deferred and placed on the unfinished business calendar.

Salton of Palo Alto offered the following amendment H-5512 filed by the committee on transportation and moved its adoption:

H-5512

- 1 Amend Senate File 2085, as amended, passed, and
- 2 reprinted by the Senate, as follows:

- 3 1. By striking page 4, line 32, through page 5,  
4 line 1, and inserting the following: "the department  
5 under section 321L.8. If".
- 6 2. Page 5, line 32, by striking the word  
7 "subsection," and inserting the following:  
8 "subsection or".
- 9 3. By striking page 5, line 33, through page 6,  
10 line 6, and inserting the following: "placard which  
11 shall be valid for a period of four years from the  
12 date of issuance. A removable windshield placard  
13 shall be renewed within thirty days of the date of  
14 expiration. To renew the placard, the person shall  
15 comply with the requirements for initial issuance of  
16 the placard under this section. Persons who seek only  
17 seeking".
- 18 4. Page 6, by striking lines 16 through 20 and  
19 inserting the following: "windshield placards. The  
20 department shall issue one additional".
- 21 5. Page 7, line 28, by striking the words "one  
22 thousand" and inserting the following: "three  
23 hundred".
- 24 6. Page 7, line 33, by striking the words "one  
25 hundred thousand" and inserting the following: "one  
26 three hundred".
- 27 7. Page 8, by inserting after line 28 the  
28 following:  
29 "(3) The signature of the person who has been  
30 issued the placard and the signature of the physician  
31 or chiropractor who made the determination that the  
32 person was handicapped for purposes of issuance of the  
33 placard."
- 34 8. Page 9, by inserting after line 9 the  
35 following:  
36 "6. The shape and color of the removable  
37 windshield placard shall be changed and the placard  
38 shall be reissued every four years."
- 39 9. Page 11, line 4, by striking the word "fifty"  
40 and inserting the following: "fifty one hundred".
- 41 10. By striking page 12, line 22, through page  
42 13, line 3, and inserting the following:  
43 "1. The department shall begin the issuance of new  
44 permanent windshield placards and handicapped  
45 designations on motor vehicle licenses or  
46 nonoperator's identification cards, as provided in  
47 this Act, beginning January 1, 1997.
- 48 2. After January 1, 1998, only new windshield  
49 placards issued by the department pursuant to this  
50 chapter shall be valid and any other hanging device

**Page 2**

- 1 issued prior to January 1, 1997, shall be invalid.  
2 3. A person who has been issued a hanging device

3 prior to January 1, 1997, shall apply for a new  
 4 removable windshield placard and handicapped  
 5 designation by January 1, 1998.

6 4. A person who has been issued handicapped  
 7 registration plates or handicapped identification  
 8 stickers shall apply for a handicapped designation on  
 9 the person's motor vehicle license or nonoperator's  
 10 identification card by January 1, 1998.

11 5. A person who has been issued a handicapped  
 12 parking permit, but who does not possess a valid Iowa  
 13 motor vehicle license, shall apply for a nonoperator's  
 14 identification card by January 1, 1998."

15 11. Page 13, by inserting after line 12 the  
 16 following:

17 "Sec. \_\_\_\_ FUTURE REISSUANCE. The department  
 18 shall implement the reissuance of removable windshield  
 19 placards on January 1, 2001, and every four years  
 20 thereafter, in the same manner as provided for  
 21 reissuance in this Act."

22 12. By renumbering as necessary.

The committee amendment H-5512 was adopted.

Salton 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. 2085)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cphoon
Connors	Coon	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Main	Martin	Mascher	May
McCoy	Mertz	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Shoultz	Siegrist	Sukup	Taylor

Teig	Thomson	Tyrrell	Van Fossen
Van Maanen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Mr. Speaker		
	Corbett		

The nays were, none.

Absent or not voting, 2:

Blodgett                      Brammer

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

### IMMEDIATE MESSAGES

Rants of Woodbury asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2324, 2444 and Senate Files 2074, 2085, 2186 and 2387.**

The House resumed consideration of **Senate File 2012**, a bill for an act relating to the conduct of raffles, previously deferred and placed on the unfinished business calendar.

Moreland of Wapello offered the following amendment H-5643 filed by him and moved its adoption:

H-5643

- 1 Amend Senate File 2012, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 10 and 11 and
- 4 inserting the following: "prizes having a combined
- 5 value of more than two hundred dollars may be offered.
- 6 If the prize is merchandise,"
- 7 2. Page 1, line 18, by striking the words "twenty
- 8 thousand" and inserting the following: "two hundred".
- 9 3. Page 2, by striking line 18 and inserting the
- 10 following: "combined value of more than two hundred
- 11 dollars may be".
- 12 4. Page 2, line 26, by striking the words "twenty
- 13 thousand" and inserting the following: "two hundred".

Amendment H-5643 was adopted, placing out of order amendment H-5642 filed by Jacobs of Polk on March 26, 1996.

Jacobs 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. 2012)

## The ayes were, 71:

Arnold	Bell	Bernau	Boddicker
Bogges	Brand	Brauns	Burnett
Cataldo	Churchill	Cohoon	Connors
Cormack	Dinkla	Disney	Doderer
Drake	Drees	Eddie	Ertl
Greig	Greiner	Gries	Grundberg
Halvorson	Hammitt Barry	Harper	Harrison
Heaton	Houser	Jacobs	Jochum
Koenigs	Kremer	Lamberti	Larkin
Larson	Martin	Mascher	May
McCoy	Mertz	Metcalf	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Salton
Schrader	Schulte	Shoultz	Siegrist
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Warnstadt	Weidman	Weigel
Welter	Wise	Mr. Speaker	
		Corbett	

## The nays were, 25:

Blodgett	Branstad	Brunkhorst	Carroll
Coon	Daggett	Fallon	Garman
Grubbs	Hahn	Hanson	Holveck
Hurley	Huseman	Klemme	Kreiman
Lord	Main	Meyer	Renken
Sukup	Van Maanen	Vande Hoef	Veenstra
Witt			

## Absent or not voting, 4:

Baker	Bradley	Brammer	Gipp
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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 454**, a bill for an act relating to the establishment of an assisted living program within the department of elder affairs, providing for implementation, and providing penalties, previously deferred and placed on the unfinished business calendar.

Martin of Scott offered amendment H-5639 filed by Martin, et. al., as follows:

H-5639

- 1 Amend Senate File 454, 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. 231C.1 FINDINGS AND  
 6 PURPOSE.

7 1. The general assembly finds that assisted living  
 8 is an important part of the long-term care system in  
 9 this state. Assisted living emphasizes the  
 10 independence and dignity of the individual while  
 11 providing services in a cost-effective manner.

12 2. The purposes of establishing an assisted living  
 13 program include all of the following:

14 a. To encourage the establishment and maintenance  
 15 of a safe and homelike environment for individuals of  
 16 all income levels who require assistance to live  
 17 independently but who do not require the nursing care  
 18 on a twenty-four-hour per day basis.

19 b. To establish standards for assisted living  
 20 programs that allow flexibility in design which  
 21 promotes a social model of service delivery by  
 22 focusing on individual independence, individual needs  
 23 and desires, and consumer-driven quality of service.

24 c. To encourage general public participation in  
 25 the development of assisted living programs for  
 26 individuals of all income levels.

27 Sec. 2. NEW SECTION. 231C.2 DEFINITIONS.

28 As used in this chapter, unless the context  
 29 otherwise requires:

30 1. "Assisted living" means provision of housing  
 31 with services which may include but are not limited to  
 32 health-related care, personal care, and assistance  
 33 with instrumental activities of daily living to six or  
 34 more tenants in a physical structure which provides a  
 35 homelike environment. "Assisted living" also includes  
 36 encouragement of family involvement, tenant self-  
 37 direction, and tenant participation in decisions that  
 38 emphasize choice, dignity, privacy, individuality,  
 39 shared risk, and independence. "Assisted living" does  
 40 not include the provision of housing and assistance  
 41 with instrumental activities of daily living which  
 42 does not also include provision of personal care or  
 43 health-related care.

44 2. "Department" means the department of elder  
 45 affairs created in chapter 231 or the department's  
 46 designee.

47 3. "Health-related care" means services provided  
 48 by a registered nurse or a licensed practical nurse,  
 49 on a part-time or intermittent basis, and services  
 50 provided by other licensed health care professionals,

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1 on a part-time or intermittent basis, as defined by  
 2 rule.



3 4. "Instrumental activities of daily living" means  
4 those activities that reflect the tenant's ability to  
5 perform household and other tasks necessary to meet  
6 the tenant's needs within the community, which may  
7 include but are not limited to shopping, cooking,  
8 housekeeping, chores, and traveling within the  
9 community.

10 5. "Personal care" means assistance with the  
11 essential activities of daily living which may include  
12 but are not limited to transferring, bathing, personal  
13 hygiene, dressing, grooming, housekeeping essential to  
14 the health and welfare of the tenant, and supervising  
15 of self-administered medications, but does not include  
16 the administration of medications.

17 6. "Tenant" means an individual who receives  
18 assisted living services through a certified or  
19 accredited assisted living program.

20 Sec. 3. NEW SECTION. 231C.3 CERTIFICATION OR  
21 VOLUNTARY ACCREDITATION OF ASSISTED LIVING PROGRAMS.

22 1. The department shall establish, by rule in  
23 accordance with chapter 17A, a program for  
24 certification or voluntary accreditation and  
25 monitoring of assisted living programs. An assisted  
26 living program certified or voluntarily accredited  
27 under this section is exempt from the requirements of  
28 section 135.63 relating to certificate of need  
29 requirements.

30 2. Each assisted living program operating in the  
31 state shall be certified or voluntarily accredited  
32 with the department. The owner or manager of an  
33 assisted living program shall comply with the rules  
34 adopted by the department for an assisted living  
35 program. A person shall not represent an assisted  
36 living program to the public as a certified or  
37 voluntarily accredited program unless the program is  
38 certified or voluntarily accredited pursuant to this  
39 chapter.

40 3. Services provided by a certified or voluntarily  
41 accredited assisted living program may be provided  
42 directly by staff of the assisted living program, by  
43 individuals contracting with the assisted living  
44 program to provide services, or by individuals  
45 employed by the tenant or with whom the tenant  
46 contracts if the tenant agrees to assume the  
47 responsibility and risk of the employment or the  
48 contractual relationship.

49 4. The department shall certify or voluntarily  
50 accredit and monitor assisted living programs and may

3 department shall have full access to a program during  
4 certification or voluntary accreditation and  
5 monitoring of the program.

6 Sec. 4. NEW SECTION. 231C.4 FIRE AND SAFETY  
7 STANDARDS.

8 The state fire marshal shall adopt rules, in  
9 coordination with the department, relating to the  
10 certification or voluntary accreditation and  
11 monitoring of the fire and safety of certified or  
12 voluntarily accredited assisted living programs.

13 Sec. 5. NEW SECTION. 231C.5 COORDINATION OF THE  
14 LONG-TERM CARE SYSTEM.

15 1. Any person representing a program to the public  
16 as an assisted living program prior to July 1, 1996,  
17 shall be granted a temporary certification or  
18 voluntary accreditation by the department and shall  
19 meet the requirements of this chapter within one year  
20 of the issuance of the temporary certification or  
21 voluntary accreditation to receive subsequent  
22 certification or voluntary accreditation.

23 2. A hospital licensed pursuant to chapter 135B or  
24 a health care facility licensed pursuant to chapter  
25 135C may operate an assisted living program, located  
26 in a distinct part of or separate structure under the  
27 control of the hospital or health care facility, if  
28 certified or voluntarily accredited pursuant to this  
29 chapter.

30 3. This chapter shall not be construed to require  
31 that a facility licensed as a different type of  
32 facility also comply with the requirements of this  
33 chapter, unless the facility is represented to the  
34 public as a certified or voluntarily accredited  
35 assisted living program.

36 Sec. 6. MEDICAL ASSISTANCE WAIVER. The department  
37 of human services shall seek an assisted living  
38 program waiver from the health care financing  
39 administration of the United States department of  
40 health and human services to add a certified or  
41 voluntarily accredited assisted living program as an  
42 eligible provider under the medical assistance home  
43 and community-based services waiver for the elderly.

44 Sec. 7. IMPLEMENTATION. It is the intent of the  
45 general assembly that sections 1 through 5 of this Act  
46 be implemented following the establishment of a  
47 funding source for implementation and administration  
48 of this Act."

Witt of Black Hawk offered amendment H-5715, to amendment  
H-5639, filed by him and Carroll as follows:

H-5715

1 Amend the amendment, H-5639, to Senate File 454, as  
2 amended, passed, and reprinted by the Senate, as

3 follows:

4 1. By striking page 1, line 3, through page 3,  
5 line 48, and inserting the following:

6 "\_. By striking everything after the enacting  
7 clause and inserting the following:

8 "Section 1. NEW SECTION. 231C.1 DEFINITIONS.

9 As used in this chapter, unless the context  
10 otherwise requires:

11 1. "Assisted living program" means a program which  
12 provides housing and which additionally provides or  
13 arranges for services including but not limited to  
14 health-related care, personal care, and assistance  
15 with instrumental activities of daily living to six or  
16 more tenants in a physical structure which provides a  
17 homelike environment. An assisted living program is  
18 characterized by service provision which is consumer-  
19 driven, flexible, and individualized, and that  
20 maximizes consumer independence, choice, and dignity.

21 "Assisted living program" does not include the  
22 provision of housing and assistance with instrumental  
23 activities of daily living which does not also include  
24 the provision of personal or health-related care.

25 2. "Department" means the department of elder  
26 affairs created in chapter 231 or the department's  
27 designee.

28 3. "Health-related care" means services provided  
29 by a licensed or certified health care professional.

30 4. "Instrumental activities of daily living" means  
31 those activities that reflect the tenant's ability to  
32 perform household and other tasks necessary to meet  
33 the tenant's needs within the community, including but  
34 not limited to shopping, cooking, housekeeping and  
35 other household tasks, and traveling within the  
36 community.

37 5. "Personal care" means assistance with the  
38 essential activities of daily living which may include  
39 but are not limited to transferring, bathing, personal  
40 hygiene, dressing, grooming, housekeeping essential to  
41 the health and welfare of the tenant, and supervising  
42 of self-administered medications. "Personal care"  
43 does not include administration of medications.

44 6. "Tenant" means an individual who is a recipient  
45 of assisted living program services.

46 Sec. 2. NEW SECTION. 231C.2 ACCREDITATION OF  
47 ASSISTED LIVING PROGRAMS.

48 1. A program which is represented to the public as  
49 an assisted living program shall be accredited by an  
50 independent entity.

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1 2. An independent entity which provides  
2 accreditation services shall provide copies of all

3 requested materials relating to the accreditation  
4 process to the department.

5 3. A hospital licensed pursuant to chapter 135B or  
6 a health care facility licensed pursuant to chapter  
7 135C may operate an assisted living program, located  
8 in a distinct part of or a separate structure under  
9 the control of the hospital or health care facility,  
10 if the program is accredited pursuant to this chapter.

11 Sec. 3. NEW SECTION. 231C.3 SANCTIONS.

12 The department may adopt rules to establish  
13 sanctions for failure to comply with the accreditation  
14 provisions of this chapter. Additional sanctions  
15 shall not be imposed for violations for which  
16 sanctions exist under other law including but not  
17 limited to building code and fire safety violations,  
18 dependent adult abuse and adult protective services  
19 provisions, and home health care regulations.

20 Sec. 4. MEDICAL ASSISTANCE WAIVER. The department  
21 of human services shall seek a waiver from the health  
22 care financing administration of the United States  
23 department of health and human services to include  
24 assisted living programs as eligible providers under  
25 the medical assistance home and community-based  
26 services waiver for the elderly.

27 Sec. 5. IMPLEMENTATION.

28 1. The department shall approve at least one  
29 independent entity for the purposes of accrediting  
30 assisted living programs on or before July 1, 1997.

31 2. The requirements of this chapter relating to  
32 accreditation of assisted living programs take effect  
33 July 1, 1998, if the program represents itself to the  
34 public as an assisted living program."

35 \_\_. Title page, line 2, by inserting after the  
36 word "program" the following: "accreditation  
37 process".

38 \_\_. Title page, line 3, by striking the word  
39 "penalties" and inserting the following:  
40 "sanctions".

41 2. By renumbering as necessary.

Speaker pro tempore Van Maanen of Marion in the chair at 11:07 a.m.

Witt of Black Hawk moved the adoption of amendment H-5715, to amendment H-5639.

A non-record roll call was requested.

The ayes were 56, nays 23.

Amendment H-5715 was adopted.

### MOTION TO RECONSIDER

Blodgett of Cerro Gordo called up for immediate consideration the motion to reconsider amendment H-5715, to amendment H-5639, filed

by him from the floor and moved to reconsider the vote by which amendment H-5715, to amendment H-5639, to **Senate File 454**, a bill for an act relating to the establishment of an assisted living program within the department of elder affairs, providing for implementation, and providing penalties, was adopted by the House on April 2, 1996.

The House stood at ease at 11:27 a.m., until the fall of the gavel.

The House resumed session at 11:48 a.m. Speaker pro tempore Van Maanen of Marion in the chair.

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 454** be deferred and, retain its place on the **unfinished business calendar**.

(The motion to reconsider amendment H-5715, to amendment H-5639, to Senate File 454 pending.)

On motion by Rants of Woodbury, the House was recessed at 12:01 a.m., until 1:15 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:20 p.m., Speaker Corbett 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, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2109, a bill for an act relating to nonconsensual termination of or serious injury to a pregnancy and providing penalties.

Also: That the Senate has on April 2, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2256, a bill for an act providing requirements for implementation of new or revised federal block grant provisions which affect local governments and providing an effective date and applicability provision.

Also: That the Senate has on April 2, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2063, a bill for an act establishing a school improvement technology program to fund instructional technology for school districts, the Iowa braille and sight saving school, the state school for the deaf, the Price laboratory school, the state hospital-schools, the state training school, and the Iowa juvenile home, providing for properly related matters, and making appropriations.

Also: That the Senate has on April 2, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2451, a bill for an act providing that member contributions under certain public retirement systems are considered employer contributions for state income tax purposes, and providing applicability and effective date provisions.

Also: That the Senate has on April 2, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2455, a bill for an act relating to the administration of taxes; electronic filing of tax returns and payments; imposition of the penalty for willfully filing a false claim for refund; low income, elderly, and disabled property tax credit filing and certification dates; computation of the real estate transfer tax; repeal of obsolete property tax provision; and providing effective and retroactive applicability dates.

JOHN F. DWYER, Secretary

### SENATE MESSAGES CONSIDERED

**Senate File 2451**, by committee on ways and means, a bill for an act providing that member contributions under certain public retirement systems are considered employer contributions for state income tax purposes, and providing applicability and effective date provisions.

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

**Senate File 2455**, by committee on ways and means, a bill for an act relating to the administration of taxes; electronic filing of tax returns and payments; imposition of the penalty for willfully filing a false claim for refund; low income, elderly, and disabled property tax credit filing and certification dates; computation of the real estate transfer tax; repeal of obsolete property tax provision; and providing effective and retroactive applicability dates.

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

### QUORUM CALL

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

### SENATE AMENDMENT CONSIDERED

Grubbs of Scott called up for consideration **House File 2316**, a bill for an act relating to sex offenses, including enticing away a child and sentences for persons convicted of sexually predatory offenses, amended by the Senate, and moved that the House concur in the following Senate amendment H-5646:

H-5646

- 1 Amend House File 2316, as amended, passed, and
- 2 reprinted by the House, as follows:

3 1. Page 3, by inserting after line 5 the  
 4 following:  
 5 "6. In addition to any other sentence imposed on a  
 6 person convicted of a sexually predatory offense  
 7 pursuant to subsection 1, 2, or 3, the person shall be  
 8 sentenced to an additional term of parole or work  
 9 release not to exceed two years. The board of parole  
 10 shall determine whether the person should be released  
 11 on parole or placed in a work release program. The  
 12 sentence of parole supervision shall commence  
 13 immediately upon the person's release by the board of  
 14 parole and shall be under the terms and conditions as  
 15 set out in chapter 906. Violations of parole or work  
 16 release shall be subject to the procedures set out in  
 17 chapter 905 or 908 or rules adopted under those  
 18 chapters. For purposes of disposition of a parole  
 19 violator upon revocation of parole or work release,  
 20 the sentence of an additional term of parole or work  
 21 release shall be considered part of the original term  
 22 of commitment to the department of corrections."

The motion prevailed and the House concurred in the Senate amendment H-5646.

Grubbs of Scott 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. 2316)

The ayes were, 97:

Arnold	Bell	Bernau	Blodgett
Boddicker	Bogges	Bradley	Brand
Branstad	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Cphoon	Connors
Coon	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz

Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Mr. Speaker			
Corbett			

The nays were, none.

Absent or not voting, 3:

Baker	Brammer	Churchill
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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 MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2316 and Senate File 2012.**

### Unfinished Business Calendar

The House resumed consideration of **Senate File 259**, a bill for an act relating to the practice of mortuary science, cremation, and licensing of funeral establishments and providing penalties, previously deferred and placed on the unfinished business calendar.

Bradley of Clinton offered amendment H-5302 filed by the committee on state government as follows:

H-5302

- 1 Amend Senate File 259 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 147.14, subsection 1, Code
- 5 1995, is amended to read as follows:
- 6 1. For podiatry, barbering, ~~mortuary science~~, and
- 7 social work, three members each, licensed to practice
- 8 the profession for which the board conducts
- 9 examinations, and two members who are not licensed to
- 10 practice the profession for which the board conducts
- 11 examinations and who shall represent the general
- 12 public. A quorum shall consist of a majority of the
- 13 members of the board.
- 14 Sec. 2. Section 147.14, Code 1995, is amended by
- 15 adding the following new subsection:
- 16 NEW SUBSECTION. 15. For mortuary science
- 17 examiners, three members licensed to practice mortuary
- 18 science, one member owning, operating, or employed by



19 a crematory, and one member not licensed to practice  
20 mortuary science and not a crematory owner, operator,  
21 or employee who shall represent the general public. A  
22 majority of the members of the board constitutes a  
23 quorum.”  
24 2. By renumbering as necessary.

Bradley of Clinton offered the following amendment H-5636, to the committee amendment H-5302 filed by Bradley, et. al., and moved its adoption:

H-5636

1 Amend the amendment, H-5302, to Senate File 259, as  
2 passed by the Senate, as follows:  
3 1. Page 1, line 17, by striking the word “three”  
4 and inserting the following: “four”.  
5 2. Page 1, line 19, by striking the words “one  
6 member” and inserting the following: “two members”.

Amendment H-5636 was adopted.

On motion by Bradley of Clinton, the committee amendment H-5302, as amended, was adopted.

Grundberg of Polk offered the following amendment H-5651 filed by her and moved its adoption:

H-5651

1 Amend Senate File 259, as passed by the Senate, as  
2 follows:  
3 1. Page 7, by inserting after line 2 the  
4 following:  
5 “Sec. \_\_\_\_ Section 331.805, subsection 3,  
6 paragraph b, Code 1995, is amended to read as follows:  
7 b. If the next of kin, guardian, or other person  
8 authorized to act on behalf of a deceased person has  
9 requested that the body of the deceased person be  
10 cremated, a permit for cremation must be obtained from  
11 a medical examiner. However, a permit is not required  
12 if the deceased person was a member of an established  
13 religion whose tenets are opposed to the inspection or  
14 examination of the body of a deceased person.  
15 Cremation permits by the medical examiner must be made  
16 on the most current forms prepared at the direction of  
17 and approved by the state medical examiner, with  
18 copies forwarded to the state medical examiner's  
19 office. Costs for the cremation permit issued by a  
20 medical examiner shall not exceed ~~twenty-five~~ thirty-  
21 five dollars. The costs shall be borne by the family,  
22 next of kin, guardian of the decedent, or other  
23 person.”  
24 2. By renumbering as necessary.

Amendment H-5651 was adopted.

Bradley 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. 259)

The ayes were, 90:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brand
Brauns	Burnett	Cataldo	Churchill
Cohoon	Connors	Cormack	Daggett
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Grundberg	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Holveck	Houser
Hurley	Huseman	Jacobs	Jochum
Klemme	Koenigs	Kreiman	Kremer
Lamberti	Larkin	Larson	Lord
Martin	Mascher	May	McCoy
Metcalf	Meyer	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Van Maanen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Mr. Speaker Corbett		

The nays were, 5:

Branstad	Carroll	Main	Mertz
Millage			

Absent or not voting, 5:

Baker	Brammer	Brunkhorst	Coon
Witt			

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 259** be immediately messaged to the Senate.

The House resumed consideration of **Senate File 2101**, a bill for an act relating to the disbursement of the remaining funds in a

nonguaranteed irrevocable burial trust fund following satisfaction of payment in accordance with an agreement for funeral merchandise and funeral services, previously deferred and placed on the unfinished business calendar.

Sukup of Franklin 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. 2101)

The ayes were, 96:

Arnold	Baker	Bell	Blodgett
Boddicker	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cohoon	Connors
Coon	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Van Maanen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Mr. Speaker Corbett

The nays were, none.

Absent or not voting, 4:

Bernau	Brammer	Brand	McCoy
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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

Siegrist of Pottawattamie asked and received unanimous consent that Senate File 2101 be immediately messaged to the Senate.

The House resumed consideration of **House File 2298**, a bill for an act relating to patient access through managed care plans or indemnity plans with limited provider networks to defined physicians, previously deferred and placed on the unfinished business calendar.

The House stood at ease at 2:12 p.m., until the fall of the gavel.

The House resumed session at 3:16 p.m., Speaker Corbett in the chair.

Jacobs of Polk asked and received unanimous consent to defer action on amendment H-5729.

Disney of Polk offered amendment H-5129 filed by him as follows:

H-5129

- 1 Amend House File 2298 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 514C.11 PATIENT ACCESS
- 5 TO TYPES OF PHYSICIANS UNDER MANAGED CARE HEALTH PLAN
- 6 OR INDEMNITY PLAN WITH LIMITED PROVIDER NETWORK.
- 7 Notwithstanding section 514C.6, a managed care
- 8 health plan or indemnity plan with a limited provider
- 9 network shall provide patients direct access to each
- 10 type of physician, as defined in section 135.1 and
- 11 licensed under chapter 148, 150A, or 151, and to each
- 12 audiologist as defined in section 147.151, each person
- 13 practicing osteopathy under chapter 150, each
- 14 acupuncturist registered under chapter 148E, each
- 15 occupational therapist licensed under chapter 148B,
- 16 each podiatrist licensed under chapter 149, each
- 17 registered or practical nurse licensed under chapter
- 18 152, each dietician licensed under chapter 152A, each
- 19 respiratory care practitioner licensed under chapter
- 20 152B, each massage therapist licensed under chapter
- 21 152C, each dentist licensed under chapter 153, each
- 22 person engaged in the practice of optometry pursuant
- 23 to chapter 154, each hearing aid dealer licensed under
- 24 chapter 154A, each person engaged in the practice of
- 25 psychology subject to regulation under chapter 154B,
- 26 each person engaged in the practice of licensed social
- 27 work subject to regulation under chapter 154C, each
- 28 marital and family therapist licensed under chapter
- 29 154D, and each pharmacist licensed under chapter 155A.
- 30 Such direct access to a physician licensed under
- 31 chapter 151 shall not be conditioned upon a referral
- 32 by a provider licensed under another chapter. Access
- 33 to a specialist may be conditioned upon a referral by
- 34 a primary care provider licensed under chapter 148,
- 35 150A, or 151, or a primary care provider who is an

36 audiologist as defined in section 147.151, a person  
37 engaged in the practice of osteopathy under chapter  
38 150, an acupuncturist registered under chapter 148E,  
39 an occupational therapist licensed under chapter 148B,  
40 a podiatrist licensed under chapter 149, a registered  
41 or practical nurse licensed under chapter 152,  
42 dietician licensed under chapter 152A, a respiratory  
43 care practitioner licensed under chapter 152B, a  
44 massage therapist licensed under chapter 152C, each  
45 dentist licensed under chapter 153, a person engaged  
46 in the practice of optometry pursuant to chapter 154,  
47 a hearing aid dealer licensed under chapter 154A, a  
48 person engaged in the practice of psychology and  
49 regulated under chapter 154B, a person engaged in the  
50 practice of licensed social work and regulated under

Page 2

1 chapter 154C, a marital and family therapist licensed  
2 under chapter 154D, a pharmacist licensed under  
3 chapter 155A. If a primary care provider determines  
4 that a referral should be made to a provider licensed,  
5 registered, or otherwise regulated under another  
6 chapter, a managed care health plan or indemnity plan  
7 with a limited provider network may require that the  
8 referral be made first to a provider designated by the  
9 plan. Any copayment deductible, cost containment  
10 mechanism, or premium rate shall not discriminate  
11 directly or indirectly upon the basis of the license  
12 held by the provider. Access to a specialist may be  
13 subject to a different copayment or deductible than  
14 access to a primary care provider. Access to a  
15 nonparticipating provider may be restricted or may be  
16 subject to different copayments, deductibles, or  
17 premium rates, or may be excluded, provided that a  
18 plan shall not differentiate or exclude a provider  
19 directly or indirectly upon the basis of the license  
20 held by the provider.

21 Each plan must demonstrate that it is capable of  
22 serving appropriately the needs of the subscriber  
23 population in the service area of the plan with regard  
24 to patient access to each type of provider. The  
25 commissioner of insurance shall adopt rules as  
26 necessary to administer this paragraph.

27 For purposes of this section, "managed care health  
28 plan or indemnity plan with a limited provider  
29 network" means a health maintenance organization,  
30 organized delivery system, accountable health plan,  
31 health care insurance plan which limits the number of  
32 health care providers who can provide services under  
33 the plan, preferred provider organization, exclusive  
34 provider organization, restricted access network, or  
35 similar health-care plan."

- 36 2. Title page, line 3, by striking the word  
37 "physicians" and inserting the following:  
38 "providers".

Grundberg of Polk offered the following amendment H-5770, to amendment H-5129, filed by her and moved its adoption:

H-5770

- 1 Amend the amendment, H-5129, to House File 2298 as  
2 follows:  
3 1. Page 1, by striking line 35 and inserting the  
4 following: "including an obstetrician and  
5 gynecologist, 150A, or 151, or may be conditioned upon  
6 a referral by a primary care provider who is an".

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 33, nays 60.

Amendment H-5770 lost.

Grundberg of Polk offered the following amendment H-5771, to amendment H-5129, filed by her and moved its adoption:

H-5771

- 1 Amend the amendment, H-5129, to House File 2298 as  
2 follows:  
3 1. Page 1, by striking line 35 and inserting the  
4 following: "including an orthopedic surgeon, 150A, or  
5 151, or may be conditioned upon a referral by a  
6 primary care provider who is an".

A non-record roll call was requested.

The ayes were 20, nays 51.

Amendment H-5771 lost.

Grundberg of Polk offered the following amendment H-5781, to amendment H-5129, filed by her and moved its adoption:

H-5781

- 1 Amend the amendment, H-5129, to House File 2298 as  
2 follows:  
3 1. Page 1, by striking line 35 and inserting the  
4 following: "including a pediatrician, 150A, or 151,  
5 or may be conditioned upon a referral by a primary  
6 care provider who is an".

Amendment H-5781 lost.

Grundberg of Polk offered the following amendment H-5803, to amendment H-5129 filed by her from the floor and moved its adoption:

H-5803

- 1 Amend the amendment, H-5129, to House File 2298, as
- 2 follows:
- 3 1. Page 2, by inserting after line 26 the
- 4 following:
- 5 "Each plan shall disclose to each individual
- 6 considering becoming a subscriber under such plan, at
- 7 a minimum, information related to all of the
- 8 following:
- 9 1. The number, type, and distribution of
- 10 participating providers, including a list of
- 11 individual participating providers, if requested.
- 12 2. Any limitations on the choice of health care
- 13 providers under the plan.
- 14 3. Coverage benefits under the plan, as well as
- 15 exclusions from coverage.
- 16 4. Prior authorization or other review
- 17 requirements and their potential impact on payment or
- 18 nonpayment for services.
- 19 5. Financial obligations of a subscriber under the
- 20 plan.
- 21 6. Subscriber rights and responsibilities.
- 22 7. The existence of any limited utilization
- 23 incentive plans which may reduce or limit services
- 24 covered under the plan."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 32, nays 58.

Amendment H-5803 lost.

### SPECIAL PRESENTATION

Churchill of Polk presented to the House a delegation from Iowa's sister state, Stavropol Krai. Those present were Victor A. Cherepanov, Chairman Audit-Accounting Committee and Victor Khloponya, Chairman Legislative and Jurisdictional Committee. There were accompanied by Olga Strokova, interpreter from Iowa State University. The delegates addressed the House briefly.

The House rose and expressed its welcome.

The House stood at ease at 4:45 p.m., until the fall of the gavel.

The House resumed session at 5:07 p.m., Speaker Corbett in the chair.

Grundberg of Polk asked and received unanimous consent to defer action on the following amendments H-5795 and H-5799, both to amendment H-5129.

Grundberg of Polk offered the following amendment H-5800, to amendment H-5129, filed by her and moved its adoption:

H-5800

- 1 Amend the amendment, H-5129, to House File 2298, as
- 2 follows:
- 3 1. Page 2, line 35, by inserting after the word
- 4 "plan." the following: "For purposes of this section,
- 5 "primary care provider" means, in addition to any
- 6 other primary care physician, an obstetrician and
- 7 gynecologist."

A non-record roll call was requested.

The ayes were 31, nays 54.

Amendment H-5800 lost.

Grundberg of Polk offered amendment H-5795, previously deferred, to amendment H-5129, filed by her and moved its adoption:

H-5795

- 1 Amend the amendment, H-5129, to House File 2298, as
- 2 follows:
- 3 1. Page 2, line 35, by inserting after the word
- 4 "plan." the following: "For purposes of this section,
- 5 "primary care provider" means, in addition to any
- 6 other primary care physician, an orthopedic surgeon."

Amendment H-5795 lost.

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2298** be deferred and placed on the **unfinished business calendar**.

(Amendment H-5129 pending)

#### 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, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2369, a bill for an act relating to the postdelivery care requirements for mothers and newborns and providing for an exception of follow-up care outside of the hospital setting.

Also: That the Senate has on April 2, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2074, a bill for an act relating to the dates on which city hospital or health care facility trustees take and depart from office.

Also: That the Senate has on April 2, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2131, a bill for an act relating to a continuing appropriation for city public improvements.

Also: That the Senate has on April 2, 1996, 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 transportation-related sanctions by increasing penalties for certain offenses, providing for the issuance of temporary restricted licenses for certain offenses, providing scheduled fines for various violations, prohibiting certain activities of motor vehicle dealers, and allowing the issuance of a uniform citation and complaint to a corporation for certain violations.

Also: That the Senate has on April 2, 1996, 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 2446, a bill for an act relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing effective dates.

Also: That the Senate has on April 2, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2453, a bill for an act relating to boilers and unfired steam pressure vessels by providing for the inspection of certain unfired steam pressure vessels, the procedure for adopting rules, and providing an effective date.

Also: That the Senate has on April 2, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2459, a bill for an act relating to the provision of health care services including the risk-based inspections of health care facilities.

Also: That the Senate has on April 2, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2461, a bill for an act relating to the establishment of family opportunity districts to provide services to children and their families at the local level, making an appropriation, and providing a repeal.

## EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 1, 1996. Had I been present, I would have voted "aye" on Senate Files 2110, 2147, 2154, 2155, 2165, 2167, 2212, 2252, 2299, 2323, 2352, 2367 and 2448, and amendment H-5541 to Senate File 2448, and rules suspension on H-5541 to Senate File 2448; and "nay" on the following amendments to Senate File 2448, H-5679, H-5702, H-5708, H-5717, H-5741, H-5746, H-5762, and rules suspension on H-5791 to Senate File 2448.

EDDIE of Buena Vista

I was necessarily absent from the House chamber on the evening of April 1, 1996. Had I been present, I would have voted "aye" to suspend the rules to consider amendment H-5717 to H-5541 to Senate File 2448.

MORELAND 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 Second day of April, 1996: House Files 308, 2230, 2397 and 2409.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

Report adopted.

## BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 2, 1996, he approved and transmitted to the Secretary of State the following bills:

House File 2036, an act relating to certain telephone companies and permitting their reorganization as cooperative associations.

House File 2150, an act relating to grandparent visitation rights.

House File 2297, an act relating to payment of warrants drawn on levee and drainage district funds.

House File 2310, an act relating to the regulation of insurance and amending provisions providing for setoff of premium, fraudulent submissions to insurers, availability of certain information to insurers, length of term of the board of directors of an insurer, notice of cancellation, delivery of certain policies in this state, and making a penalty applicable.

House File 2400, an act relating to anatomical gifts including the use of confidential information and the authority of a medical examiner to release and permit the removal of a body part in certain instances for the purposes of making an anatomical gift.

House File 2408, an act concerning mining by applying the criterion for the reclamation of mine sites, by redefining operator and mining operations, by amending the hearing procedures, by providing for administrative actions and the assessments of penalties by the division of soil conservation for noncompliance, and establishing additional penalties.

House File 2426, an act relating to certain certification requirements of a city or county urban renewal area.

House File 2429, an act relating to the representation of indigents and other court appointments in criminal and juvenile proceedings and providing effective and retroactive applicability dates.

Senate File 73, an act requiring licensure of certain social workers, providing an effective date, imposing fees, and making penalties applicable.

Senate File 2013, an act requiring the licensure of respiratory care therapists and creating a board for respiratory care practitioners.

Senate File 2035, an act relating to the control and eradication of Eurasian milfoil and establishing a penalty.

Senate File 2080, an act relating to nonsubstantive Code corrections, and providing effective and retroactive applicability dates.

Senate File 2122, an act relating to unclaimed property held by the state, fraudulent practices to obtain the property, and establishing a penalty.

Senate File 2127, an act relating to the confidentiality of social security numbers of the owners of unclaimed property.

Senate File 2331, an act prohibiting certain uses and false representations relating to academic degrees, grades, or honors, and providing a penalty.

Senate File 2395, an act relating to the regulation of insurance companies for purposes of solvency and establishing a measure for the risk-based capital of an insurer, and providing penalties.

## PRESENTATION OF VISITORS

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

Forty-three students from Western Hills Elementary School, West Des Moines, accompanied by Mrs. Hrdlicka and Mrs. Strentz. By Jacobs of Polk.

Four fifth grade students from Sioux City Public Schools, Sioux City, accompanied by Brian Pierce and Tracy Swanson. By Klemme, Nutt, Rants and Warnstadt all of Woodbury.

### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\409 Timothy Golding, Cedar Rapids – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\410 Benjamin Golding, Cedar Rapids – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 1996\411 Marion and Vern McKeown, Council Bluffs – For celebrating their Fiftieth wedding anniversary.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENT

#### H.S.B. 752 Ways and Means

Relating to the state sales tax exemption on certain computers or machinery and equipment.

#### AMENDMENTS FILED

H—5802	H.F.	2298	Grundberg of Polk
H—5804	H.F.	2298	Grundberg of Polk
H—5805	H.F.	2305	Lamberti of Polk
H—5806	H.F.	2449	Fallon of Polk
H—5807	S.F.	2168	Lamberti of Polk
H—5808	H.F.	2298	Grundberg of Polk
H—5809	H.F.	2298	Grundberg of Polk
H—5810	H.F.	2298	Grundberg of Polk
H—5811	H.F.	2298	Grundberg of Polk
H—5812	H.F.	2256	Senate Amendment
H—5813	H.F.	2298	Jochum of Dubuque
H—5814	H.F.	2298	Churchill of Polk
H—5815	H.F.	2298	Churchill of Polk
H—5816	H.F.	2298	Ertl of Dubuque
H—5817	H.F.	2298	Ertl of Dubuque
H—5818	H.F.	2419	Heaton of Henry
H—5819	H.F.	2298	Ertl of Dubuque
H—5820	H.F.	2298	Ertl of Dubuque
H—5821	H.F.	2369	Senate Amendment
H—5822	H.F.	2298	Grundberg of Polk
H—5823	H.F.	2298	Grundberg of Polk

H-5824	H.F.	2298	Grundberg of Polk
H-5825	H.F.	2298	Grundberg of Polk
H-5826	H.F.	2298	Grundberg of Polk
H-5827	H.F.	2298	Grundberg of Polk
H-5828	H.F.	2298	Grundberg of Polk
H-5829	H.F.	2298	Grundberg of Polk
H-5830	H.F.	2298	Grundberg of Polk
H-5831	H.F.	2298	Grundberg of Polk
H-5832	H.F.	2298	Grundberg of Polk
H-5833	H.F.	2298	Grundberg of Polk
H-5834	S.F.	2446	Senate Amendment
H-5835	H.F.	2488	Dinkla of Guthrie
H-5836	S.F.	2195	Murphy of Dubuque Jochum of Dubuque
H-5837	S.F.	2324	Boddicker of Cedar
H-5838	S.F.	2365	Tyrrell of Iowa
H-5839	H.F.	2456	Harrison of Scott
H-5840	H.F.	2298	Grundberg of Polk

On motion by Siegrist of Pottawattamie, the House adjourned at 6:20 p.m., until 8:45 a.m., Wednesday, April 3, 1996.

# JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day – Fifty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 3, 1996

The House met pursuant to adjournment at 8:45 a.m., Speaker Corbett in the chair.

Prayer was offered by Reverend Francis A. Harper, Jr., Followers of Christ Church, Woodbine.

The Journal of Tuesday, April 2, 1996 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Gries of Crawford from forty-eight constituents, opposing legislation which would restrict Iowa utilities from offering nonutility services.

By Nelson of Pottawattamie from citizens opposing legislation which would restrict Iowa utilities from offering nonutility services.

## SENATE MESSAGES CONSIDERED

**Senate File 2131**, by Szymoniak and Sorensen, a bill for an act relating to a continuing appropriation for city public improvements.

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

**Senate File 2453**, by Horn and Rife, a bill for an act relating to boilers and unfired steam pressure vessels by providing for the inspection of certain unfired steam pressure vessels, the procedure for adopting rules, and providing an effective date.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 2459**, by committee on appropriations, a bill for an act relating to the provision of health care services including the risk-based inspections of health care facilities.

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

**Senate File 2461**, by committee on appropriations, a bill for an act relating to the establishment of family opportunity districts to provide services to children and their families at the local level, making an appropriation, and providing a repeal.

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

Speaker pro tempore Van Maanen of Marion in the chair at 8:58 a.m.

## CONSIDERATION OF BILLS Unfinished Business Calendar

The House resumed consideration of **Senate File 2438**, a bill for an act relating to the terminology used to describe persons with certain mental and physical conditions, previously deferred and placed on the unfinished business calendar.

Grundberg of Polk offered the following amendment H-5528 filed by her and moved its adoption:

H-5528

1 Amend Senate File 2438, as passed by the Senate, as  
2 follows:

3 1. Page 1, lines 6 and 7, by striking the words  
4 "of unsound mind" and inserting the following: "of  
5 unsound mind with any type of mental disease or mental  
6 disorder, except that mental illness does not refer to  
7 mental retardation as defined in section 222.2, or to  
8 insanity, diminished responsibility, or mental  
9 incompetency as defined and used in the Iowa criminal  
10 code or in the rules of criminal procedure, Iowa court  
11 rules, 3d ed".

12 2. Page 41, lines 29 and 30, by striking the  
13 words "WITH MENTAL ILLNESS" and inserting the  
14 following: "UNDER LEGAL INCOMPETENCY".

15 3. Page 41, by striking lines 31 and 32 and  
16 inserting the following:

17 "The vote of any person who is a minor, ~~mentally~~  
18 ~~ill~~, or under ~~other~~ legal incompetency shall be".

19 4. Page 42, line 3, by striking the words "with  
20 mental illness or other" and inserting the following:  
21 "under".

22 5. Page 45, by striking lines 2 and 3 and  
23 inserting the following:

24 "No marriage ~~A~~ dissolution of marriage granted ~~d-ue~~  
25 to the mental illness of when one of the spouses has  
26 mental illness shall not relieve the".

27 6. Page 46, by striking lines 18 through 20 and  
28 inserting the following:

29 "a. One who is under legal incompetency or is a  
30 mental retardate, mentally ill, a chronic alcoholic,  
31 or a spendthrift."

32 7. Title page, line 2, by inserting after the  
33 word "conditions" the following: ", and providing for  
34 related matters concerning persons with mental  
35 illness".

Amendment H-5528 was adopted.

Carroll of Poweshiek offered the following amendment H-5510 filed by him and moved its adoption:

H-5510

- 1 Amend Senate File 2438, as passed by the Senate, as
- 2 follows:
- 3 1. Page 5, by striking lines 20 through 26.
- 4 2. Page 22, line 1, by striking the word "adults"
- 5 and inserting the following: "adults adult persons".
- 6 3. By renumbering as necessary.

Amendment H-5510 was adopted.

Carroll of Poweshiek offered the following amendment H-5571 filed by him and moved its adoption:

H-5571

- 1 Amend Senate File 2438, as passed by the Senate, as
- 2 follows:
- 3 1. By striking page 33, line 31, through page 35,
- 4 line 11.
- 5 2. Page 36, by striking lines 2 through 27.
- 6 3. Page 40, by striking lines 10 through 19.
- 7 4. Page 41, by striking lines 11 through 18 and
- 8 inserting the following:
- 9 "Sec. \_\_\_\_ Section 427.1, subsection 34, Code
- 10 Supplement 1995, is amended to read as follows:"
- 11 5. By renumbering as necessary.

Amendment H-5571 was adopted.

Carroll of Poweshiek 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. 2438)

The ayes were, 100:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cphoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison



Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

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.

The House resumed consideration of **Senate File 2348**, a bill for an act relating to agricultural limestone, and providing penalties, fees, and an effective date, previously deferred and placed on the unfinished business calendar.

Eddie of Buena Vista 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. 2348)

The ayes were, 100:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme

Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

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 2159**, a bill for an act relating to evaluator licensing of educators, previously deferred and placed on the unfinished business calendar.

Gries of Crawford 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. 2159)

The ayes were, 100:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage

Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renkel
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 2159, 2348 and 2438.**

### SENATE AMENDMENT CONSIDERED

Harrison of Scott called up for consideration **House File 2456**, a bill for an act relating to the rights of victims of criminal acts, amended by the Senate amendment H-5649 as follows:

H-5649

1 Amend House File 2456, as amended, passed, and  
 2 reprinted by the House, as follows:  
 3 1. Page 1, by inserting after line 8 the  
 4 following:  
 5 "Sec. \_\_\_\_ Section 904.108, subsection 6, Code  
 6 1995, is amended to read as follows:  
 7 6. The director or the director's designee, having  
 8 probable cause to believe that a person has escaped  
 9 from a state correctional institution or a person  
 10 released on work release has absconded from a work  
 11 release facility, ~~may make~~ shall:  
 12 a. Make a complaint before a judge or magistrate.  
 13 If it is determined from the complaint or accompanying  
 14 affidavits that there is probable cause to believe  
 15 that the person has escaped from a state correctional  
 16 institution or absconded from a work release facility,  
 17 the judge or magistrate shall issue a warrant for the  
 18 arrest of the person.  
 19 b. Issue an announcement regarding the fact of the  
 20 escape or abscondence to the law enforcement  
 21 authorities in, and to the news media covering,

22 communities in a twenty-five mile radius of the point  
 23 of escape or abscondence."

24 2. Page 3, by striking lines 14 through 17 and  
 25 inserting the following:

26 "NEW SUBSECTION. 6. The transfer of custody of  
 27 the offender to another state or federal jurisdiction.

28 NEW SUBSECTION. 7. The procedures for contacting  
 29 the department to determine the offender's current  
 30 institution of residence."

31 3. By renumbering, relettering, or redesignating  
 32 and correcting internal references as necessary.

Harrison of Scott offered amendment H-5839, to the Senate amendment H-5649, filed by him. Division was requested as follows:

H-5839

1 Amend the Senate amendment, H-5649, to House File  
 2 2456, as amended, passed, and reprinted by the House,  
 3 as follows:

H-5839A

4 1. Page 1, line 9, by inserting after the word  
 5 "person" the following: "convicted of a forcible  
 6 felony who is".

7 2. Page 1, line 16, by inserting after the word  
 8 "or" the following: "that the forcible felon has".

9 3. Page 1, line 20, by inserting after the word  
 10 "escape" the following: "of the person".

11 4. Page 1, line 20, by striking the word  
 12 "abscondence" and inserting the following: "the  
 13 abscondence of the forcible felon".

H-5839B

14 5. Page 1, by inserting after line 23 the  
 15 following:

16 ". Page 3, by inserting after line 7 the  
 17 following:

18 "Sec. \_\_\_\_ Section 910A.7A, Code 1995, is amended  
 19 to read as follows:

20 910A.7A NOTIFICATION BY DEPARTMENT OF JUSTICE.

21 The department of justice shall notify a registered  
 22 victim of all ~~dispositional orders of a case currently~~  
 23 ~~on appeal~~ the filing of an appeal, the expected date  
 24 of decision on the appeal as the information becomes  
 25 available to the department, all dispositional orders  
 26 in the appeal, and the outcome of the appeal of a case  
 27 in which the victim was involved."

28 6. By renumbering, relettering, or redesignating  
 29 and correcting internal references as necessary.

Harrison of Scott moved the adoption of amendment H-5839A, to the Senate amendment H-5649.

A non-record roll call was requested.

The ayes were 54, nays 6.

Amendment H-5839A was adopted.

On motion by Harrison of Scott, amendment H-5839B, to the Senate amendment H-5649, was adopted.

On motion by Harrison of Scott, the House concurred in the Senate amendment H-5649, as amended.

Harrison 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. 2456)

The ayes were, 100:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

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 2324**, a bill for an act relating to public assistance and certain associated state tax provisions involving the family investment program, family development and self-sufficiency council, individual development accounts, and fraudulent practices involving the food stamp program, making penalties applicable, and providing applicability provisions and effective dates, previously deferred and placed on the unfinished business calendar.

Boddicker of Cedar offered amendment H-5675 filed by him as follows:

H-5675

- 1 Amend Senate File 2324, as passed by the Senate, as  
 2 follows:  
 3 1. Page 10, by inserting after line 14 the  
 4 following:  
 5 "DIVISION V — Child Support  
 6 Sec. \_\_\_\_ Section 598.21, subsection 4, paragraph  
 7 e, subparagraph (2), unnumbered paragraph 2, Code  
 8 Supplement 1995, is amended to read as follows:  
 9 Failure to provide proof of compliance under this  
 10 subparagraph or proof of compliance under section  
 11 598.21A is grounds for modification of the support  
 12 order using the uniform child support guidelines and  
 13 imputing an income to the parent equal to a forty-hour  
 14 work week at the state minimum wage, unless the  
 15 parent's education, experience, or actual earnings  
 16 justify a higher income.  
 17 Sec. \_\_\_\_ NEW SECTION. 598.21A MINOR PARENT —  
 18 PARENTING CLASSES.  
 19 In any order or judgment entered under chapter 234,  
 20 252A, 252C, 252F, 598, or 600B or under any other  
 21 chapter which provides for temporary or permanent  
 22 support payments, if the parent ordered to pay support  
 23 is less than eighteen years of age, one of the  
 24 following shall apply:  
 25 1. If the child support recovery unit is providing  
 26 services pursuant to chapter 252B, the court, or the  
 27 administrator as defined in section 252C.1, shall  
 28 order the parent ordered to pay support to attend  
 29 parenting classes which are approved by the department  
 30 of human services.  
 31 2. If the child support recovery unit is not  
 32 providing services pursuant to chapter 252B, the court  
 33 may order the parent ordered to pay support to attend  
 34 parenting classes which are approved by the court."  
 35 2. Title page, line 4, by striking the word

36 "and".

37 3. Title page, line 5, by inserting after the  
38 word "program," the following: "and child support  
39 obligations of minors,".

40 4. By renumbering as necessary.

Boddicker of Cedar offered the following amendment H-5755, to amendment H-5675, filed by him and moved its adoption:

H-5755

1 Amend the amendment, H-5675, to Senate File 2324,

2 as passed by the Senate, as follows:

3 1. Page 1, by inserting after line 34 the

4 following:

5 "Sec. \_\_\_\_ EFFECTIVE DATE. This division of this

6 Act takes effect July 1, 1997."

Amendment H-5755 was adopted.

On motion by Boddicker of Cedar, amendment H-5675, as amended, was adopted.

Boddicker of Cedar offered the following amendment H-5837 filed by him and moved its adoption:

H-5837

1 Amend Senate File 2324, as passed by the Senate, as  
2 follows:

3 1. Page 10, by inserting after line 14 the

4 following:

5 "Division \_\_\_\_ — Family Investment Program —

6 Immunization

7 Sec. \_\_\_\_ NEW SECTION. 239.10 IMMUNIZATION.

8 1. To the extent feasible, the department shall  
9 determine the immunization status of children  
10 receiving assistance under this chapter. The status  
11 shall be determined in accordance with the  
12 immunization recommendations adopted by the Iowa  
13 department of public health under section 139.9,  
14 including the exemption provisions in section 139.9,  
15 subsection 4. If the department determines a child is  
16 not in compliance with the immunization

17 recommendations, the department shall refer the  
18 child's parent or guardian to a local public health  
19 agency for immunization services for the child and  
20 other members of the child's family.

21 2. The department of human services shall  
22 cooperate with the Iowa department of public health to  
23 establish an interagency agreement allowing the  
24 sharing of pertinent client data, as permitted under  
25 federal law and regulation, for the purposes of

- 26 determining immunization rates of recipients of  
 27 assistance, evaluating family investment program  
 28 efforts to encourage immunizations, and developing  
 29 strategies to further encourage immunization of  
 30 recipients of assistance."  
 31 2. By renumbering as necessary.

Amendment H-5837 was adopted.

Boddicker of Cedar 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, 100:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cphoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

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.



The House resumed consideration of **House File 2434**, a bill for an act relating to satellite terminals and establishing certain requirements for such terminals of a financial institution with a principal place of business in another state, previously deferred and placed on the unfinished business calendar.

Fallon of Polk offered amendment H-5224 filed by him as follows:

H-5224

- 1 Amend House File 2434 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "device." the following: "However, a financial
- 4 institution shall not own, operate or maintain a
- 5 satellite terminal to dispense cash or credit for
- 6 gambling purposes which is located on property
- 7 controlled by a pari-mutuel racetrack licensee or an
- 8 excursion gambling boat licensee."

Metcalf of Polk rose on a point of order that amendment H-5224 was not germane.

The Speaker ruled the point well taken and amendment H-5224 not germane.

**SENATE FILE 2353 SUBSTITUTED FOR HOUSE FILE 2434**

Sukup of Franklin asked and received unanimous consent to substitute Senate File 2353 for House File 2434.

**Senate File 2353**, a bill for an act relating to satellite terminals and establishing certain requirements for such terminals of a financial institution with a principal place of business in another state, was taken up for consideration.

Sukup of Franklin 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. 2353)

The ayes were, 100:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggett	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman

Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

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

#### HOUSE FILE 2434 WITHDRAWN

Sukup of Franklin asked and received unanimous consent to withdraw House File 2434 from further consideration by the House.

The House resumed consideration of **Senate File 2430**, a bill for an act requiring the juvenile court to provide certain information to a victim of a delinquent act committed by a juvenile, previously deferred and placed on the unfinished business calendar.

Harrison 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. 2430)

The ayes were, 100:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cphoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees

Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding

The nays were, none.

Absent or not voting, none.

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 2420**, a bill for an act relating to juvenile justice, including dispositional alternatives for juveniles adjudicated delinquent, registering with the sex offender registry, and associate juvenile judge jurisdiction, previously deferred and placed on the unfinished business calendar.

Kreiman of Davis offered the following amendment H-5549 filed by the committee on judiciary and moved its adoption:

H-5549

- 1 Amend Senate File 2420, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking line 22, through page 2,
- 4 line 5, and inserting the following:
- 5 "Sec. \_\_\_\_ Section 232.52, subsection 2, paragraph
- 6 d, Code Supplement 1995, is amended by adding the
- 7 following new subparagraph:
- 8 NEW SUBPARAGRAPH (4) The chief juvenile court
- 9 officer or the officer's designee for placement in a
- 10 program under section 232.191, subsection 4. The
- 11 chief juvenile court officer or the officer's designee
- 12 may place a child in group foster care for failure to
- 13 comply with the terms and conditions of the supervised

- 14 community treatment program for up to seventy-two  
 15 hours without notice to the court or for more than  
 16 seventy-two hours if the court is notified of the  
 17 placement within seventy-two hours of placement,  
 18 subject to a hearing before the court on the placement  
 19 within ten days.”
- 20 2. Page 2, line 18, by inserting after the word  
 21 “violation” the following: “by an adult”.
- 22 3. Page 3, line 22, by inserting before the word  
 23 “a” the following: “if the person is an adult, a  
 24 violation of”.
- 25 4. By renumbering, relettering, or redesignating  
 26 and correcting internal references as necessary.

The committee amendment H-5549 was adopted.

Lamberti of Polk offered the following amendment H-5740 filed by  
 Lamberti, et. al., and moved its adoption:

H-5740

- 1 Amend Senate File 2420, as passed by the Senate, as  
 2 follows:
- 3 1. Page 6, by inserting after line 7 the  
 4 following:
- 5 “Sec. \_\_\_\_ Section 723A.1, subsection 1, Code  
 6 Supplement 1995, is amended by adding the following  
 7 new paragraph:
- 8 NEW PARAGRAPH. h. Brandishing a dangerous weapon.  
 9 For purposes of this paragraph:
- 10 (1) “Brandishing a dangerous weapon” means the  
 11 display or exhibition of a dangerous weapon, with the  
 12 intent to intimidate or threaten another person, or  
 13 the actual use of the dangerous weapon in a manner  
 14 which is intended to or does cause serious injury or  
 15 death.
- 16 (2) “Dangerous weapon” means either of the  
 17 following:
- 18 (a) An instrument or device designed primarily for  
 19 use in inflicting death or injury upon a human being  
 20 or animal, and that is capable of inflicting death  
 21 upon a human being when used in the manner for which  
 22 it was designed.
- 23 (b) An instrument or device of any sort whatsoever  
 24 that is actually used in a manner that indicates the  
 25 defendant intends to inflict death or serious injury  
 26 upon another person, and that, when so used, is  
 27 capable of inflicting death or serious injury upon a  
 28 human being.”
- 29 2. Title page, line 1, by inserting after the  
 30 word “including” the following: “the use of deadly  
 31 force by criminal street gangs.”
- 32 3. By renumbering as necessary.

Amendment H-5740 was adopted.

Kreiman of Davis 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, 99:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Burnett	Carroll	Cataldo	Churchill
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammit Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen,	
		Presiding	

The nays were, none.

Absent or not voting, 1:

Brunkhorst

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

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House File 2456; Senate Files 2324, 2353, 2420 and 2430.**

## Ways and Means Calendar

**House File 2481**, a bill for an act relating to eligibility criteria and benefits, including tax benefits to businesses under the new jobs and income program and establishing a penalty, was taken up for consideration.

Shoultz of Black Hawk offered the following amendment H-5698 filed by him and moved its adoption:

H-5698

- 1 Amend House File 2481 as follows:
- 2 1. Page 2, line 9, by inserting after the words
- 3 "supporting business" the following: "only if the
- 4 contractor or subcontractor pays at least the
- 5 prevailing wages required for federal contracts for
- 6 similar work".

Roll call was requested by Shoultz of Black Hawk and Bernau of Story.

On the question "Shall amendment H-5698 be adopted?" (H.F. 2481)

The ayes were, 39:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cphoon
Connors	Coon	Doderer	Drees
Fallon	Garman	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
Mascher	May	McCoy	Mertz
Moreland	Mundie	Murphy	Myers
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Shoultz	Taylor	Warnstadt
Weigel	Wise	Witt	

The nays were, 61:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunckhorst
Carroll	Churchill	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammit Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken

Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Weidman	Welter
Van Maanen, Presiding			

Absent or not voting, none.

Amendment H-5698 lost.

Warnstadt of Woodbury asked and received unanimous consent to withdraw amendment H-5624, filed by him on March 26, 1996.

Shoultz of Black Hawk offered the following amendment H-5699 filed by him and moved its adoption:

H-5699

- 1 Amend House File 2481 as follows:
- 2 1. Page 3, line 23, by inserting after the word
- 3 "year." the following: "However, an eligible business
- 4 which enters into an agreement under this part on or
- 5 after the effective date of this Act shall not claim
- 6 the credit under this section for more than ten
- 7 years."

A non-record roll call was requested.

The ayes were 29, nays 50.

Amendment H-5699 lost.

Drake 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. 2481)

The ayes were, 77:

Arnold	Bell	Blodgett	Boddicker
Bogges	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Cataldo	Churchill	Cphoon	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Grundberg
Hahn	Halvorson	Hammit Barry	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Lord	Main	Martin	Mascher
McCoy	Metcalf	Meyer	Millage

Mundie	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Rants	Renken
Salton	Schulte	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Fossen
Vande Hoef	Veenstra	Warnstadt	Weidman
Weigel	Welter	Wise	Witt
Van Maanen, Presiding			

The nays were, 21:

Baker	Bernau	Brammer	Connors
Drees	Fallon	Harper	Holveck
Jochum	Koenigs	Kreiman	Larkin
May	Mertz	Moreland	Murphy
Ollie	Osterhaus	Schrader	Shoultz
Taylor			

Absent or not voting, 2:

Hanson                      Larson

The bill having recieved a constitutionalmajority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2481** be immediately messaged to the Senate.

### SENATE AMENDMENTS CONSIDERED

Lamberti of Polk called up for consideration **House File 2331**, a bill for an act expanding the factors that a court and the state department of transportation may consider in ordering the issuance of a temporary restricted license, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-5720:

H-5720

- 1 Amend House File 2331 as passed by the House as
- 2 follows:
- 3 1. Page 1, lines 24 through 26, by striking the
- 4 words "employment, including consideration of child
- 5 care necessary to maintain the employment," and
- 6 inserting the following: "employment; necessary child
- 7 care;"
- 8 2. Page 2, lines 14 through 16, by striking the
- 9 words "Notwithstanding any limitations imposed on the
- 10 department by this chapter or chapter 321, the
- 11 department shall issue the license."



12 3. Page 3, lines 4 through 6, by striking the  
 13 words "employment, including consideration of child  
 14 care necessary to maintain the employment," and  
 15 inserting the following "employment; necessary child  
 16 care."

The motion prevailed and the House concurred in the Senate amendment H-5720.

Lamberti 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. 2331)

The ayes were, 100:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Griener	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammit Barry	Hanson	Harper	Harrison
Heaton	Holveck	Houser	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen
			Presiding

The nays were, none.

Absent or not voting, none.

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

Brunkhorst of Bremer called up for consideration **House File 2315**, a bill for an act authorizing small quantities of wine to be shipped in and out of this state for consumption or use by persons twenty-one years of age or older, amended by the Senate, and moved that the House concur in the following Senate amendment H-5569:

H-5569

- 1 Amend House File 2315, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 12, by striking the words
- 4 "calendar year" and inserting the following: "month".
- 5 2. Page 1, line 21, by striking the words
- 6 "calendar year" and inserting the following: "month".

The motion prevailed and the House concurred in the Senate amendment H-5569.

Brunkhorst of Bremer 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. 2315)

The ayes were, 90:

Arnold	Bell	Bernau	Blodgett
Boddicker	Boggess	Bradley	Brammer
Brand	Brauns	Brunkhorst	Burnett
Carroll	Cataldo	Churchill	Cohoon
Connors	Coon	Corbett, Spkr.	Cormack
Dinkla	Disney	Doderer	Drake
Drees	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Grundberg	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kremer	Lamberti	Larkin	Larson
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Wise
Witt	Van Maanen		
	Presiding		

The nays were, 8:

Branstad  
Kreiman

Daggett  
Lord

Fallon  
Main

Holveck  
Thomson

Absent or not voting, 2:

Baker

Welter

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 2269**, a bill for an act enhancing the penalties for a third or subsequent offense of domestic abuse assault, previously deferred and placed on the unfinished business calendar.

Kreiman of Davis offered the following amendment H-5738 filed by him and Greiner and moved its adoption:

H-5738

1 Amend Senate File 2269, as passed by the Senate, as  
2 follows:  
3 1. Page 1, by inserting before line 1 the  
4 following:  
5 "Section 1. Section 331.756, subsection 4, Code  
6 Supplement 1995, is amended to read as follows:  
7 4. Prosecute misdemeanors under chapter 236. The  
8 county attorney shall prosecute other misdemeanors  
9 when not otherwise engaged in the performance of other  
10 official duties.  
11 Sec. 2. Section 602.6306, subsection 2, Code 1995,  
12 is amended to read as follows:  
13 2. District associate judges also have  
14 jurisdiction in civil actions for money judgment where  
15 the amount in controversy does not exceed ten thousand  
16 dollars, jurisdiction over involuntary commitment,  
17 treatment, or hospitalization proceedings under  
18 chapters 125 and 229, jurisdiction of indictable  
19 misdemeanors, and felony violations of section 321J.2,  
20 jurisdiction to enter a temporary or emergency order  
21 of protection under chapter 236, and to make court  
22 appointments and set hearings in criminal matters,  
23 jurisdiction to enter orders in probate which do not  
24 require notice and hearing and to set hearings in  
25 actions under chapter 633, and the jurisdiction  
26 provided in section 602.7101 when designated as a  
27 judge of the juvenile court. While presiding in these  
28 subject matters a district associate judge shall  
29 employ district judges' practice and procedure."

30 2. Page 4, by inserting after line 15 the  
 31 following:  
 32 "Sec. \_\_\_\_ DOMESTIC ABUSE TREATMENT PILOT PROGRAM.  
 33 Notwithstanding section 708.2A, a court, located in a  
 34 county which has been designated by the supreme court  
 35 as a county establishing an alternative batterers'  
 36 treatment pilot program, shall sentence a person who  
 37 pleads guilty to or is convicted of domestic abuse  
 38 assault under section 708.2A to either a batterers'  
 39 treatment program under section 708.2B or the  
 40 alternative batterers' pilot program established in  
 41 the county.  
 42 The judicial district in which the county is  
 43 located shall report to the general assembly not later  
 44 than January 15 of each year regarding the alternative  
 45 batterers' pilot program. The judicial district shall  
 46 submit a final report not later than August 1, 1998,  
 47 regarding the pilot program.  
 48 This section is repealed effective June 30, 1998,  
 49 except that the date for submission of the final  
 50 report shall remain August 1, 1998."

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1 3. Title page, line 2, by striking the word  
 2 "assault." and inserting the following: "assault,  
 3 requiring county attorneys to prosecute certain  
 4 domestic abuse misdemeanors, giving district associate  
 5 judges jurisdiction to enter orders of protection in  
 6 certain domestic abuse matters, and establishing a  
 7 pilot program for domestic abuse."  
 8 4. By renumbering as necessary.

Amendment H-5738 was adopted.

Greiner of Washington 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. 2269)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Cohoon	Connors	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Doderer	Drake	Drees	Eddie
Fallon	Ertl	Garman	Gipp

Greig	Greiner	Gries	Grubbs
Grundberg	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen		
	Presiding		

The nays were, 1:

Millage

Absent or not voting, 1:

Churchill

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 2315, 2331 and Senate File 2269.**

### SENATE AMENDMENT CONSIDERED

Hahn of Muscatine called up for consideration **Senate File 2446**, relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing effective dates, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5834 to the House amendment:

H-5834

- 1 Amend the House amendment, S-5613, to Senate File
- 2 2446, as amended, passed, and reprinted by the Senate,
- 3 as follows:

4 1. By striking page 1, line 5, through page 16,  
5 line 38, and inserting the following:

6 "DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

7 Section 1. GENERAL APPROPRIATION. There is  
8 appropriated from the general fund of the state to the  
9 department of agriculture and land stewardship for the  
10 fiscal year beginning July 1, 1996, and ending June  
11 30, 1997, the following amounts, or so much thereof as  
12 is necessary, to be used for the purposes designated:

13 1. ADMINISTRATIVE DIVISION

14 a. For salaries, support, maintenance, the support  
15 of the state 4-H foundation, support of the statistics  
16 bureau, and miscellaneous purposes, and for the  
17 salaries and support of not more than the following  
18 full-time equivalent positions:

19 .....	\$ 1,636,111
20 .....	FTEs 42.45

21 (1) Of the funds appropriated in this paragraph  
22 "a", \$322,406 and 7.00 FTEs shall be used to support  
23 horticulture. The president of the state horticulture  
24 society or the president's designee and the department  
25 shall consult and mutually agree on all expenditures  
26 of moneys in this subparagraph and on the filling of  
27 full-time equivalent positions, as allocated in this  
28 subparagraph.

29 (2) Of the amount appropriated in this paragraph  
30 "a", \$50,000 shall be allocated to the state 4-H  
31 foundation to foster the development of Iowa's youth  
32 and to encourage them to study the subject of  
33 agriculture.

34 (3) Of the amount appropriated and full-time  
35 equivalent positions authorized in this paragraph "a",  
36 \$130,519 and 4.00 FTEs shall be allocated to the  
37 statistics bureau to provide county-by-county  
38 information on land in farms, production by crop,  
39 acres by crop, and county prices by crop. This  
40 information shall be made available to the department  
41 of revenue and finance for use in the productivity  
42 formula for valuing and equalizing the values of  
43 agricultural land.

44 (4) Of the amount appropriated in this paragraph  
45 "a", not more than \$5,000 shall be allocated to the  
46 Iowa limousin cattle junior association in connection  
47 with the 1996 national junior limousin cattle show.

48 (5) Of the amount appropriated in this paragraph  
49 "a", \$500 shall be allocated as state aid to support  
50 the north Iowa poultry expo.

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1 b. For the operations of the dairy trade practices

2 bureau:  
 3 ..... \$ 66,846  
 4 c. For the purpose of performing commercial feed  
 5 audits:  
 6 ..... \$ 64,698  
 7 d. For the purpose of performing fertilizer  
 8 audits:  
 9 ..... \$ 64,697

10 2. REGULATORY DIVISION

11 a. For salaries, support, maintenance,  
 12 miscellaneous purposes, and for not more than the  
 13 following full-time equivalent positions:  
 14 ..... \$ 3,848,960  
 15 ..... FTEs 122.50  
 16 b. For the costs of inspection, sampling,  
 17 analysis, and other expenses necessary for the  
 18 administration of chapters 192, 194, and 195:  
 19 ..... \$ 651,220

20 3. LABORATORY DIVISION

21 a. For salaries, support, maintenance, and  
 22 miscellaneous purposes, including the administration  
 23 of the gypsy moth program, and for not more than the  
 24 following full-time equivalent positions:  
 25 ..... \$ 959,475  
 26 ..... FTEs 85.10

27 (1) Of the amount appropriated in this paragraph  
 28 "a", \$110,000 shall be used to administer a program  
 29 relating to the detection, surveillance, and  
 30 eradication of the gypsy moth. The department shall  
 31 allocate and use the appropriation made in this  
 32 paragraph before moneys other than those appropriated  
 33 in this paragraph are used to support the program.

34 (2) Of the amount appropriated and the number of  
 35 full-time equivalent positions authorized in this  
 36 paragraph "a", \$49,850 and 1.00 FTE shall be used to  
 37 support a regional entomologist for purposes of  
 38 conducting laboratory inspection activities.

39 (3) Of the amount appropriated in this paragraph  
 40 "a", \$82,000 shall be used for the acquisition of  
 41 laboratory equipment, including, but not limited to, a  
 42 fat analyzer and a nitrogen protein combustion  
 43 analyzer.

44 (4) Of the amount appropriated in this paragraph  
 45 "a", \$25,000 shall be used for inspections of bottled  
 46 water sold commercially within the state.

47 (5) Of the number of full-time equivalent  
 48 positions authorized in this paragraph "a" and funded  
 49 in paragraph "c", 1.00 FTE shall be used to support an  
 50 organics program coordinator who shall assure

## Page 3

- 1 compliance of organic foods sold commercially within  
 2 the state with federal regulations relating to organic  
 3 foods.
- 4 b. For the operations of the commercial feed  
 5 programs:
- 6 ..... \$ 742,499
- 7 c. For the operations of the pesticide programs:  
 8 ..... \$ 1,291,781
- 9 Of the amount appropriated in this paragraph "c",  
 10 \$200,000 shall be allocated to Iowa state university  
 11 for purposes of training commercial pesticide  
 12 applicators.
- 13 d. For the operations of the fertilizer programs:  
 14 ..... \$ 633,832
- 15 4. SOIL CONSERVATION DIVISION
- 16 a. For salaries, support, maintenance, assistance  
 17 to soil conservation districts, miscellaneous  
 18 purposes, and for not more than the following full-  
 19 time equivalent positions:
- 20 ..... \$ 6,045,591  
 21 ..... FTEs 172.28
- 22 (1) Of the amount appropriated in this paragraph  
 23 "a", \$330,000 shall be used to reimburse commissioners  
 24 of soil and water conservation districts for  
 25 administrative expenses. Moneys used for the payment  
 26 of meeting dues by counties shall be matched on a  
 27 dollar-for-dollar basis by the soil conservation  
 28 division.
- 29 (2) Of the amount appropriated in this paragraph  
 30 "a", \$42,000 shall be used to support soil and water  
 31 conservation district development including the  
 32 training of soil and water conservation district  
 33 staff.
- 34 (3) Of the amount appropriated and the number of  
 35 full-time equivalent positions authorized in this  
 36 paragraph "a", \$56,000 and 1.00 FTE shall be used to  
 37 support a position for oversight of financial  
 38 incentive programs.
- 39 b. To provide financial incentives for soil  
 40 conservation practices under chapter 161A:
- 41 ..... \$ 6,750,850
- 42 c. The following requirements apply to the moneys  
 43 appropriated in paragraph "b":
- 44 (1) Not more than 5 percent of the moneys  
 45 appropriated in paragraph "b" may be allocated for  
 46 cost sharing to abate complaints filed under section  
 47 161A.47.
- 48 (2) Of the moneys appropriated in paragraph "b", 5  
 49 percent shall be allocated for financial incentives to  
 50 establish practices to protect watersheds above



1 publicly owned lakes of the state from soil erosion  
 2 and sediment as provided in section 161A.73.  
 3 (3) Not more than 30 percent of a district's  
 4 allocation of moneys as financial incentives may be  
 5 provided for the purpose of establishing management  
 6 practices to control soil erosion on land that is row  
 7 cropped, including but not limited to no-till  
 8 planting, ridge-till planting, contouring, and contour  
 9 strip-cropping as provided in section 161A.73.

10 (4) The state soil conservation committee created  
 11 in section 161A.4 may allocate moneys to conduct  
 12 research and demonstration projects to promote  
 13 conservation tillage and nonpoint source pollution  
 14 control practices.

15 (5) The financial incentive payments may be used  
 16 in combination with department of natural resources  
 17 moneys.

18 d. The provisions of section 8.33 shall not apply  
 19 to the moneys appropriated in paragraph "b".  
 20 Unencumbered or unobligated moneys remaining on June  
 21 30, 2000, from moneys appropriated in paragraph "b"  
 22 for the fiscal year beginning July 1, 1996, shall  
 23 revert to the general fund on August 31, 2000.

24 Sec. 2. FARMERS' MARKET COUPON PROGRAM. There is  
 25 appropriated from the general fund of the state to the  
 26 department of agriculture and land stewardship for the  
 27 fiscal year beginning July 1, 1996, and ending June  
 28 30, 1997, the following amount, or so much thereof as  
 29 is necessary, to be used for the purposes designated:

30 For salaries, support, maintenance, and  
 31 miscellaneous purposes, to be used by the department  
 32 to continue and expand the farmers' market coupon  
 33 program by providing federal special supplemental food  
 34 program recipients with coupons redeemable at farmers'  
 35 markets, and for not more than the following full-time  
 36 equivalent positions:  
 37 ..... \$ 215,807  
 38 ..... FTEs 1.00

39 Sec. 3. PSEUDORABIES ERADICATION PROGRAM.

40 1. There is appropriated from the general fund of  
 41 the state to the department of agriculture and land  
 42 stewardship for the fiscal year beginning July 1,  
 43 1996, and ending June 30, 1997, the following amount,  
 44 or so much thereof as is necessary, to be used for the  
 45 purpose designated:

46 For support of the pseudorabies eradication  
 47 program:  
 48 ..... \$ 900,300

49 2. Persons, including organizations interested in  
 50 swine production in this state and in the promotion of

1 Iowa pork products who contribute support to the  
 2 program, are encouraged to increase financial support  
 3 for purposes of ensuring the program's effective  
 4 continuation.

5 Sec. 4. HORSE AND DOG RACING. There is  
 6 appropriated from the moneys available under section  
 7 99D.13 to the regulatory division of the department of  
 8 agriculture and land stewardship for the fiscal year  
 9 beginning July 1, 1996, and ending June 30, 1997, the  
 10 following amount, or so much thereof as is necessary,  
 11 to be used for the purpose designated:

12 For salaries, support, maintenance, and  
 13 miscellaneous purposes for the administration of  
 14 section 99D.22:  
 15 ..... \$ 192,560

16 Sec. 5. INTERSTATE COMPACT ON AGRICULTURAL GRAIN  
 17 MARKETING. There is appropriated from the general  
 18 fund of the state to the interstate agricultural grain  
 19 marketing commission for the fiscal year beginning  
 20 July 1, 1996, and ending June 30, 1997, the following  
 21 amount, or so much thereof as is necessary, to be used  
 22 for the purpose designated:

23 For carrying out duties of the commission as  
 24 provided in Article IV of the interstate compact on  
 25 agricultural grain marketing as provided in chapter  
 26 183:  
 27 ..... \$ 80,000

28 DEPARTMENT OF NATURAL RESOURCES

29 Sec. 6. GENERAL APPROPRIATION. There is  
 30 appropriated from the general fund of the state to the  
 31 department of natural resources for the fiscal year  
 32 beginning July 1, 1996, and ending June 30, 1997, the  
 33 following amounts, or so much thereof as is necessary,  
 34 to be used for the purposes designated:

35 1. ADMINISTRATIVE AND SUPPORT SERVICES

36 For salaries, support, maintenance, miscellaneous  
 37 purposes, and for not more than the following full-  
 38 time equivalent positions:  
 39 ..... \$ 2,052,389  
 40 ..... FTEs 119.25

41 2. PARKS AND PRESERVES DIVISION

42 For salaries, support, maintenance, miscellaneous  
 43 purposes, and for not more than the following full-  
 44 time equivalent positions:  
 45 ..... \$ 5,546,988  
 46 ..... FTEs 195.73

47 3. FORESTS AND FORESTRY DIVISION

48 For salaries, support, maintenance, miscellaneous  
 49 purposes, and for not more than the following full-  
 50 time equivalent positions:

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1 ..... \$ 1,494,908  
 2 ..... FTEs 48.71  
 3 4. ENERGY AND GEOLOGICAL RESOURCES DIVISION  
 4 For salaries, support, maintenance, miscellaneous  
 5 purposes, and for not more than the following full-  
 6 time equivalent positions:  
 7 ..... \$ 1,681,228  
 8 ..... FTEs 52.00  
 9 5. a. ENVIRONMENTAL PROTECTION DIVISION  
 10 (1) For salaries, support, maintenance,  
 11 miscellaneous purposes, and for not more than the  
 12 following full-time equivalent positions:  
 13 ..... \$ 1,917,509  
 14 ..... FTEs 211.50  
 15 (2) Of the amount appropriated and the number of  
 16 full-time equivalent positions authorized in  
 17 subparagraph (1) at least \$371,600 and 7.00 FTEs shall  
 18 be used to support the regulation of animal feeding  
 19 operations.  
 20 b. WATER QUALITY PROTECTION FUND  
 21 For allocation to the administrative account of the  
 22 water quality protection fund established pursuant to  
 23 section 455B.183A, to carry out the purpose of that  
 24 account:  
 25 ..... \$ 729,000  
 26 (1) Of the number of full-time equivalent  
 27 positions authorized in paragraph "a", 32.50 FTEs  
 28 shall be dedicated to carrying out the provisions of  
 29 chapter 455B relating to the administration,  
 30 regulation, and enforcement of the federal Safe  
 31 Drinking Water Act and to support the program to  
 32 assist water supply systems as provided in section  
 33 455B.183B. However, the limitation on full-time  
 34 equivalent positions provided in paragraph "a", shall  
 35 not limit the number of additional full-time  
 36 equivalent positions supported by moneys deposited in  
 37 the water quality protection fund as provided in  
 38 section 455B.183A, in order to carry out the  
 39 provisions of division III of chapter 455B relating to  
 40 the administration, regulation, and enforcement of the  
 41 federal Safe Drinking Water Act, and the  
 42 administration of the program to assist water supply  
 43 systems pursuant to section 455B.183B.  
 44 (2) In providing assistance to water supply  
 45 systems, the department shall provide priority to  
 46 water supply systems serving a population of seven  
 47 thousand or less. At least 2.00 FTEs shall be  
 48 allocated to provide assistance to systems serving a  
 49 population of seven thousand or less.  
 50 6. FISH AND WILDLIFE DIVISION

## Page 7

1 For not more than the following full-time  
 2 equivalent positions:  
 3 ..... FTEs 342.18  
 4 7. WASTE MANAGEMENT ASSISTANCE DIVISION  
 5 For not more than the following full-time  
 6 equivalent positions:  
 7 ..... FTEs 16.75  
 8 Sec. 7. STATE FISH AND GAME PROTECTION FUND —  
 9 APPROPRIATION TO THE DIVISION OF FISH AND WILDLIFE.  
 10 1. There is appropriated from the state fish and  
 11 game protection fund to the division of fish and  
 12 wildlife of the department of natural resources for  
 13 the fiscal year beginning July 1, 1996, and ending  
 14 June 30, 1997, the following amount, or so much  
 15 thereof as is necessary, to be used for the purposes  
 16 designated:  
 17 For administrative support, and for salaries,  
 18 support, maintenance, equipment, and miscellaneous  
 19 purposes:  
 20 ..... \$ 21,365,891  
 21 2. The department shall not expend more moneys  
 22 from the fish and game protection fund than provided  
 23 in this section, unless the expenditure derives from  
 24 contributions made by a private entity, or a grant or  
 25 moneys received from the federal government, and is  
 26 approved by the natural resource commission. The  
 27 department of natural resources shall promptly notify  
 28 the legislative fiscal bureau and the chairpersons and  
 29 ranking members of the joint appropriations  
 30 subcommittee on agriculture and natural resources  
 31 concerning the commission's approval.  
 32 Sec. 8. MARINE FUEL TAX RECEIPTS — BOATING  
 33 FACILITIES AND ACCESS. There is appropriated from the  
 34 marine fuel tax receipts deposited in the general fund  
 35 of the state to the department of natural resources  
 36 for the fiscal year beginning July 1, 1996, and ending  
 37 June 30, 1997, the following amount, or so much  
 38 thereof as is necessary, to be used for the purpose  
 39 designated:  
 40 For purposes of maintaining and developing boating  
 41 facilities and access to public waters by the parks  
 42 and preserves division:  
 43 ..... \$ 411,311  
 44 Sec. 9. SNOWMOBILE FEES — TRANSFER FOR  
 45 ENFORCEMENT PURPOSES. There is transferred on July 1,  
 46 1996, from the fees deposited under section 321G.7 to  
 47 the fish and game protection fund and appropriated to  
 48 the department of natural resources for the fiscal  
 49 year beginning July 1, 1996, and ending June 30, 1997,  
 50 the following amount, or so much thereof as is

1 necessary, to be used for the purpose designated:

2 For the purpose of enforcing snowmobile laws as  
3 part of the state snowmobile program administered by  
4 the department of natural resources:

5 ..... \$ 100,000

6 Sec. 10. VESSEL FEES — TRANSFER FOR ENFORCEMENT

7 PURPOSES. There is transferred on July 1, 1996, from  
8 the fees deposited under section 462A.52 to the fish  
9 and game protection fund and appropriated to the  
10 department of natural resources for the fiscal year  
11 beginning July 1, 1996, and ending June 30, 1997, the  
12 following amount, or so much thereof as is necessary,  
13 to be used for the purpose designated:

14 For the administration and enforcement of  
15 navigation laws and water safety:

16 ..... \$ 1,325,000

17 Of the amount appropriated in this section,  
18 \$125,000 shall be used for purposes of controlling and  
19 eradicating harmful exotic species and eurasian  
20 milfoil.

21 Notwithstanding section 8.33, moneys transferred  
22 pursuant to this section which are unencumbered or  
23 unobligated on June 30, 1997, shall be transferred on  
24 July 1, 1997, to the special conservation fund  
25 established by section 462A.52 to be used as provided  
26 in that section, and shall not revert as provided in  
27 section 8.33.

28 RESOURCES ENHANCEMENT AND PROTECTION

29 Sec. 11. GENERAL APPROPRIATION. Notwithstanding  
30 the amount of the standing appropriation from the  
31 general fund of the state under section 455A.18,  
32 subsection 3, there is appropriated from the general  
33 fund of the state to the Iowa resources enhancement  
34 and protection fund, in lieu of the appropriation made  
35 in section 455A.18, for the fiscal year beginning July  
36 1, 1996, and ending June 30, 1997, the sum of  
37 \$10,000,000, of which all moneys shall be allocated as  
38 provided in section 455A.19.

39 RELATED APPROPRIATIONS

40 Sec. 12. APPROPRIATION FROM ORGANIC NUTRIENT  
41 MANAGEMENT FUND. There is appropriated from the  
42 organic nutrient management fund, as created in  
43 section 161C.5, to the following entities in the  
44 fiscal year beginning July 1, 1996, and ending June  
45 30, 1997, the following amounts, or so much thereof as  
46 is necessary, to be used for the purposes designated:

47 1. To Iowa state university for supporting odor  
48 control applications of animal feeding operations,  
49 including confinement feeding operations, regulated by  
50 the department of natural resources pursuant to

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1	chapter 455B:	
2	.....	\$ 350,000
3	a. Moneys provided under this subsection for odor	
4	control applications of animal feeding operations	
5	shall be provided on a dollar-for-dollar match with an	
6	individual owner or operator and shall not exceed the	
7	amount actually spent by or on behalf of the owner or	
8	operator for odor control.	
9	b. Notwithstanding section 8.33, moneys provided	
10	under this subsection for odor control applications of	
11	animal feeding operations shall not revert to the	
12	organic nutrient management fund but shall remain	
13	available for use as provided in this subsection	
14	during the fiscal year beginning July 1, 1997, and	
15	ending June 30, 1998. The moneys appropriated in this	
16	subsection which remain unexpended or unobligated on	
17	June 30, 1998, shall revert to the organic nutrient	
18	management fund on August 31, 1998.	
19	2. To the department of natural resources for	
20	establishment of a pilot project for the control of	
21	odor originating from animal feeding operation	
22	structures, including anaerobic lagoons and earthen	
23	manure storage basins, by using emergent plant or	
24	vegetative growth:	
25	.....	\$ 25,000
26	On or before January 1, 1997, the department of	
27	natural resources shall submit a report including	
28	findings and recommendations resulting from the pilot	
29	project to the committees of the general assembly	
30	which have jurisdiction over agriculture and natural	
31	resources.	
32	3. To Iowa state university for supporting a	
33	person connected with the United States department of	
34	agriculture who engages in animal control, for	
35	purposes of contributing to the control of animals,	
36	and especially predators, which pose a threat to this	
37	state's agriculture:	
38	.....	\$ 50,000
39	4. To the department of agriculture and land	
40	stewardship for the administration of a grant project	
41	to support a cattle slaughtering and beef processing	
42	facility in this state:	
43	.....	\$ 150,000
44	Not later than September 1, 1996, the department	
45	shall award \$75,000 to an eligible person for purposes	
46	of conducting a feasibility and planning study for the	
47	construction of the cattle slaughtering and beef	
48	processing facility. If another person is not	
49	selected by January 1, 1997, the department shall	
50	award the remaining \$75,000 to the same person for	

1 purposes of completing the study. A person receiving  
 2 an award must be an entity organized to do business  
 3 under the laws of this state and principally located  
 4 in this state. The business entity must make a  
 5 commitment to invest at least \$25,000,000 for the  
 6 construction and operation of the proposed cattle  
 7 slaughtering and beef processing facility, if, based  
 8 on the study, the business entity constructs the  
 9 facility. The department, in cooperation with the  
 10 department of economic development, shall establish  
 11 criteria, select eligible business entities, and make  
 12 awards as directed by the agricultural products  
 13 advisory council established pursuant to section  
 14 15.203.

15 5. To the department of natural resources for  
 16 supporting the environmental education initiative  
 17 pursuant to section 258B.1, as enacted in this Act:

18 ..... \$ 150,000

19 Sec. 13. ATTORNEY GENERAL INVESTIGATORS — ANIMAL  
 20 FEEDING OPERATIONS. There is appropriated from the  
 21 general fund of the state to the office of attorney  
 22 general for the fiscal year beginning July 1, 1996,  
 23 and ending June 30, 1997, the following amount, or so  
 24 much thereof as is necessary, to be used for the  
 25 purpose designated:

26 For the investigation of animal feeding operations  
 27 regulated under chapter 455B, including salaries,  
 28 support, maintenance, miscellaneous purposes, and for  
 29 not more than the following full-time equivalent  
 30 positions:

31 ..... \$ 109,000

32 ..... FTEs 2.00

33 Persons employed as investigators under this  
 34 section shall investigate animal feeding operations,  
 35 including by inspecting animal feeding operations, and  
 36 especially confinement feeding operations and the  
 37 storage and disposal of manure from animal feeding  
 38 operations, to ensure compliance with state law,  
 39 including chapter 455B and rules adopted by the  
 40 department of natural resources. Each investigator  
 41 shall have an office in and investigate a region of  
 42 the state where there is a high concentration of  
 43 confinement feeding operations. An investigator may  
 44 inspect an animal feeding operation at any time during  
 45 normal working hours or at other times if exigent  
 46 circumstances exist, and may examine records required  
 47 to be maintained as part of a manure management plan  
 48 required pursuant to section 455B.203. In order to  
 49 access the animal feeding operation during normal  
 50 business hours, the investigator must comply with

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1 standard disease control restrictions customarily  
 2 required by the operation. The investigator shall  
 3 comply with the requirements in section 455B.103 to  
 4 the same extent required by the director of the  
 5 department of natural resources conducting an  
 6 inspection or search of property. The attorney  
 7 general and the department of natural resources shall  
 8 cooperate in carrying out this section. Each four  
 9 months, the attorney general shall submit a report  
 10 regarding violations investigated and prosecuted by  
 11 the attorney general to the secretary of the senate  
 12 and to the chief clerk of the house of  
 13 representatives.

## 14 Sec. 14. MULTIFLORA ROSE ERADICATION.

15 1. There is appropriated from the general fund of  
 16 the state to Iowa state university for the fiscal year  
 17 beginning July 1, 1996, and ending June 30, 1997, the  
 18 following amount, or so much thereof as is necessary,  
 19 to be used for the purpose designated:

20 For supporting multiflora rose eradication research  
 21 and projects:

22 ..... \$ 25,000

23 2. Notwithstanding 1995 Iowa Acts, chapter 216,  
 24 section 19, subsection 2, moneys allocated pursuant to  
 25 1995 Iowa Acts, chapter 216, section 19, subsection 1,  
 26 paragraph "d", which remain unencumbered or  
 27 unobligated on June 30, 1996, shall not revert  
 28 pursuant to section 8.33, but shall remain available  
 29 to Iowa state university for purposes of supporting  
 30 multiflora rose eradication research and projects, for  
 31 subsequent fiscal years.

## 32 Sec. 15. NONREVERSION OF MONEYS ALLOCATED TO IOWA

33 GRAIN QUALITY INITIATIVE. Notwithstanding 1995 Iowa

34 Acts, chapter 216, section 19, subsection 2, moneys  
 35 allocated pursuant to 1995 Iowa Acts, chapter 216,  
 36 section 19, subsection 1, paragraph "f", subparagraph  
 37 (1), which remain unencumbered or unobligated on June  
 38 30, 1996, shall not revert pursuant to section 8.33,  
 39 but shall remain available to Iowa state university  
 40 for purposes of supporting the Iowa cooperative  
 41 extension service in agriculture and home economics in  
 42 establishing and administering an Iowa grain quality  
 43 initiative in subsequent fiscal years.

44 Sec. 16. TRANSFERS OF MONEYS REQUIRED TO BE  
 45 DEPOSITED IN THE WATER PROTECTION FUND.

46 Notwithstanding section 161C.4 and the reversion and  
 47 allocation provisions in section 455A.19, subsection  
 48 1, paragraph "c", of the unencumbered and unobligated  
 49 moneys remaining, which are required to be deposited  
 50 in the water protection fund created in section



1 161C.4, as provided in section 455A.19, subsection 1,  
 2 paragraph "c", the following amount shall be  
 3 transferred first from moneys required to be deposited  
 4 in the water protection practices account, and if  
 5 necessary from moneys required to be deposited in the  
 6 water quality protection projects account, which shall  
 7 be used for the following purposes:

8 To the Loess Hills development and conservation  
 9 authority, for deposit in the Loess Hills development  
 10 and conservation fund created in section 161D.2 for  
 11 the purposes specified in section 161D.1:

12 ..... \$ 400,000

13 Sec. 17. REVENUE ADMINISTERED BY THE IOWA  
 14 COMPREHENSIVE UNDERGROUND STORAGE TANK FUND BOARD —  
 15 TRANSFER. There is appropriated from the unassigned  
 16 revenue fund administered by the Iowa comprehensive  
 17 underground storage tank fund board, to the department  
 18 of natural resources for the fiscal year beginning  
 19 July 1, 1996, and ending June 30, 1997, the following  
 20 amount, or so much thereof as is necessary, to be used  
 21 for the purpose designated:

22 For administration expenses of the underground  
 23 storage tank section of the department of natural  
 24 resources:

25 ..... \$ 75,000

26 Sec. 18. TRANSFER — AIR QUALITY. For the fiscal  
 27 year beginning July 1, 1996, and ending June 30, 1997,  
 28 the department of natural resources may transfer up to  
 29 \$430,000 from the hazardous substance remedial fund  
 30 created pursuant to section 455B.423, to support  
 31 purposes related to carrying out the duties of the  
 32 commission under section 455B.133, or the director  
 33 under section 455B.134, or for carrying out the  
 34 provisions of chapter 455B, division II.

35 MISCELLANEOUS

36 Sec. 19. STUDY OF LOCATING FIELD OFFICE IN NORTH  
 37 CENTRAL DISTRICT. The department of natural resources  
 38 shall conduct a study of the feasibility of locating a  
 39 field office in the department's north central  
 40 district. On or before January 1, 1997, the  
 41 department of natural resources shall submit a report  
 42 including findings and recommendations resulting from  
 43 the study to the committees of the general assembly  
 44 which have jurisdiction over natural resources.

45 Sec. 20. IOWA AGRICULTURE 2000 CONFERENCE. There  
 46 is appropriated from the general fund of the state to  
 47 Iowa state university for the fiscal year beginning  
 48 July 1, 1996, and ending June 30, 1997, the following  
 49 amount, or so much thereof as is necessary, to be used  
 50 for the purpose designated:

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1 To support Iowa state university, in cooperation  
 2 with the farm section of the attorney general's  
 3 office, in sponsoring an Iowa agriculture 2000  
 4 conference, with assistance provided by the department  
 5 of agriculture and land stewardship and Iowa commodity  
 6 organizations, for independent agricultural producers  
 7 and other persons interested in the future of Iowa  
 8 agriculture:

9 ..... \$ 80,000

10 Moneys appropriated by this section shall be used  
 11 to defray expenses incurred by Iowa state university  
 12 and the farm section of the attorney general's office  
 13 in planning and sponsoring the conference.

14 Sec. 21. STATE NURSERIES. Notwithstanding section  
 15 17A.2, subsection 10, paragraph "g", the department of  
 16 natural resources shall adopt administrative rules  
 17 establishing a range of prices of plant material grown  
 18 at the state forest nurseries to cover all expenses  
 19 related to the growing of the plants.

20 1. The department shall develop programs to  
 21 encourage the wise management and preservation of  
 22 existing woodlands and shall continue its efforts to  
 23 encourage forestation and reforestation on private and  
 24 public lands in the state.

25 2. The department shall encourage a cooperative  
 26 relationship between the state forest nurseries and  
 27 private nurseries in the state in order to achieve  
 28 these goals.

29 Sec. 22. TRANSFER OF MONEYS OR POSITIONS; CHANGES  
 30 IN TABLES OF ORGANIZATION — NOTIFICATION. In  
 31 addition to the requirements of section 8.39, in each  
 32 fiscal quarter, the department of agriculture and land  
 33 stewardship and the department of natural resources  
 34 shall notify the chairpersons, vice chairpersons, and  
 35 ranking members of the joint appropriations  
 36 subcommittee on agriculture and natural resources for  
 37 the previous fiscal quarter of any transfer of moneys  
 38 or full-time equivalent positions made by either  
 39 department which is not authorized in this Act, or any  
 40 permanent position added to or deleted from either  
 41 department's table of organization.

42 Sec. 23. AIR QUALITY PROGRAM — NONGENERAL FUND  
 43 SUPPORT. The department of natural resources for the  
 44 fiscal year beginning July 1, 1996, and ending June  
 45 30, 1997, shall not use moneys appropriated from the  
 46 general fund of the state pursuant to this Act, to  
 47 support any purpose related to carrying out the duties  
 48 of the commission under section 455B.133 or the  
 49 director under section 455B.134, or for carrying out  
 50 the provisions of chapter 455B, division II.

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1 Notwithstanding section 455B.133B, the department  
2 may use moneys deposited in the air contaminant source  
3 fund created in section 455B.133B during the fiscal  
4 year beginning July 1, 1996, and ending June 30, 1997,  
5 for any purpose related to carrying out the duties of  
6 the commission under section 455B.133 or the director  
7 under section 455B.134, or for carrying out the  
8 provisions of chapter 455B, division II.

9 Sec. 24. RULES RELATING TO PESTICIDE AND  
10 FERTILIZER CONTAMINATED SITES — ENVIRONMENTAL  
11 PROTECTION COMMISSION. The environmental protection  
12 commission shall adopt all rules required to establish  
13 criteria for the classification and prioritization of  
14 sites upon which pesticide or fertilizer contamination  
15 has been discovered, as provided in section 455B.601  
16 not later than October 1, 1996.

17 Sec. 25. NATIVE AMERICAN WAR MEMORIAL. The  
18 department of natural resources may purchase, with  
19 funds which become available under chapter 465A for  
20 the fiscal year beginning July 1, 1996, and ending  
21 June 30, 1997, lands on which to locate a native  
22 American war memorial.

23 STATUTORY CHANGES

24 Sec. 26. NEW SECTION. 2.55A DEPARTMENTAL  
25 INFORMATION REQUIRED.

26 1. The department of agriculture and land  
27 stewardship and the department of natural resources,  
28 in cooperation as necessary with the department of  
29 management and the department of personnel, shall  
30 provide a list to the legislative fiscal bureau, on a  
31 quarterly basis, of all permanent positions added to  
32 or deleted from the departments' table of organization  
33 in the previous fiscal quarter. This list shall  
34 include at least the position number, salary range,  
35 projected funding source or sources of each position,  
36 and the reason for the addition or deletion. The  
37 legislative fiscal bureau may use this information to  
38 assist in the establishment of the full-time  
39 equivalent position limits authorized in law for the  
40 departments.

41 2. The department of natural resources shall  
42 provide the legislative fiscal bureau information and  
43 financial data by cost center, on at least a monthly  
44 basis, relating to the indirect cost accounting  
45 procedure, the amount of funding from each funding  
46 source for each cost center, and the internal budget  
47 system used by the department. The information shall  
48 include but is not limited to financial data covering  
49 the department's budget by cost center and funding  
50 source prior to the start of the fiscal year, and to

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1 the department's actual expenditures by cost center  
2 and funding source after the accounting system has  
3 been closed for that fiscal year.

4 3. The department of agriculture and land  
5 stewardship shall provide the legislative fiscal  
6 bureau information and financial data on at least a  
7 monthly basis, relating to the internal budget system  
8 used by the department. The information shall include  
9 but is not limited to financial data covering the  
10 department's budget prior to the start of the fiscal  
11 year, and to the department's actual expenditures  
12 after the accounting system has been closed for that  
13 fiscal year.

14 Sec. 27. NEW SECTION. 8.60A TRUST FUND  
15 INFORMATION.

16 The department of revenue and finance in  
17 cooperation with each appropriate agency shall track  
18 receipts to the general fund of the state which under  
19 law were previously collected to be used for specific  
20 purposes, or to be credited to, or be deposited to a  
21 particular account or fund, as provided in section  
22 8.60.

23 The department of revenue and finance and each  
24 appropriate agency shall prepare reports detailing  
25 revenue from receipts previously deposited into each  
26 of the funds. A report shall be submitted to the  
27 legislative fiscal bureau at least once for each  
28 three-month period as designated by the legislative  
29 fiscal bureau.

30 Sec. 28. Section 166D.10, Code 1995, is amended by  
31 adding the following new subsection:

32 NEW SUBSECTION. 4. In addition to other  
33 applicable requirements of this section, feeder swine  
34 shall not be moved into this state from another state  
35 except to slaughter, unless the feeder swine are  
36 vaccinated by a differentiable vaccine within ninety  
37 days of arrival in this state.

38 Sec. 29. NEW SECTION. 258B.1 RESIDENTIAL  
39 ENVIRONMENTAL EDUCATION PROGRAMS — APPROPRIATION.

40 1. A residential environmental education program  
41 is created to recognize the critical role that both  
42 direct experience with the outdoors and a several-day  
43 residential experience away from home and the formal  
44 school environment play in the formation of an  
45 environmentally literate citizenry.

46 2. Phase I of the program shall provide  
47 supplemental funding of thirty-five dollars per pupil  
48 to school districts that choose to provide for the  
49 attendance of the pupils in one grade level at a  
50 certified residential environmental education center.

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1 To receive this funding, school districts must provide  
2 proof of attendance by their pupils at such a center  
3 and participation by pupils in a certified program for  
4 a minimum of three consecutive days for each pupil.  
5 In addition, school districts shall submit evidence of  
6 matching contributions of at least fifty percent of  
7 the total program cost. Local school districts shall  
8 choose the grade level and the time of year they feel  
9 is most developmentally appropriate for this  
10 residential experience.

11 3. Phase II of the program shall consist of all of  
12 the following:

13 a. Development of certification criteria for  
14 facilities, staff, and programs.

15 b. Census of existing facilities, staff, and  
16 programs relative to the certification criteria.

17 c. Assessment of the needs of these facilities.

18 4. The program shall be administered cooperatively  
19 by the department of education and the department of  
20 natural resources.

21 Sec. 30. Section 455A.18, subsection 3, unnumbered  
22 paragraph 1, Code 1995, is amended to read as follows:

23 For each fiscal year of the fiscal period beginning  
24 July 1, ~~1990~~ 1997, and ending June 30, ~~2001~~ 2021,  
25 there is appropriated from the general fund, to the  
26 Iowa resources enhancement and protection fund, the  
27 amount of ~~thirty~~ twenty million dollars, ~~except that~~  
28 ~~for the fiscal year beginning July 1, 1990, the amount~~  
29 ~~is twenty million dollars,~~ to be used as provided in  
30 this chapter. However, in any fiscal year of the  
31 fiscal period, if moneys from the lottery are  
32 appropriated by the state to the fund, the amount  
33 appropriated under this subsection shall be reduced by  
34 the amount appropriated from the lottery.

35 Sec. 31. NEW SECTION. 455A.21 PREFERENCE  
36 PROVIDED — PERSONS MEETING ELIGIBILITY REQUIREMENTS  
37 OF THE GREEN THUMB PROGRAM.

38 In its employment of persons in temporary positions  
39 in conservation and outdoor recreation, the department  
40 of natural resources shall give preference to persons  
41 meeting eligibility requirements for the green thumb  
42 program under section 15.227 and to persons working  
43 toward an advanced education in natural resources and  
44 conservation.

45 Sec. 32. NEW SECTION. 456A.37 NONGAME WILDLIFE-  
46 ORIENTED EDUCATION.

47 The department shall establish a nongame wildlife-  
48 oriented education initiative. In administering the  
49 initiative, the department shall do all of the  
50 following:

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- 1 1. Develop and support a comprehensive nongame
- 2 wildlife-oriented education program to be implemented
- 3 through the schools, county conservation boards, and
- 4 the department.
- 5 2. Enhance opportunities for personal contact
- 6 with, and the public's appreciation for, all types of
- 7 wildlife by developing facilities for public
- 8 appreciation of wildlife.
- 9 3. Protect, develop, and manage habitats to
- 10 enhance nongame populations on public and private
- 11 lands through habitat development and acquisition.
- 12 4. Develop and support nongame wildlife species
- 13 management, research, and surveys.
- 14 5. Adopt programs administered by the division of
- 15 fish and wildlife relating to wildlife diversity as
- 16 provided by rule adopted pursuant to chapter 17A.
- 17 Sec. 33. EFFECTIVE DATES.
- 18 1. Section 14, subsection 2, and section 15 of
- 19 this Act, being deemed of immediate importance, take
- 20 effect upon enactment.
- 21 2. Section 30 of this Act, amending section
- 22 455A.18, takes effect July 1, 1997."

The motion lost and the House refused to concur in the Senate amendment H-5834, to the House amendment.

## IMMEDIATE MESSAGE

Hahn of Muscatine asked and received unanimous consent that Senate File 2446 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 1, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 2144, a bill for an act relating to the payment by third parties of physician assistants and advanced registered nurse practitioners.

Also: That the Senate has on April 3, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2287, a bill for an act relating to the limitations on the use of toxic materials in packaging and providing additional exemptions.

Also: That the Senate has on April 3, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2296, a bill for an act relating to the abatement of corporate income taxes for increasing production jobs in the state and providing an applicability date provision.

Also: That the Senate has on April 3, 1996, refused to concur in the House amendment to the following bill in which the concurrence of the Senate was asked:

Senate File 2448, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date.

Also: That the Senate has on April 1, 1996, passed the following bill in which the concurrence of the House is asked:

Senate File 2456, a bill for an act exempting from the county property tax limitation revenues deposited in the local emergency management fund and providing effective and applicability dates.

JOHN F. DWYER, Secretary

On motion by Siegrist of Pottawattamie, the House was recessed at 11:55 a.m., until 1:15 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:19 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

#### QUORUM CALL

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

#### SENATE MESSAGES CONSIDERED

**Senate File 2296**, by committee on ways and means, a bill for an act relating to the abatement of corporate income taxes for increasing production jobs in the state and providing an applicability date provision.

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

**Senate File 2456**, by committee on ways and means, a bill for an act exempting from the county property tax limitation revenues deposited in the local emergency management fund and providing effective and applicability dates.

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

#### SENATE AMENDMENTS CONSIDERED

Heaton of Henry called up for consideration **House File 2350**, a bill for an act relating to motor vehicle dimensional and weight requirements and certificates of title for commercial vehicles and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-5758:

H-5758

1 Amend House File 2350 as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 1 through 7.

4 2. Page 3, line 9, by inserting after the word  
5 "department" the following: "or appropriate local  
6 authority".

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

9 "Sec. \_\_\_\_ Section 321E.1, unnumbered paragraph 1,  
10 Code 1995, is amended to read as follows:

11 The department and local authorities may in their  
12 discretion and upon application and with good cause  
13 being shown issue permits for the movement of  
14 construction machinery or asphalt repavers being  
15 temporarily moved on streets, roads or highways and  
16 for vehicles with indivisible loads which exceed the  
17 maximum dimensions and weights specified in sections  
18 321.452 to 321.466, but not to exceed the limitations  
19 imposed in sections 321E.1 to 321E.15 except as  
20 provided in sections 321E.29 and 321E.30. Vehicles  
21 permitted to transport indivisible loads may exceed  
22 the width and length limitations specified in sections  
23 321.454 and 321.457 for the purpose of picking up an  
24 indivisible load or returning from delivery of the  
25 indivisible load. Permits issued may be single-trip  
26 permits, multi-trip, or annual permits. Permits shall  
27 be in writing and shall be carried in the cab of the  
28 vehicle for which the permit has been issued and shall  
29 be available for inspection at all times. The vehicle  
30 and load for which the permit has been issued shall be  
31 open to inspection by a peace officer or an authorized  
32 agent of a permit granting authority. When in the  
33 judgment of the issuing authority in cities and  
34 counties the movement of a vehicle with an indivisible  
35 load or construction machinery which exceeds the  
36 maximum dimensions and weights will be unduly  
37 hazardous to public safety or will cause undue damage  
38 to streets, avenues, boulevards, thoroughfares,  
39 highways, curbs, sidewalks, trees, or other public or  
40 private property, the permit shall be denied and the  
41 reasons for denial endorsed on the application.  
42 Permits shall designate the days when and routes upon  
43 which loads and construction machinery may be moved  
44 within a county on other than primary roads.

45 Sec. \_\_\_\_ Section 321E.2, Code 1995, is amended to  
46 read as follows:

47 321E.2 PERMIT-ISSUING AUTHORITIES.

48 Annual permits, multi-trip, and single-trip permits  
49 shall be issued by the authority responsible for the  
50 maintenance of the system of highways or streets.



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1 However, the department may issue permits on primary  
2 road extensions in cities in conjunction with  
3 movements on the rural primary road system. The  
4 department may issue an all-system permit under  
5 section 321E.8 which is valid for movements on all  
6 highways or streets under the jurisdiction of either  
7 the state or those local authorities which have  
8 indicated in writing to the department those streets  
9 or highways for which an all-system permit is not  
10 valid.

11 At the request of a local authority, the department  
12 shall issue annual, multi-trip, and single-trip  
13 permits that are under the jurisdiction of the local  
14 authority."

15 4. Page 3, by striking lines 19 through 26.

16 5. Page 3, by inserting after line 28 the  
17 following:

18 "Sec. \_\_\_\_ NEW SECTION. 321E.9A MULTI-TRIP  
19 PERMITS.

20 Subject to the discretion and judgment provided for  
21 in section 321E.1, a multi-trip permit shall be issued  
22 for operation of vehicles, in accordance with the  
23 following:

24 1. Vehicles with indivisible loads having an  
25 overall length not to exceed one hundred feet, an  
26 overall width not to exceed eleven feet, and an  
27 overall height not to exceed fourteen feet, four  
28 inches, may be moved, provided the gross weight on any  
29 one axle shall not exceed the maximum prescribed in  
30 section 321.463.

31 2. Vehicles or combinations of vehicles consisting  
32 of construction machinery not exceeding the height,  
33 length, and width limitations of this section being  
34 temporarily moved on highways with a maximum total  
35 gross weight limitation and a single axle weight  
36 limitation in accordance with section 321E.7, may be  
37 moved.

38 3. The department shall adopt rules pursuant to  
39 chapter 17A governing the issuance of permits under  
40 this section.

41 Sec. \_\_\_\_ Section 321E.14, unnumbered paragraph 1,  
42 Code 1995, is amended to read as follows:

43 The department or local authorities issuing the  
44 permits shall charge a fee of twenty-five dollars for  
45 an annual permit, one hundred dollars for a multi-trip  
46 permit, and a fee of ten dollars for a single-trip  
47 permit and shall determine charges for special permits  
48 issued pursuant to section 321E.29 by rules adopted  
49 pursuant to chapter 17A. Fees for the movement of  
50 buildings, parts of buildings, or unusual vehicles or

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1 loads may be increased to cover the costs of  
2 inspections by the issuing authority. A fee not to  
3 exceed two hundred fifty dollars per day or a prorated  
4 fraction of that fee per person and car for escort  
5 service may be charged when requested or when required  
6 under this chapter. Proration of escort fees between  
7 state and local authorities when more than one  
8 governmental authority provides or is required to  
9 provide escort for a movement during the period of a  
10 day shall be determined by rule under section 321E.15.  
11 The department and local authorities may charge a  
12 permit applicant for the cost of trimming trees and  
13 removal and replacement of natural obstructions or  
14 official signs and signals or other public or private  
15 property required to be removed during the movement of  
16 a vehicle and load. In addition to the fees provided  
17 in this section, the annual fee for a permit for  
18 special mobile equipment, as defined in section 321.1,  
19 subsection 75, operated pursuant to section 321E.7,  
20 subsection 2, with a combined gross weight up to and  
21 including eighty thousand pounds shall be twenty-five  
22 dollars and for a combined gross weight exceeding  
23 eighty thousand pounds, fifty dollars.  
24 Sec. \_\_\_\_ Section 321E.28, unnumbered paragraph 1,  
25 Code 1995, is amended to read as follows:  
26 The department and local authorities may, upon  
27 application and with good cause shown, issue single-  
28 trip, multi-trip, or annual permits for the movement  
29 of mobile homes or factory-built structures of widths  
30 including appurtenances exceeding twelve feet five  
31 inches subject to the following conditions:  
32 6. Page 3, by inserting after line 28 the  
33 following:  
34 "Sec. \_\_\_\_ EFFECTIVE DATE. Section 5 of this Act,  
35 being deemed of immediate importance, takes effect  
36 upon enactment."  
37 7. Title page, line 3, by inserting after the  
38 word "vehicles" the following: "and providing an  
39 effective date".  
40 8. By renumbering, relettering, or redesignating  
41 and correcting internal references as necessary.

The House concurred in the Senate amendment H-5758.

Heaton 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. 2350)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, B.	Nelson, L.
Nutt	O'Brien	Ollie	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Ertl Grundberg

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

Eddie of Buena Vista called up for consideration **House File 514**, a bill for an act relating to Iowa motor vehicle registration plates, by providing for special United States armed forces retired plates, special plates for education and an Iowa education transportation enhancement fund, and special silver and bronze star plates, providing for special registration plates with distinguishing processed emblems, providing for required plate specifications, making penalties applicable, and providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H-5677:

H-5677

1 Amend House File 514, as amended, passed, and  
2 reprinted by the House, as follows:

3 1. Page 1, by striking line 1 through line 30 and  
4 inserting the following:

5 "Sec. \_\_\_\_ Section 257.31, Code 1995, is amended  
6 by adding the following new subsection:

7 NEW SUBSECTION. 17. a. If a district's average  
8 transportation costs per pupil exceed the state  
9 average transportation costs per pupil determined  
10 under paragraph "c" by one hundred fifty percent, the  
11 committee may grant transportation assistance aid to  
12 the district. Such aid shall be miscellaneous income  
13 and shall not be included in district cost.

14 b. To be eligible for transportation assistance  
15 aid, a school district shall annually certify its  
16 actual cost for all children transported in all school  
17 buses not later than July 31 after each school year on  
18 forms prescribed by the committee.

19 c. A district's average transportation costs per  
20 pupil shall be determined by dividing the district's  
21 actual cost for all children transported in all school  
22 buses for a school year pursuant to section 285.1,  
23 subsection 12, less the amount received for  
24 transporting nonpublic school pupils under section  
25 285.1, by the district's actual enrollment for the  
26 school year excluding the shared-time enrollment for  
27 the school year as defined in section 257.6. The  
28 state average transportation costs per pupil shall be  
29 determined by dividing the total actual costs for all  
30 children transported in all districts for a school  
31 year, by the total of all districts' actual  
32 enrollments for the school year.

33 d. Funds transferred to the committee in  
34 accordance with section 321.34, subsection 18, are  
35 appropriated to and may be expended for the purposes  
36 of the committee, as described in this section.  
37 However, highest priority shall be given to districts  
38 that meet the conditions described in this subsection.  
39 Notwithstanding any other provision of the Code,  
40 unencumbered or unobligated funds transferred to the  
41 committee pursuant to section 321.34, subsection 18,  
42 remaining on June 30 of the fiscal year for which the  
43 funds were transferred, shall not revert but shall be  
44 available for expenditure for the purposes of this  
45 subsection in subsequent fiscal years."

46 2. Page 1, by inserting before line 31 the  
47 following:

48 "Sec. \_\_\_\_ NEW SECTION. 303.9A IOWA HERITAGE  
49 FUND.

50 1. An Iowa heritage fund is created in the state

## Page 2

1 treasury to be administered by the state historical  
2 society board of trustees. The fund shall consist of  
3 all moneys allocated to the fund by the treasurer of  
4 state.

5 2. Moneys in the fund shall be used in accordance  
6 with the following:

7 a. Sixty-five percent shall be retained by the  
8 state historical society and used to maintain and  
9 expand Iowa's history curriculum, to provide teacher  
10 training in Iowa history, and to support museum  
11 exhibits, historic sites, and adult education  
12 programs.

13 b. Five percent shall be retained by the state  
14 historical society to be used for start-up costs for  
15 the one hundred seventy-fifth and two hundredth  
16 anniversaries of Iowa statehood.

17 c. Five percent shall be retained by the state  
18 historical society to be used for the promotion of the  
19 sale of the Iowa heritage registration plate issued  
20 under section 321.34."

21 3. By striking page 1, line 31 through page 2,  
22 line 7.

23 4. Page 2, line 8, by inserting after the word  
24 "Code" the following: "Supplement".

25 5. Page 2, by striking lines 31 through 35 and  
26 inserting the following: "plate."

27 6. By striking page 3, line 9 through page 4,  
28 line 6.

29 7. Page 4, line 7, by inserting after the word  
30 "Code" the following: "Supplement".

31 8. Page 8, by striking lines 3 through 23.

32 9. By striking page 9, line 28 through page 10,  
33 line 14.

34 10. Page 10, by inserting before line 15 the  
35 following:

36 **NEW SUBSECTION. 28. IOWA HERITAGE SPECIAL**  
37 **PLATES.**

38 a. An owner referred to in subsection 18, may upon  
39 written application to the department, order special  
40 registration plates with an Iowa heritage emblem. The  
41 emblem shall contain a picture of the American gothic  
42 house and the words "Iowa Heritage" and shall be  
43 designed by the department in consultation with the  
44 state historical society of Iowa.

45 b. The special Iowa heritage fee for letter number  
46 designated plates is thirty-five dollars. The special  
47 fee for personalized Iowa heritage plates is twenty-  
48 five dollars which shall be paid in addition to the  
49 special fee of thirty-five dollars. The special fee  
50 shall be in addition to the regular annual

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1 registration fee.

2 c. The special fees collected by the director  
3 under this subsection shall be paid monthly to the  
4 treasurer of state and credited to the road use tax  
5 fund. Notwithstanding section 423.24, and prior to  
6 the crediting of revenues to the road use tax fund  
7 under section 423.24, subsection 1, paragraph "d", the  
8 treasurer of state shall credit monthly the amount of  
9 the special fees collected in the previous month for  
10 the Iowa heritage plates from those revenues in the  
11 following manner:

12 (1) Seventy-five percent shall be credited to the  
13 Iowa heritage fund, created under section 303.9A.

14 (2) Twenty-five percent shall be allocated to the  
15 department of education. The department shall use the  
16 moneys to support teacher training in Iowa history, to  
17 purchase Iowa history classroom materials, to support  
18 student participation in Iowa history and citizenship-  
19 building activities and to create a grant program for  
20 school districts to apply for funding to support field  
21 trips to museums, historic sites, and heritage  
22 attractions."

23 11. Page 10, by inserting before line 15 the  
24 following:

25 "NEW SUBSECTION. 29. EDUCATION PLATES.

26 a. Upon application and payment of the proper  
27 fees, the director may issue education plates to the  
28 owner of a motor vehicle subject to registration under  
29 section 321.109, subsection 1, light delivery truck,  
30 panel delivery truck, pickup, motor home, multipurpose  
31 vehicle, or travel trailer.

32 b. Education plates shall be designed by the  
33 department in cooperation with the department of  
34 education.

35 c. The special school transportation fee for  
36 letter number designated education plates is thirty-  
37 five dollars. The fee for personalized education  
38 plates is twenty-five dollars, which shall be paid in  
39 addition to the special school transportation fee of  
40 thirty-five dollars. The fees collected by the  
41 director under this subsection shall be paid monthly  
42 to the treasurer of state and credited to the road use  
43 tax fund. Notwithstanding section 423.24, and prior  
44 to the crediting of revenues to the road use tax fund  
45 under section 423.24, subsection 1, paragraph "d", the  
46 treasurer of state shall transfer monthly from those  
47 revenues to the school budget review committee in  
48 accordance with section 257.31, subsection 16, the  
49 amount of the special school transportation fees  
50 collected in the previous month for the education

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1 plates.

2 d. Upon receipt of the special registration  
3 plates, the applicant shall surrender the current  
4 registration receipt and plates to the county  
5 treasurer. The county treasurer shall validate the  
6 special registration plates in the same manner as  
7 regular registration plates are validated under this  
8 section. The annual special school transportation fee  
9 for letter number designated plates is ten dollars,  
10 which shall be paid in addition to the regular annual  
11 registration fee. The annual fee for personalized  
12 education plates is five dollars, which shall be paid  
13 in addition to the annual special school  
14 transportation fee and the regular annual registration  
15 fee. The annual special school transportation fee  
16 shall be credited as provided under paragraph "c".

17 12. Page 10, by striking lines 21 through 27 and  
18 inserting the following: "registration plate issued  
19 by the county treasurer shall display the name of the  
20 county ~~except plates issued for truck tractors,~~  
21 ~~motorcycles, motorized bicycles, travel trailers,~~  
22 ~~semitrailers and trailers. The year of expiration or~~  
23 ~~the date of expiration shall be displayed on vehicle~~  
24 ~~registration plates, except plates issued under~~  
25 ~~section 321.10, including any plate issued pursuant to~~  
26 ~~section 321.34, except Pearl Harbor and purple heart~~  
27 ~~registration plates issued prior to January 1, 1997,~~  
28 ~~and collegiate, firefighter, and Congressional medal~~  
29 ~~of honor registration plates. Special".~~

30 13. By striking page 10, line 29, through page  
31 11, line 3.

32 14. Page 11, lines 6 and 7, by striking the words  
33 "Except as otherwise provided by law, special" and  
34 inserting the following: "Special".

35 15. Page 11, line 8, by inserting after the  
36 figure "1997," the following: "other than  
37 Congressional medal of honor, collegiate, fire  
38 fighter, and natural resources registration plates,".

39 16. Page 11, by striking lines 16 through 20 and  
40 inserting the following:

41 "NEW SUBSECTION. 10. If the department reissues a  
42 new registration plate design for a special  
43 registration plate under section 321.34, all persons  
44 who have purchased or obtained the special  
45 registration plates shall not be required to pay the  
46 issuance fee."

47 17. Page 11, line 21, by inserting after the word  
48 "Code" the following: "Supplement".

49 18. Page 12, line 18, by striking the figure  
50 "10" and inserting the following: "9".

## Page 5

- 1 19. Page 12, line 19, by inserting after the word
- 2 "Code" the following: "Supplement".
- 3 20. Page 12, line 21, by striking the figure "10"
- 4 and inserting the following: "9".
- 5 21. Page 12, line 22, by inserting after the word
- 6 "Code" the following: "Supplement".
- 7 22. Title page, by striking lines 3 and 4 and
- 8 inserting the following: "plates, special Iowa
- 9 heritage plates and an Iowa heritage fund, education
- 10 plates and transfer and appropriation of revenue from
- 11 the sale of the plates to the school budget review
- 12 committee, and special silver and bronze".
- 13 23. By renumbering as necessary.

The motion prevailed and the House concurred in the Senate amendment H-5677.

Eddie of Buena Vista 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. 514)

The ayes were, 96:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammit Barry	Hanson
Harper	Harrison	Holveck	Hurley
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Lord	Main
Martin	Mascher	May	McCoy
Mertz	Metcalf	Meyer	Millage
Moreland	Mundie	Murphy	Myers
Nelson, B.	Nelson, L.	Nutt	O'Brien
Ollie	Osterhaus	Rants	Renken
Salton	Schrader	Schulte	Shoultz
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Van Fossen	Vande Hoef
Veenstra	Warnstadt	Weidman	Weigel
Welter	Wise	Witt	Van Maanen, Presiding



The nays were, none.

Absent or not voting, 4:

Ertl

Grundberg

Heaton

Houser.

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

### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 514 and 2350.**

### Unfinished Business Calendar

The House resumed consideration of **Senate File 2208**, a bill for an act relating to persons required to register with the sex offender registry and providing a penalty, previously deferred and placed on the unfinished business calendar.

Coon of Warren offered the following amendment H-5540 filed by the committee on judiciary and moved its adoption:

H-5540

1 Amend Senate File 2208, as passed by the Senate, as  
2 follows:

3 1. Page 1, by striking lines 3 and 4 and  
4 inserting the following:

5 "k. Stalking in violation of section 708.11,  
6 subsection 3, paragraph "b", subparagraph (3), if the  
7 fact-finder determines by clear and convincing  
8 evidence that the offense was sexually motivated."

9 2. By striking page 1, line 24, through page 2,  
10 line 5.

11 3. Page 2, by inserting after line 22 the  
12 following:

13 "Sec. \_\_\_\_ The department of human services shall  
14 work with the department of public safety to develop a  
15 single point of contact for persons seeking  
16 information regarding individuals who may be listed on  
17 the child abuse registry created in section 235A.14,  
18 the dependent adult abuse registry created in section  
19 235B.5, or the sex offender registry created in  
20 section 692A.10. The department of human services and  
21 the department of public safety shall also study the  
22 issue of information sharing among the registries.  
23 The department of human services and the department of  
24 public safety shall present a joint report to the

- 25 general assembly not later than December 15, 1996,  
 26 regarding the feasibility of creating a single point  
 27 of contact for information on the registries and  
 28 providing information sharing among the registries,  
 29 including the statutory changes necessary for  
 30 implementation.”  
 31 4. Title page, line 2, by striking the words  
 32 “registry and” and inserting the following:  
 33 “registry, requiring a departmental study, and”.  
 34 5. By renumbering, relettering, or redesignating  
 35 and correcting internal references as necessary.

The committee amendment H-5540 was adopted.

Kreiman of Davis asked and received unanimous consent to withdraw the following amendments filed by him on March 26, 1996: H-5605 and H-5606.

Coon of Warren 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. 2208)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Fallon
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt Barry	Hanson	Harper	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Ollie
Osterhaus	Rants	Renken	Salton
Schrader	Schulte	Shoultz	Siegrist
Sukup	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Drees  
Harrison

Eddie

Ertl

Grundberg

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

The House resumed consideration of **Senate File 2381**, a bill for an act relating to dependent adult abuse and providing penalties, previously deferred and placed on the unfinished business calendar.

Boddicker of Cedar offered the following amendment H-5547 filed by him and moved its adoption:

H-5547

- 1 Amend Senate File 2381, as passed by the Senate, as
- 2 follows:
- 3 1. Page 3, by striking lines 2 through 6 and
- 4 inserting the following:
- 5 "1. "Caretaker" means a related or nonrelated
- 6 person who has the responsibility for the protection,
- 7 care, or custody of a dependent adult as a result of
- 8 assuming the responsibility voluntarily, by contract,
- 9 through employment, or by order of the court."
- 10 2. Page 3, by striking lines 9 through 16 and
- 11 inserting the following:
- 12 "4. "Dependent adult" means a person eighteen
- 13 years of age or older who is unable to protect the
- 14 person's own interests or unable to adequately perform
- 15 or obtain services necessary to meet essential human
- 16 needs, as a result of a physical or mental condition
- 17 which requires assistance from another, or as defined
- 18 by departmental rule."

Amendment H-5547 was adopted.

Holveck of Polk offered the following amendment H-5851 filed by him and Boddicker, from the floor, and moved its adoption:

H-5851

- 1 Amend Senate File 2381, as passed by the Senate, as
- 2 follows:
- 3 1. Page 7, by striking lines 27 through 30 and
- 4 inserting the following: "action for the appointment
- 5 of a guardian or conservator or for admission or
- 6 commitment to an appropriate institution or facility
- 7 pursuant to the applicable procedures under chapter
- 8 125, 222, 229, or 633, or shall pursue other remedies

9 provided by law. The appropriate county".  
 10 2. Page 12, by striking line 29, and inserting  
 11 the following: "the removal or provision of  
 12 services."

Amendment H-5851 was adopted.

Boddicker of Cedar 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. 2381)

The ayes were, 98:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Bogges	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cohon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harper	Harrison	Heaton
Holveck	Houser	Hurley	Huseman
Jacobs	Jochum	Klemme	Koenigs
Kreiman	Kremer	Lamberti	Larkin
Larson	Lord	Main	Martin
Mascher	May	McCoy	Mertz
Metcalf	Meyer	Millage	Moreland
Mundie	Murphy	Myers	Nelson, B.
Nelson, L.	Nutt	O'Brien	Osterhaus
Rants	Renken	Salton	Schrader
Schulte	Shoultz	Siegrist	Sukup
Taylor	Teig	Thomson	Tyrrell
Van Fossen	Vande Hoef	Veenstra	Warnstadt
Weidman	Weigel	Welter	Wise
Witt	Van Maanen, Presiding		

The nays were, none.

Absent or not voting, 2:

Grundberg                      Ollie

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

## SENATE AMENDMENT CONSIDERED

Lamberti of Polk called up for consideration **Senate File 482**, a bill for an act establishing economic and other penalties for certain criminal activity, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-5494 to the House amendment:

H-5494

1 Amend the House amendment, S-5036, to Senate File  
2 482, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 2, by inserting after line 39, the  
5 following:

6 " Page 32, by inserting after line 23, the  
7 following:

8 "Sec. \_\_\_\_ **NEW SECTION. 809A.25 RULEMAKING.**

9 The attorney general shall adopt, amend, or repeal  
10 rules pursuant to chapter 17A to carry out the  
11 provisions of this chapter."

12 2. Page 4, by inserting after line 36, the  
13 following:

14 "Sec. \_\_\_\_ Section 809.16, Code 1995, is amended  
15 to read as follows:

16 **809.16 RULEMAKING.**

17 The attorney general ~~may~~ shall adopt, amend, or  
18 repeal rules pursuant to chapter 17A to carry out the  
19 provisions of this chapter."

The motion prevailed and the House concurred in the Senate amendment H-5494, to the House amendment.

Lamberti 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. 482)

The ayes were, 95:

Arnold	Baker	Bell	Bernau
Blodgett	Boddicker	Boggess	Bradley
Brammer	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Cataldo
Churchill	Cphoon	Connors	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Doderer	Drake	Drees
Eddie	Ertl	Fallon	Gipp
Greig	Greiner	Gries	Grubbs

Hahn	Halvorson	Hammitt Barry	Hanson
Harper	Harrison	Heaton	Holveck
Houser	Hurley	Huseman	Jacobs
Jochum	Klemme	Koenigs	Kreiman
Kremer	Lamberti	Larkin	Larson
Lord	Main	Martin	Mascher
May	McCoy	Mertz	Metcalf
Meyer	Millage	Moreland	Mundie
Murphy	Myers	Nelson, L.	Nutt
O'Brien	Ollie	Osterhaus	Rants
Renken	Salton	Schrader	Schulte
Siegrist	Taylor	Teig	Thomson
Tyrrell	Van Fossen	Vande Hoef	Veenstra
Warnstadt	Weidman	Weigel	Welter
Wise	Witt	Van Maanen, Presiding	

The nays were, none.

Absent or not voting, 5:

Garman	Grundberg	Nelson, B.	Shoultz
Sukup			

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

#### IMMEDIATE MESSAGES

Siegrist of Pottawattamie asked and received unanimous consent that the following bills be immediately messaged to the Senate: **Senate Files 482, 2208 and 2381.**

#### HOUSE INSISTS

Kremer of Buchanan called up for consideration **Senate File 2448**, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date, and moved that the House insist on its amendment, which motion prevailed.

#### CONFERENCE COMMITTEE APPOINTED (Senate File 2448)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2448: Kremer of Buchanan, Chair; Thomson of Linn, Brunkhorst of Bremer, Mundie of Webster and Weigel of Chickasaw.

## Unfinished Business Calendar

The House resumed consideration of **Senate File 2409**, a bill for an act relating to workforce development by establishing a workforce development department, by eliminating the department of employment services, and including workforce development programs in the new department, by providing for state privatization contracts, and by establishing a workforce development board and regional advisory boards, previously deferred and placed on the unfinished business calendar.

The House stood at ease at 2:12 p.m., until the fall of the gavel.

The House resumed session at 3:30 p.m., Speaker pro tempore Van Maanen of Marion in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Van Fossen of Scott, for the remainder of the day, on request of Siegrist of Pottawattamie.

Nelson of Marshall offered amendment H-5600 filed by the committee on economic development as follows:

H-5600

- 1 Amend Senate File 2409, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 16, by inserting after the word
- 4 "loan" the following: "loss reserve account in
- 5 section 15.345."
- 6 2. Page 1, line 17, by striking the letter "b."
- 7 and inserting the following: "b."
- 8 3. Page 5, by striking lines 11 through 28.
- 9 4. Page 6, by striking lines 23 through 25 and
- 10 inserting the following: "control the budget of the
- 11 department and its divisions and shall approve the
- 12 employment of all personnel of the department and its
- 13 divisions. The director shall employ personnel as
- 14 necessary to carry out the duties and responsibilities
- 15 of the department, consistent with the merit system
- 16 provisions of chapter 19A for employees other than
- 17 professional and technical employees. Professional
- 18 and technical employees of the department are exempt
- 19 from the merit system provisions of chapter 19A,
- 20 except as otherwise required by federal law and
- 21 regulation, and except for employees in the divisions
- 22 of labor services and industrial services."
- 23 5. Page 6, line 35, by striking the word "eight"
- 24 and inserting the following: "nine".

- 25 6. Page 7, line 18, by striking the word "Not".  
 26 7. Page 7, by striking lines 19 through 24 and  
 27 inserting the following: "The governor, consistent  
 28 with the requirements of federal law, shall appoint  
 29 the nine voting".  
 30 8. Page 7, by striking lines 28 and 29 and  
 31 inserting the following: "persons knowledgeable in  
 32 the area of workforce development."  
 33 9. Page 10, line 1, by inserting after the word  
 34 "governor" the following: ", consistent with the  
 35 requirements of federal law and in consultation with  
 36 chief elected officials within the region. Chief  
 37 elected officials responsible for recommendations for  
 38 board membership shall include, but are not limited  
 39 to, county elected officials, municipal elected  
 40 officials, and community college trustees".  
 41 10. Page 10, lines 4 and 5, by striking the words  
 42 "a superintendent of schools" and inserting the  
 43 following: "a representative of a school district".  
 44 11. Page 10, line 14, by striking the word  
 45 "through" and inserting the following: ", 3, and".  
 46 12. Page 13, by inserting after line 4 the  
 47 following:  
 48 "8. The department, in consultation with the  
 49 applicable regional advisory board, shall select  
 50 service providers, subject to approval by the

Page 2

- 1 workforce development board for each service delivery  
 2 area. A service provider in each service delivery  
 3 area shall be identified to coordinate the services  
 4 throughout the service delivery area. The department  
 5 shall select service providers that, to the extent  
 6 possible, meet or have the ability to meet the  
 7 following criteria:  
 8 a. The capacity to deliver services uniformly  
 9 throughout the service delivery area.  
 10 b. The experience to provide workforce development  
 11 services.  
 12 c. The capacity to cooperate with other public and  
 13 private agencies and entities in the delivery of  
 14 education, workforce training, retraining, and  
 15 workforce development services throughout the service  
 16 delivery area.  
 17 d. The demonstrated capacity to understand and  
 18 comply with all applicable state and federal laws,  
 19 rules, ordinances, regulations, and orders, including  
 20 fiscal requirements."  
 21 13. Page 16, line 15, by inserting after the  
 22 figure "260C.2," the following: "or within a  
 23 combination of merged areas."  
 24 14. Page 18, by striking line 29 and inserting



25 the following:

26 "Sec. \_\_\_\_ The director of the department of  
27 workforce development shall, in cooperation with the  
28 department of personnel, make recommendations to the  
29 department of personnel concerning the development and  
30 implementation of a new position classification plan  
31 for the department. The position classification plan  
32 shall reflect the expanded responsibilities of the  
33 department, facilitate the integration of job training  
34 and job placement programs, foster a professional,  
35 innovative, and high performance working environment,  
36 and provide flexibility in designing and implementing  
37 local and regional workforce development delivery  
38 systems. However, the new position classification  
39 plan to be implemented by the department shall be  
40 consistent with the rules adopted as of the effective  
41 date of this Act pursuant to section 19A.9, subsection  
42 1, for position classification plans.

43 The new position classification plan shall be  
44 adopted by the department of personnel and implemented  
45 by the department of workforce development not later  
46 than January 1, 1997. Employees of the department of  
47 employment services and employees who were assigned to  
48 the department of economic development prior to July  
49 1, 1996, shall have an equal opportunity to apply for  
50 the positions established in the new position

### Page 3

1 classification plan.

2 The department of personnel shall assist the  
3 department of workforce development with the  
4 implementation of this section.

5 In designing the local, regional, and state".

6 15. By renumbering as necessary.

McCoy of Polk offered the following amendment H-5787, to the committee amendment H-5600, filed by him and moved its adoption:

H-5787

1 Amend the amendment, H-5600, to Senate File 2409,  
2 as amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, by striking line 8.

5 2. By renumbering as necessary.

Roll call was requested by McCoy of Polk and Siegrist of Pottawatamie.

On the question "Shall amendment H-5787, to the committee amendment H-5600, be adopted?" (S.F. 2409)

The ayes were, 37:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Wise
Witt			

The nays were, 59:

Arnold	Blodgett	Boddicker	Boggess
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Siegrist	Sukup	Teig
Thomson	Tyrrell	Vande Hoef	Veenstra
Weidman	Welter	Van Maanen	
		Presiding	

Absent or not voting, 4:

Grundberg	Hanson	Schulte	Van Fossen
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Amendment H-5787 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Schulte of Linn, for the remainder of the day, and Grundberg of Polk, until her return, both on request of Siegrist of Pottawattamie; Wise of Lee, for the remainder of the day, on request of Schrader of Marion.

Connors of Polk offered the following amendment H-5788, to the committee amendment H-5600, filed by him and moved its adoption:

H-5788

- 1 Amend the amendment, H-5600, to Senate File 2409,
- 2 as amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 1, by striking lines 16 through 22 and  
5 inserting the following: "provisions of chapter 19A."

Roll call was requested by Connors of Polk and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall amendment H-5788, to the committee amendment H-5600, be adopted?" (S.F. 2409)

The ayes were, 34:

Baker	Bell	Bernau	Brammer
Burnett	Cataldo	Cohoon	Connors
Doderer	Drees	Fallon	Harper
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Shoultz	Taylor	Warnstadt
Weigel	Witt		

The nays were, 62:

Arnold	Blodgett	Boddicker	Boguess
Bradley	Brand	Branstad	Brauns
Brunkhorst	Carroll	Churchill	Coon
Corbett, Spkr.	Cormack	Daggett	Dinkla
Disney	Drake	Eddie	Ertl
Garman	Gipp	Greig	Greiner
Gries	Grubbs	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Metcalf
Meyer	Millage	Nelson, B.	Nutt
Rants	Renken	Salton	Schrader
Siegrist	Sukup	Teig	Thomson
Tyrrell	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen		
	Presiding		

Absent or not voting, 4:

Grundberg	Schulte	Van Fossen	Wise
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Amendment H-5788 lost.

Taylor of Linn offered the following amendment H-5790, to the committee amendment H-5600, filed by him and moved its adoption:

H-5790

- 1 Amend the amendment, H-5600, to Senate File 2409,  
 2 as amended, passed, and reprinted by the Senate, as  
 3 follows:  
 4 1. Page 1, line 27, by inserting before the words  
 5 "The governor" the following: "Of the nine voting  
 6 members, four members shall represent business, four  
 7 members shall represent labor, and one member shall  
 8 represent a post-secondary educational institution  
 9 which conducts workforce development programs.  
 10 Persons representing labor shall be appointed from  
 11 nominations submitted by statewide labor organizations  
 12 in this state."

Roll call was requested by Taylor of Linn and Schrader of Marion.

Rule 75 was invoked.

On the question "Shall amendment H-5790, to the committee amendment H-5600, be adopted?" (S.F. 2409)

The ayes were, 36:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Harper	Holveck	Jochum	Koenigs
Kreiman	Larkin	Mascher	May
McCoy	Mertz	Moreland	Mundie
Murphy	Myers	Nelson, L.	O'Brien
Ollie	Osterhaus	Schrader	Shoultz
Taylor	Warnstadt	Weigel	Witt

The nays were, 58:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brunkhorst	Carroll
Churchill	Coon	Cormack	Daggett
Dinkla	Disney	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt Barry	Hanson	Harrison
Heaton	Houser	Hurley	Huseman
Jacobs	Klemme	Kremer	Lamberti
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Nelson, B.
Nutt	Rants	Renken	Salton
Siegrist	Sukup	Teig	Thomson
Tyrrell	Vande Hoef	Veenstra	Weidman
Welter	Van Maanen		
	Presiding		

Absent or not voting, 6:

Brauns	Corbett, Spkr.	Grundberg	Schulte
Van Fossen	Wise		

Amendment H-5790 lost.

Drake of Pottawattamie offered amendment H-5734, to the committee amendment H-5600, filed by Drake, et. al., and requested division as follows:

H-5734

- 1 Amend the amendment, H-5600, to Senate File 2409,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:

H-5734A

- 4 1. Page 1, line 32, by inserting after the word
- 5 "development" the following: ", and shall include at
- 6 least one county elected official, one city official,
- 7 and one representative of a school district".

H-5734B

- 8 2. Page 2, by striking lines 21 through 23 and
- 9 inserting the following:
- 10 "\_. Page 16, by striking lines 15 through 17
- 11 and inserting the following: "in a multi-county area
- 12 selected by the workforce development board, in
- 13 consultation with local elected officials, and
- 14 approved by the governor.""
- 15 3. By renumbering as necessary.

Drake of Pottawattamie asked and received unanimous consent to defer on amendment H-5734A, to the committee amendment H-5600.

Jacobs of Polk in the chair at 5:00 p.m.

Drake of Pottawattamie moved the adoption of amendment H-5734B, to the committee amendment H-5600.

Roll call was requested by Drees of Carroll and Greiner of Washington.

On the question "Shall amendment H-5734B, to the committee amendment H-5600, be adopted?" (S.F. 2409)

The ayes were, 35:

Blodgett	Bradley	Brunkhorst	Cphoon
Connors	Dinkla	Disney	Drake
Drees	Garman	Greig	Greiner

Gries	Hahn	Halvorson	Harrison
Huseman	Jochum	Klemme	Koenigs
Lord	Main	Martin	May
Metcalf	Meyer	Millage	Moreland
Murphy	Ollie	Osterhaus	Salton
Weidman	Weigel	Witt	

The nays were, 61:

Arnold	Baker	Bell	Bernau
Boddicker	Bogges	Brammer	Brand
Branstad	Brauns	Burnett	Carroll
Cataldo	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Doderer	Eddie
Ertl	Fallon	Gipp	Grubbs
Hammitt Barry	Hanson	Harper	Heaton
Holveck	Houser	Hurley	Kreiman
Kremer	Lamberti	Larkin	Larson
Mascher	McCoy	Mertz	Mundie
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Rants	Renken	Schrader
Shoultz	Siegrist	Sukup	Taylor
Teig	Thomson	Tyrrell	Van Maanen
Vande Hoef	Veenstra	Warnstadt	Welter
Jacobs, Presiding			

Absent or not voting, 4:

Grundberg	Schulte	Van Fossen	Wise
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Amendment H-5734B lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Shoultz of Black Hawk, for the remainder of the day, on request of Schrader of Marion.

Harper of Black Hawk in the chair at 5:13 p.m.

Brand of Benton offered the following amendment H-5789, to the committee amendment H-5600, filed by him and moved its adoption:

H-5789

- 1 Amend the amendment, H-5600, to Senate File 2409,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 3, line 4, by inserting after the word
- 5 "section." the following: "Implementation of the
- 6 position classification plan and resolution of related

7 issues, including wage rate and seniority provisions,  
 8 shall be agreed upon by the department of personnel  
 9 and the certified employee organization  
 10 representatives of bargaining unit employees."

Roll call was requested by Schrader of Marion and McCoy of Polk.

On the question "Shall amendment H-5789, to the committee amendment H-5600, be adopted?" (S.F. 2409)

The ayes were, 35:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Myers	Nelson, L.	O'Brien	Ollie
Osterhaus	Schrader	Taylor	Warnstadt
Weigel	Witt	Harper,	
		Presiding	

The nays were, 60:

Arnold	Blodgett	Boddicker	Bogges
Bradley	Branstad	Brauns	Brunkhorst
Carroll	Churchill	Coon	Corbett, Spkr.
Cormack	Daggett	Dinkla	Disney
Drake	Eddie	Ertl	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammitt Barry
Hanson	Harrison	Heaton	Houser
Hurley	Huseman	Jacobs	Klemme
Kremer	Lamberti	Larson	Lord
Main	Martin	Metcalf	Meyer
Millage	Nelson, B.	Nutt	Rants
Renken	Salton	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter

Absent or not voting, 5:

Grundberg	Schulte	Shoultz	Van Fossen
Wise			

Amendment H-5789 lost.

Nelson of Marshall offered the following amendment H-5733, to the committee amendment H-5600, filed by her and moved its adoption:

H-5733

- 1 Amend the amendment, H-5600, to Senate File 2409,
- 2 as amended, passed, and reprinted by the Senate, as

3 follows:

- 4 1. Page 3, by inserting after line 5 the
- 5 following:
- 6 "\_. Title page, lines 4 and 5, by striking the
- 7 words "by providing for state privatization
- 8 contracts,"."
- 9 2. By renumbering as necessary.

Amendment H-5733 was adopted.

Drake of Pottawattamie offered the following amendment H-5854, to the committee amendment H-5600, filed by him from the floor and moved its adoption:

H-5854

- 1 Amend the amendment, H-5600, to Senate File 2409,
- 2 as amended, passed, and reprinted by the Senate, as
- 3 follows:
- 4 1. Page 2, by striking lines 21 through 23 and
- 5 inserting the following:
- 6 "\_. Page 16, by striking lines 15 through 17
- 7 and inserting the following: "in a multi-county area
- 8 selected by the workforce development board,
- 9 considering community college boundaries and input
- 10 from local elected officials, and approved by the
- 11 governor.""
- 12 2. By renumbering as necessary.

Amendment H-5854 lost.

On motion by Drake of Pottawattamie, amendment H-5734A, to the committee amendment H-5600, found on page 1387 of the House Journal, lost.

### MOTION TO RECONSIDER

Schrader of Marion called up for immediate consideration the motion to reconsider amendment H-5788, to the committee amendment H-5600, filed from the floor, and moved to reconsider the vote by which amendment H-5788, to the committee amendment H-5600, to Senate File 2409, a bill for an act relating to workforce development by establishing a workforce development department, by eliminating the department of employment services, and including workforce development programs in the new department, by providing for state privatization contracts, and by establishing a workforce development board and regional advisory boards, passed the House and failed to be adopted on April 3, 1996.

A non-record roll call was requested.

The ayes were 28, nays 53.



The motion to reconsider lost.

Nelson of Marshall moved the adoption of the committee amendment H-5600, as amended.

Roll call was requested by Schrader of Marion and Rants of Woodbury.

On the question "Shall the committee amendment H-5600, as amended, be adopted?" (S.F. 2409)

The ayes were, 59:

Arnold	Boddicker	Bogges	Bradley
Branstad	Brauns	Brunkhorst	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammitt Barry	Hanson
Harrison	Heaton	Houser	Hurley
Huseman	Jacobs	Klemme	Kremer
Lamberti	Larson	Lord	Main
Martin	Metcalf	Meyer	Millage
Nelson, B.	Nutt	Rants	Renken
Salton	Siegrist	Sukup	Teig
Thomson	Tyrrell	Van Maanen	Vande Hoef
Veenstra	Weidman	Welter	

The nays were, 34:

Baker	Bell	Bernau	Brammer
Brand	Burnett	Cataldo	Cohoon
Connors	Doderer	Drees	Fallon
Holveck	Jochum	Koenigs	Kreiman
Larkin	Mascher	May	McCoy
Mertz	Moreland	Mundie	Murphy
Nelson, L.	O'Brien	Ollie	Osterhaus
Schrader	Taylor	Warnstadt	Weigel
Witt	Harper,		
	Presiding		

Absent or not voting, 7:

Blodgett	Grundberg	Myers	Schulte
Shoultz	Van Fossen	Wise	

The committee amendment H-5600, as amended, was adopted.

Nelson of Marshall asked and received unanimous consent to withdraw amendment H-5612, filed by her on March 26, 1996.

Nelson of Marshall offered the following amendment H-5725 filed by her and moved its adoption:

H-5725

- 1 Amend Senate File 2409, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 9, line 18, by inserting after the word
- 4 "department" the following: "related to workforce
- 5 development".
- 6 2. Page 9, line 21, by striking the words "or
- 7 contracts administered" and inserting the following:
- 8 "for workforce development services".
- 9 3. Page 9, line 30, by inserting after the word
- 10 "rules" the following: "related to workforce
- 11 development".
- 12 4. Page 9, line 31, by striking the words "or
- 13 administrators of divisions".

Amendment H-5725 was adopted.

Nelson 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. 2409)

The ayes were, 65:

Arnold	Bell	Blodgett	Boddicker
Boggett	Bradley	Brand	Branstad
Brauns	Brunkhorst	Burnett	Carroll
Churchill	Coon	Corbett, Spkr.	Cormack
Daggett	Dinkla	Disney	Drake
Eddie	Ertl	Gipp	Greig
Greiner	Gries	Hahn	Halvorson
Hammitt Barry	Hanson	Harrison	Heaton
Houser	Hurley	Huseman	Jacobs
Klemme	Kremer	Lamberti	Larson
Lord	Main	Martin	Mascher
Metcalf	Meyer	Millage	Mundie
Myers	Nelson, B.	Nutt	Rants
Renken	Salton	Siegrist	Sukup
Teig	Thomson	Tyrrell	Van Maanen
Vande Hoef	Veenstra	Weidman	Welter
Harper,			
Presiding			

The nays were, 30:

Baker	Bernau	Brammer	Cataldo
Cohoon	Connors	Doderer	Drees
Fallon	Garman	Grubbs	Holveck
Jochum	Koenigs	Kreiman	Larkin
May	McCoy	Mertz	Moreland

Murphy  
Osterhaus  
Weigel

Nelson, L.  
Schrader  
Witt

O'Brien  
Taylor

Ollie  
Warnstadt

Absent or not voting, 5:

Grundberg  
Wise

Schulte

Shoultz

Van Fossen

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

Speaker pro tempore Van Maanen of Marion in the chair at 6:05 p.m.

### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **Senate File 2409** be immediately messaged to the Senate.

### CONFERENCE COMMITTEE APPOINTED (Senate File 2446)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning Senate File 2446: Hahn of Muscatine, Chair; Drake of Pottawattamie, Greiner of Washington, Mertz of Kossuth, Koenigs of Mitchell.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Union, until his return, on request of Siegrist of Pottawattamie.

### Ways and Means Calendar

**House File 2423**, a bill for an act relating to the taxation of real property used in the operation of a racetrack or racetrack enclosure, was taken up for consideration.

Cataldo of Polk asked and received unanimous consent to defer amendment H-5749, for the immediate consideration of amendment H-5844, filed by him and McCoy of Polk from the floor as follows:

H-5844

- 1 Amend House File 2423 as follows:
- 2 1. Page 1, by striking lines 4 through 23 and
- 3 inserting the following:
- 4 "6. Notwithstanding any exemption provision, for
- 5 taxes payable in the fiscal year beginning July 1,
- 6 1997, and for each subsequent fiscal year, real

7 property used in the operation of a racetrack or  
 8 racetrack enclosure shall be subject to real property  
 9 taxation. The rate at which such property shall be  
 10 taxed shall be the combined rate of all taxing  
 11 districts in which the racetrack or racetrack  
 12 enclosure is located. However, the amount of tax  
 13 collected shall not go to the individual taxing  
 14 districts but shall be collected by the county and  
 15 remitted to the department of revenue and finance to  
 16 be deposited into the state gambling tax relief fund  
 17 created in section 422.115.

18 Sec. \_\_\_\_ Section 99F.10, Code Supplement 1995, is  
 19 amended by adding the following new subsection:  
 20 NEW SUBSECTION. 7. Notwithstanding any exemption  
 21 provision, for taxes payable in the fiscal year  
 22 beginning July 1, 1997, and for each subsequent fiscal  
 23 year, real property used in the operation of an  
 24 excursion gambling boat or used as a dock for an  
 25 excursion gambling boat shall be subject to real  
 26 property taxation. The rate at which such property  
 27 shall be taxed shall be the combined rate of all  
 28 taxing districts in which the excursion gambling boat  
 29 or dock is located. However, the amount of tax  
 30 collected shall not go to the individual taxing  
 31 districts but shall be collected by the county and  
 32 remitted to the department of revenue and finance to  
 33 be deposited into the state gambling tax relief fund  
 34 created in section 422.115.

35 Sec. \_\_\_\_ Section 99F.11, unnumbered paragraph 1,  
 36 Code 1995, is amended to read as follows:  
 37 A tax is imposed on the adjusted gross receipts  
 38 received annually from gambling games authorized under  
 39 this chapter at the rate of five percent on the first  
 40 one million dollars of adjusted gross receipts, at the  
 41 rate of ten percent on the next two million dollars of  
 42 adjusted gross receipts, and at the rate of twenty  
 43 percent on any amount of adjusted gross receipts over  
 44 three million dollars. However, beginning January 1,  
 45 1997, the rate on any amount of adjusted gross  
 46 receipts over three million dollars from gambling  
 47 games at racetrack enclosures or on an excursion  
 48 gambling boat or dock is twenty-two percent and shall  
 49 increase by two percent each succeeding calendar year  
 50 until the rate is thirty-six percent. The taxes

## Page 2

1 imposed by this section shall be paid by the licensee  
 2 to the treasurer of state within ten days after the  
 3 close of the day when the wagers were made and shall  
 4 be distributed as follows:

5 Sec. \_\_\_\_ Section 99F.11, Code 1995, is amended by  
 6 adding the following new subsection:

7 NEW SUBSECTION. 3A. The amount of adjusted gross  
 8 receipts tax collected which is from the rate in  
 9 excess of twenty percent shall be deposited into the  
 10 state gambling tax relief fund created in section  
 11 422.115.  
 12 Sec. \_\_\_\_ NEW SECTION. 422.115 STATE GAMBLING  
 13 TAX RELIEF FUND.  
 14 There is created a state gambling tax relief fund  
 15 which contains moneys credited to it by law. Moneys  
 16 in this fund are annually appropriated to the  
 17 department to be remitted to the county treasurer of  
 18 each county on a per capita basis to be used for any  
 19 lawful purpose of the county."

Roll call was requested by Cataldo of Polk and Kreiman of Davis.

On the question "Shall amendment H-5844 be adopted?" (H.F. 2423)

The ayes were, 29:

Arnold	Baker	Bell	Bernau
Brand	Burnett	Cataldo	Connors
Doderer	Drees	Harper	Holveck
Jochum	Koenigs	Kreiman	Lamberti
Mascher	May	McCoy	Mertz
Moreland	Mundie	Myers	O'Brien
Osterhaus	Schrader	Taylor	Teig
Weigel			

The nays were, 60:

Blodgett	Bogges	Bradley	Branstad
Brauns	Brunkhorst	Carroll	Churchill
Cohoon	Coon	Corbett, Spkr.	Cormack
Dinkla	Disney	Drake	Eddie
Ertl	Fallon	Garman	Gipp
Greig	Greiner	Gries	Grubbs
Hahn	Halvorson	Hammit Barry	Hanson
Harrison	Heaton	Houser	Huseman
Jacobs	Klemme	Kremer	Larkin
Larson	Lord	Main	Martin
Metcalf	Meyer	Millage	Murphy
Nelson, B.	Nelson, L.	Nutt	Ollie
Rants	Renken	Salton	Siegrist
Sukup	Thomson	Tyrrell	Veenstra
Warnstadt	Weidman	Welter	Van Maanen, Presiding

Absent or not voting, 11:

Boddicker	Brammer	Daggett	Grundberg
Hurley	Schulte	Shoultz	Van Fossen
Vande Hoef	Wise	Witt	

Amendment H-5844 lost.

McCoy of Polk asked and received unanimous consent to withdraw the following amendments filed by him on April 1, 1996: H-5747, H-5748, H-5749, H-5750, H-5751, H-5752, H-5753 and H-5754.

Cataldo of Polk asked and received unanimous consent to withdraw the following amendments: H-5534, filed by him on March 25, 1996 and H-5760 filed by him on April 1, 1996.

Cataldo of Polk offered amendment H-5759, previously deferred, filed by Cataldo, et. al., and moved its adoption:

H-5759

1 Amend House File 2423 as follows:

- 2 1. Page 1, line 9, by striking the words "any  
3 taxing district" and inserting the following: "the  
4 county".  
5 2. Page 1, line 12, by striking the words "taxing  
6 district" and inserting the following: "county".  
7 3. Page 1, line 22, by striking the words "taxing  
8 district" and inserting the following: "county".  
9 4. Page 1, by inserting after line 23 the  
10 following:  
11 "Property tax revenues collected as a result of the  
12 county's imposition of its tax upon the real property  
13 used in the operation of a racetrack or racetrack  
14 enclosure shall be distributed on a per capita basis  
15 to taxing districts located entirely or partially in  
16 the county. The portion of the taxes collected that a  
17 taxing district will receive shall be equal to a  
18 fraction determined by dividing the population  
19 residing in the taxing district by the sum of the  
20 population residing in each city, school district, and  
21 other taxing district located in the county plus the  
22 population of the county. The county treasurer shall  
23 pay each taxing district its share of the taxes  
24 collected on October 15 and April 15 of each fiscal  
25 year."

Amendment H-5759 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lord of Dallas and Boddicker of Cedar, both for the remainder of the day, on request of Siegrist of Pottawattamie.

Cataldo of Polk asked and received unanimous consent to withdraw amendment H-5761 filed by him on April 1, 1996, for the immediate consideration of amendment H-5765 filed by him as follows:

H-5765

1 Amend House File 2423 as follows:

- 2 1. Page 1, by inserting before line 24 the  
 3 following:  
 4 "Sec. \_\_\_\_ Section 99F.4A, subsection 6, Code  
 5 1995, is amended to read as follows:  
 6 6. The adjusted gross receipts received from  
 7 gambling games shall be taxed at the same rates and  
 8 the proceeds distributed in the same manner as  
 9 provided in section 99F.11, except that the city in  
 10 which the racetrack enclosure where gambling games are  
 11 held is located shall not receive any tax proceeds."

Roll call was requested by McCoy of Polk and Cataldo of Polk.

On the question "Shall amendment H-5765 be adopted?" (H.F. 2423)

The ayes were, 10:

Baker	Bernau	Cataldo	Connors
Holveck	McCoy	Mertz	Osterhaus
Taylor	Witt		

The nays were, 77:

Arnold	Bell	Blodgett	Bogges
Bradley	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Churchill
Cohoon	Coon	Corbett, Spkr.	Cormack
Dinkla	Disney	Doderer	Drake
Eddie	Ertl	Fallon	Garman
Gipp	Greig	Greiner	Gries
Grubbs	Hahn	Halvorson	Hammit Barry
Hanson	Harper	Heaton	Houser
Huseman	Jacobs	Jochum	Klemme
Koenigs	Kreiman	Kremer	Lamberti
Larkin	Larson	Main	Martin
Mascher	May	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Myers	Nelson, B.	Nelson, L.	Nutt
O'Brien	Ollie	Rants	Renken
Salton	Schrader	Siegrist	Sukup
Teig	Thomson	Tyrell	Veenstra
Warnstadt	Weidman	Weigel	Welter
Van Maanen, Presiding			

Absent or not voting, 13:

Boddicker	Brammer	Daggett	Drees
Grundberg	Harrison	Hurley	Lord
Schulte	Shoultz	Van Fossen	Vande Hoef
Wise			

Amendment H-5765 lost.

Cataldo of Polk asked and received unanimous consent to withdraw the following amendments filed by him on April 1, 1996: H-5763 and H-5764.

Disney 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. 2423)

The ayes were, 72:

Arnold	Bell	Blodgett	Boggess
Bradley	Brand	Branstad	Brauns
Brunkhorst	Burnett	Carroll	Churchill
Coon	Corbett, Spkr.	Cormack	Dinkla
Disney	Doderer	Drake	Eddie
Ertl	Garman	Gipp	Greig
Greiner	Gries	Grubbs	Hahn
Halvorson	Hammitt Barry	Hanson	Harper
Harrison	Heaton	Houser	Huseman
Jacobs	Klemme	Koenigs	Kremer
Lamberti	Larson	Main	Martin
Mascher	May	Metcalf	Meyer
Millage	Moreland	Mundie	Murphy
Nelson, B.	Nelson, L.	Nutt	Ollie
Rants	Renken	Salton	Schrader
Siegrist	Sukup	Taylor	Teig
Thomson	Tyrrell	Veenstra	Warnstadt
Weidman	Weigel	Welter	Van Maanen, Presiding

The nays were, 16:

Baker	Bernau	Cataldo	Cohoon
Connors	Fallon	Holveck	Jochum
Kreiman	Larkin	McCoy	Mertz
Myers	O'Brien	Osterhaus	Witt

Absent or not voting, 12:

Boddicker	Brammer	Daggett	Drees
Grundberg	Hurley	Lord	Schulte
Shoultz	Van Fossen	Vande Hoef	Wise

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

#### IMMEDIATE MESSAGE

Siegrist of Pottawattamie asked and received unanimous consent that **House File 2423** be immediately messaged to the Senate.



## INTRODUCTION OF BILL

**House File 2493**, by committee on ways and means, a bill for an act relating to the state sales tax exemption on certain computers or machinery and equipment.

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

## RULES SUSPENDED

Siegrist of Pottawattamie asked and received unanimous consent that the Daily Debate Calendar for Thursday, April 4, 1996, become the Daily Debate Calendar for Monday, April 8, 1996.

## 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, 1996, amended and passed the following bill in which the concurrence of the House is asked:

House File 111, a bill for an act exempting from regulation certain homeowners' association swimming pools.

Also: That the Senate has on April 3, 1996, passed the following bill in which the concurrence of the Senate was asked:

House File 2444, a bill for an act relating to energy conservation including making appropriations of petroleum overcharge funds.

Also: That the Senate has on April 3, 1996, 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 259, a bill for an act relating to the practice of mortuary science, cremation, and licensing of funeral establishments and providing penalties.

Also: That the Senate has on April 3, 1996, concurred in the House amendment and passed the following bill in which the concurrence of the Senate was asked:

Senate File 2012, a bill for an act relating to the conduct of raffles.

Also: That the Senate has on April 3, 1996, amended the House amendment, concurred in the House amendment as amended, and passed following bill in which the concurrence of the House is asked:

Senate File 2085, a bill for an act relating to handicapped parking and providing a penalty.

Also: That the Senate has on April 3, 1996, 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 juvenile justice chapter provisions involving medically relevant tests for the presence of illegal drugs in a child or parent, parent visitations with a child who has been removed from the child's home, voiding related administrative rules, and providing an effective date.

Also: Mr. Speaker I am directed to inform your honorable body that the Senate has on April 3, 1996, insisted on its amendment to Senate File 2446, a bill for an act relating to agriculture and natural resources, by providing for appropriations, providing related statutory changes, and providing effective dates, and the members of the Conference Committee on the part of the Senate are: The Senator from Jasper, Senator Black, Chair; the Senator from Kossuth, Senator Priebe; the Senator from Wapello, Senator Gettings; the Senator from Fremont, Senator McLaren; the Senator from Plymouth, Senator Banks.

Also: Mr. Speaker I am directed to inform your honorable body that the Senate has on April 3, 1996, appointed the conference committee to Senate File 2448, a bill for an act relating to and making appropriations to the department for the blind, the Iowa state civil rights commission, the department of elder affairs, the governor's alliance on substance abuse, the Iowa department of public health, the department of human rights, and the commission of veterans affairs, and providing an immediate effective date, and the members of the Senate are: The Senator from Dubuque, Senator Flynn, Chair; the Senator from Polk, Senator Dearden; the Senator from Marshall, Senator Giannetto; the Senator from Sioux, Senator Rensink; the Senator from Shelby, Senator Boettger.

JOHN F. DWYER, Secretary

### EXPLANATION OF VOTE

On April 3, 1996. I inadvertently voted "aye" on amendment H-5698, to House File 2481, I meant to vote "nay".

GARMAN of Story

### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 20, 1996, he approved and transmitted to the Secretary of State the following bill:

House File 2365, an act relating to the authority of fiduciaries under the probate code to invest in open-end or closed-end management investment companies or investment trusts.

### PRESENTATION OF VISITORS

Koenigs of Mitchell presented to the House the Honorable Dan Fogarty, former member of the House representing Palo Alto County.

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

Ten students from Lincoln Elementary School, Waterloo, accompanied by Vicki Smith. By Harper, Hanson, Shoultz and Witt all of Black Hawk.

Fifteen students including two exchange students: Cavid Chadrowanta, Indonesia, and Mikko Hofsommer, Germany from Fremont - Mills Community School, Tabor, accompanied by Bob Nelson. By Houser of Pottawattamie.

Four High School Government students from Marion High School, Marion, accompanied by Mr. Shane Ehreman. By Thomson of Linn.

Thirty-five Junior High students from Holmes Junior High, Cedar Falls, accompanied by Dave Andreasen and Doris Nero. By Witt of Black Hawk.

Eighth grade students from Ruthven - Ayrshire School, Ruthven, accompanied by Jon Josephson. By Salton of Palo Alto.

### CERTIFICATES OF RECOGNITION

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

ELIZABETH A. ISAACSON  
Chief Clerk of the House

- 1996\412 Frances and Wendell Kono, Newton – For celebrating their Sixty-fifth wedding anniversary.
- 1996\413 John Keitges, ADM Community School – For being named to the 1996 3rd All-State Boys Basketball Team.
- 1996\414 Adams Elementary School, Davenport – For receiving a FINE Foundation Recognition Award.
- 1996\415 Truman Elementary School, Cedar Rapids – For receiving a FINE Foundation Recognition Award.
- 1996\416 Taylor Elementary School, Cedar Rapids – For receiving a FINE Foundation Recognition Award.

### SUBCOMMITTEE ASSIGNMENTS

#### Senate File 2453

Labor and Industrial Relations: Kremer, Chair; Sukup and Taylor.

#### Senate File 2459

Appropriations: Meyer, Chair; Cataldo and Ertl.

#### Senate File 2461

Appropriations: Ertl, Chair; Brand and Meyer.

### 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.

ELIZABETH A. ISAACSON  
Chief Clerk of the House

## COMMITTEE ON WAYS AND MEANS

**Senate File 2351**, a bill for an act relating to department of economic development programs, including the workforce development fund program and the Iowa small business new jobs training Act, providing a supplemental new jobs credit from withholding, establishing a rural microbusiness assistance program, increasing the funds available for the value-added agricultural products and processes program, making an annual allocation from an appropriation, and establishing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1996.

**Committee Bill** (Formerly House File 2198), authorizing counties to impose additional civil court fees for use for county courthouse libraries and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 3, 1996.

**Committee Bill** (Formerly House File 2470), relating to the financial procedures of counties, cities, and drainage districts, by amending the powers and duties of county treasurers, by eliminating the filing of late claims for property credits, by striking personal property tax credits of military veterans, by striking outdated property tax limitations, by amending tax sale procedures, by providing for properly related matters, and by providing an applicability date and effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 3, 1996.

**Committee Bill** (Formerly House Study Bill 654), relating to the tax exemption of active duty pay of national guard or armed forces military reserve personnel for certain foreign service.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 3, 1996.

**Committee Bill** (Formerly House Study Bill 752), relating to the state sales tax exemption on certain computers or machinery and equipment.

Fiscal Note is not required.

Recommended **Do Pass** April 3, 1996.

## AMENDMENTS FILED

H—5841	H.F.	2485	Halvorson of Clayton
H—5842	S.F.	2195	Weigel of Chickasaw
	Mertz of Kossuth		Nelson of Pottawattamie
	May of Worth		Warnstadt of Woodbury
H—5843	S.F.	2403	Rants of Woodbury
H—5845	H.F.	2144	Senate Amendment
H—5846	S.F.	2138	Carroll of Poweshiek

H—5847	S.F.	2294	Mundie of Webster
H—5848	S.F.	2195	Wise of Lee
			Brand of Benton
			Weigel of Chickasaw
H—5849	S.F.	2201	Gries of Crawford
H—5850	S.F.	2245	Grundberg of Polk
			Churchill of Polk
			Van Fossen of Scott
			Veenstra of Sioux
			Dinkla of Guthrie
			Metcalf of Polk
			Jacobs of Polk
			Houser of Pottawattamie
			Disney of Polk
			Branstad of Winnebago
			Lamberti of Polk
			Welter of Jones
H—5852	S.F.	2403	Rants of Woodbury
H—5853	S.F.	2168	Lamberti of Polk
H—5855	S.F.	259	Senate Amendment
H—5856	S.F.	2085	Senate Amendment
H—5857	H.F.	111	Senate Amendment
H—5858	H.F.	2370	Nutt of Woodbury
H—5859	H.F.	2419	Welter of Jones
H—5860	S.F.	2114	Grubbs of Scott
H—5861	S.F.	2365	Tyrrell of Iowa
H—5862	S.F.	2399	Boddicker of Cedar
			Murphy of Dubuque
H—5863	S.F.	2435	Klemme of Plymouth
			Rants of Woodbury
			Nutt of Woodbury

On motion by Siegrist of Pottawattamie, the House adjourned at 7:43 p.m., until 9:30 a.m., Thursday, April 4, 1996.