

**State of Iowa**

**1987**

# **JOURNAL OF THE HOUSE**

## **1987 REGULAR SESSION SEVENTY-SECOND GENERAL ASSEMBLY**

**Convened January 12, 1987**

**Adjourned May 10, 1987**

**Volume I**

**January 12 - April 15**

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

**Published by the  
STATE OF IOWA  
Des Moines**

SEVENTY—SECOND GENERAL ASSEMBLY

1987 Regular Session

OFFICERS OF THE HOUSE

DONALD D. AVENSON, <i>Speaker of the House</i> .....	Oelwein
JOHN H. CONNORS, <i>Speaker Pro Tempore</i> .....	Des Moines
ROBERT C. ARNOULD, <i>Majority Floor Leader</i> .....	Davenport
FLORENCE D. BUHR, <i>Assistant Majority Floor Leader</i> .....	Des Moines
JOHN GRONINGA, <i>Assistant Majority Floor Leader</i> .....	Mason City
ROD HALVORSON, <i>Assistant Majority Floor Leader</i> .....	Fort Dodge
BOB SKOW, <i>Assistant Majority Floor Leader</i> .....	Guthrie Center
DELWYN STROMER, <i>Minority Floor Leader</i> .....	Garner
WAYNE BENNETT, <i>Assistant Minority Floor Leader</i> .....	Galva
DOROTHY F. CARPENTER, <i>Assistant Minority Floor Leader</i> .....	West Des Moines
KYLE HUMMEL, <i>Assistant Minority Floor Leader</i> .....	Vinton
DONALD J. PAULIN, <i>Assistant Minority Floor Leader</i> .....	Le Mars
JOSEPH O'HERN, <i>Chief Clerk</i> .....	Des Moines
ELIZABETH A. ISAACSON, <i>Assistant Chief Clerk</i> .....	Des Moines
VIVIAN ANDERS, <i>Assistant Journal Editor</i> .....	Liberty Center
CAROL S. EDWARDS, <i>Assistant Journal Editor</i> .....	Des Moines
C. ELAINE SCHOONOVER, <i>Compositor</i> .....	Des Moines
DEANNA VERWERS TEMPLETON, <i>Executive Secretary</i> <i>to Chief Clerk</i> .....	Des Moines
DAN DUDLEY, <i>Legal Counsel</i> .....	Des Moines
E. JANE FOWLER, <i>Assistant Legal Counsel</i> .....	Des Moines
PETER DUBEC, <i>Assistant to Legal Counsel</i> .....	Des Moines
PEG E. KEPHART, <i>Assistant to Legal Counsel</i> <i>and Engrossing/Enrolling Clerk</i> .....	Des Moines
BILLIE JEAN WALLING, <i>Finance Officer</i> .....	Des Moines
DEBRA K. REX, <i>Assistant Finance Officer</i> .....	Des Moines
LAURA WARD, <i>Recording Clerk</i> .....	Des Moines

VIRGINIA A. ROWEN, <i>Supervisor of Secretaries</i> .....	Des Moines
SUSAN BRUCKSHAW, <i>Clerk to Chief Clerk</i> .....	Des Moines
JOANNE WENGERT, <i>Supply Clerk</i> .....	Des Moines
JUANITA F. SWACKHAMMER, <i>Chief Indexer</i> .....	Des Moines
WILMA F. ZIKA, <i>Indexing Assistant</i> .....	Des Moines
MARK W. BRANDSGARD, <i>Administrative Assistant to Speaker</i> .....	Des Moines
CATHERINE A. SEARS, <i>Confidential Secretary to Speaker</i> .....	Des Moines
WILLIAM C. MALONEY, <i>Administrative Assistant to Majority Leader</i> .....	Des Moines
ROBERT J. FLEMING, <i>Administrative Secretary to Majority Leader</i> .....	Des Moines
SHARON R. ROBINSON, <i>Majority Caucus Director</i> .....	Des Moines
KATHI WOODS, <i>Secretary to Majority Caucus</i> .....	Des Moines
EDWARD J. CONLOW, <i>Research Analyst</i> .....	Des Moines
TIMOTHY C. DUNBAR, <i>Research Analyst</i> .....	Des Moines
MARY O'CONNOR FLECKENSTEIN, <i>Research Analyst</i> .....	Des Moines
JIM O'BRIEN, <i>Research Analyst</i> .....	Des Moines
THOMAS R. PATTERSON, <i>Research Analyst</i> .....	Des Moines
ALLEN WELSH, <i>Research Analyst</i> .....	Des Moines
DAVID WERNING, <i>Research Analyst</i> .....	Norwalk
GARY W. STEINKE, <i>Minority Caucus Director</i> .....	Des Moines
COLLEEN DILLON, <i>Secretary to Minority Caucus</i> .....	Des Moines
GINA ANGELICI, <i>Research Analyst</i> .....	Des Moines
BRUCE BRANDT, <i>Administrative Assistant to Minority Leader</i> .....	Des Moines
STU HADLEY, <i>Research Analyst</i> .....	Ames
STEPHEN MOORE, <i>Research Analyst</i> .....	West Des Moines
MARGARET THOMSON, <i>Research Analyst</i> .....	Des Moines
MARYJO F. WELCH, <i>Research Analyst</i> .....	Clive
VIRGINIA E. SEMPLE, <i>Switchboard Operator</i> .....	Des Moines
MADELINE E. JAMES, <i>Switchboard Operator</i> .....	Des Moines
JOANN B. QUADE, <i>Bill Clerk</i> .....	Norwalk

MAX D. PERDUE, <i>Postmaster</i> .....	Des Moines
ROSEANNE McCARGAR, <i>Sergeant-at-Arms</i> .....	Des Moines
JAMES D. CUNNINGHAM, <i>Assistant Sergeant-at-Arms</i> .....	Des Moines
ARTHUR E. BORWICK, <i>Doorkeeper</i> .....	Des Moines
DWIGHT DUGAN, <i>Doorkeeper</i> .....	Des Moines
ALFRED EDWARDS, <i>Doorkeeper</i> .....	Des Moines
MARVIN W. HOLLINGSHEAD, <i>Doorkeeper</i> .....	Des Moines
ANTHONY F. KING, <i>Doorkeeper</i> .....	Des Moines
JOHN R. QUINN, <i>Doorkeeper</i> .....	Des Moines

ELECTIVE OFFICERS, SUPREME COURT JUSTICES AND v  
IOWA COURT OF APPEALS JUDGES

ELECTIVE STATE OFFICERS

Official Address, Des Moines, Iowa

TERRY E. BRANSTAD, <i>Governor</i> .....	Lake Mills
JO ANN ZIMMERMAN, <i>Lieutenant Governor</i> .....	West Des Moines
ELAINE BAXTER, <i>Secretary of State</i> .....	Burlington
RICHARD D. JOHNSON, <i>State Auditor</i> .....	Sheldahl
MICHAEL L. FITZGERALD, <i>Treasurer of State</i> .....	Des Moines
DALE M. COCHRAN, <i>Secretary of Agriculture</i> .....	Eagle Grove
THOMAS J. MILLER, <i>Attorney General</i> .....	McGregor

JUSTICES OF THE IOWA SUPREME COURT

W. W. REYNOLDSON, <i>Chief Justice</i> .....	Osceola
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
ARTHUR A. McGIVERIN, <i>Justice</i> .....	Ottumwa
LINDA NEUMAN, <i>Justice</i> .....	Davenport
LOUIS SCHULTZ, <i>Justice</i> .....	Iowa City
CHARLES WOLLE, <i>Justice</i> .....	Des Moines

IOWA COURT OF APPEALS JUDGES

LEO OXBERGER, <i>Chief Judge</i> .....	Des Moines
ALLEN L. DONIELSON, <i>Judge</i> .....	Des Moines
MAYNARD J. V. HAYDEN, <i>Judge</i> .....	Indianola
ROSEMARY S. SACKETT, <i>Judge</i> .....	Spencer
DICK SCHLEGEL, <i>Judge</i> .....	Ottumwa
BRUCE M. SNELL, Jr., <i>Judge</i> .....	Ida Grove

## MEMBERS OF THE HOUSE—SEVENTY-SECOND GENERAL ASSEMBLY—1987 REGULAR SESSION

VI

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Adams, Janet	Webster City	49	Teacher	14th— <i>Hamilton, Webster</i>	None
Arnould, Robert C.	Davenport	33	Legislator	42nd— <i>Scott</i>	67(2nd), 67X, 68, 69, 69X, 69XX, 70, 71
Avenson, Donald D.	Oelwein	42	Tool & Die Maker	28th— <i>Chickasaw, Fayette</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71
Beaman, Jack	Osceola	62	Self-employed	91st— <i>Adair, Adams, Cass, Clarke, Union</i>	None
Beatty, Linda	Indianola	44	Homemaker	68th— <i>Warren</i>	71
Bennett, Wayne	Galva	59	Farmer	4th— <i>Ida, Monona, Woodbury</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71
Bisignano, Tony	Des Moines	34	Local Union President	80th— <i>Polk</i>	None
Black, Dennis	Grinnell	47	Director, Jasper Co. Conservation Board	71st— <i>Jasper, Marshall</i>	70, 71
Blanshan, Eugene	Scranton	38	Farmer	88th— <i>Boone, Carroll, Greene</i>	70, 71
Brammer, Philip E.	Cedar Rapids	54	Insurance Agent	50th— <i>Linn</i>	70, 71
Branstad, Clifford O.	Thompson	62	Farmer	16th— <i>Hancock, Kossuth Winnebago</i>	68, 69, 69X, 69XX, 70, 71
Buhr, Florence D.	Des Moines	53	Legislator	85th— <i>Polk</i>	70, 71
Carpenter, Dorothy F.	West Des Moines	53	Legislator	82nd— <i>Polk</i>	69, 69X, 69XX, 70, 71
Chapman, Kay	Cedar Rapids	49	Lawyer	49th— <i>Linn</i>	70, 71
Clark, Betty Jean	Rockwell	66	Legislator	29th— <i>Cerro Gorda, Floyd, Mitchell</i>	67, 67X, 68, 69, 69X, 69XX, 70, 71
Cohoon, Dennis	Burlington	33	Teacher	60th— <i>Des Moines</i>	None
Connolly, Michael W.	Dubuque	41	Teacher	35th— <i>Dubuque</i>	68, 69, 69X, 69XX, 70, 71
Connors, John H.	Des Moines	64	Retired Fire Captain and Labor Arbitrator	79th— <i>Polk</i>	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71
Cooper, James J.	Russell	62	Farmer	67th— <i>Clarke, Monroe, Lucas, Wayne</i>	70, 71
Corbett, Ron J.	Cedar Rapids	26	Insurance Representative	52nd— <i>Linn</i>	None

REPRESENTATIVES

## MEMBERS OF THE HOUSE—SEVENTY-SECOND GENERAL ASSEMBLY—1987 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Corey, Virgil E.	Morning Sun	70	Farmer	55th—Des Moines, Louisa, Washington	68, 69, 69X, 69XX, 70, 71
Daggett, Horace C.	Kent	55	Farmer	92nd—Adams, Decatur, Ringgold, Taylor	65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71
De Groot, Kenneth R.	Doon	57	Farmer	8th—Lyon, O'Brien, Osceola, Sioux	68, 69, 69X, 69XX, 70, 71
Diemer, Marvin E.	Cedar Falls	62	Retired	23rd—Black Hawk	68, 69, 69X, 69XX, 70, 71
Doderer, Minnette F.	Iowa City	63	Legislator	45th—Johnson	60X, 61, 62, 63, 64, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71
Dvorsky, Robert E.	Coralville	38	Legislator	54th—Iowa, Johnson	None
Eddie, Russell J.	Storm Lake	48	Hog Producer/Farmer	10th—Buena Vista, Pocahontas	None
Fey, Thomas H.	Davenport	32	Legislator	41st—Scott	69(2nd), 70, 71
Fogarty, Daniel P.	Cylinder	62	Farmer	11th—Clay, Palo Alto	70, 71
Fuller, Robert D.	Steamboat Rock	57	Farmer	18th—Franklin, Hamilton, Hardin	None
Garman, Teresa	Ames	49	Farmer	87th—Boone, Story	None
Groninga, John	Mason City	41	College Instructor	20th—Cerro Gordo	70, 71
Gruhn, Josephine	Spirit Lake	59	Farm Owner/Operator	12th—Dickinson, Emmet	70, 71
Halvorson, Rod	Fort Dodge	37	Real Estate Salesman, Political Consultant	13th—Webster	68, 69, 69X, 69XX, 70, 71
Halvorson, Roger A.	Monona	52	Insurance-Real Estate Broker	32nd—Allamakee, Clayton	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71
Hammond, Johnie	Ames	54	Legislator	74th—Story	70, 71
Hansen, Steve D.	Sioux City	31	Director, Woodbury Co. Juvenile Detention Center	1st—Woodbury	None
Hanson, Darrell R.	Manchester	32	Insurance Adjuster	48th—Buchanan, Delaware, Linn	68, 69, 69X, 69XX, 70, 71
Harbor, William H.	Henderson	66	Grain Elevator Owner/Operator	94th—Mills, Montgomery, Pottawattamie	56, 57, 58, 62, 63, 64, 67, 67X, 68, 69, 69X, 69XX, 70, 71

## MEMBERS OF THE HOUSE—SEVENTY-SECOND GENERAL ASSEMBLY—1987 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Harper, Patricia M.	Waterloo	54	Educator	26th— <i>Black Hawk</i>	None
Hatch, Jack	Des Moines	36	Owner, Research Consulting Firm	81st— <i>Polk</i>	71
Haverland, Mark	Polk City	40	College Teacher	77th— <i>Polk</i>	70, 71
Hermann, Donald F.	Bettendorf	65	Retired Industrial Relations Manager	40th— <i>Scott</i>	70, 71
Hester, Joan L.	Honey Creek	54	Farm Wife	98th— <i>Harrison, Pottawattamie*</i>	71
Holveck, Jack	Des Moines	43	Attorney	84th— <i>Polk</i>	70, 71
Hummel, Kyle	Vinton	51	Real Estate Broker, Appraiser	76th— <i>Benton, Black Hawk</i>	68, 69, 69X, 69XX, 70, 71
Jay, Daniel	Centerville	32	Attorney	66th— <i>Appanoose, Davis, Wapello</i>	68, 69, 69X, 69XX, 70, 71
Jochum, Thomas J.	Dubuque	35	Legislator	36th— <i>Dubuque</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71
Johnson, Paul W.	Decorah	45	Farmer	31st— <i>Allamakee, Winneshiek</i>	71
Knapp, Donald J.	Cascade	54	Legislator	33rd— <i>Dubuque, Jones</i>	69(2nd), 70, 71
Koenigs, Deo A.	McIntire	51	Farmer	30th— <i>Chickasaw, Howard, Mitchell</i>	70, 71
Kremer, Joseph M.	Jesup	65	Farmer	27th— <i>Black Hawk, Buchanan</i>	71
Lageschulte, Raymond	Waverly	64	Farm Manager, Insurance Adjuster	22nd— <i>Black Hawk, Bremer, Butler</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71
Lundby, Mary A.	Marion	38	Legislator	47th— <i>Linn</i>	None
Maulsby, Ruhl	Rockwell City	63	Owner-Operator of Livestock Farm	9th— <i>Calhoun, Sac, Webster</i>	68, 69, 69X, 69XX, 70, 71
May, Dennis	Kensett	39	Farmer, Real Estate Broker	19th— <i>Cerro Gordo, Winnebago, Worth</i>	None
McKean, Andy	Anamosa	37	Lawyer-College Instructor	44th— <i>Jones, Linn</i>	68, 69, 69X, 69XX, 70, 71
McKinney, Wayne H., Jr.	Waukee	36	Lawyer/Farmer	89th— <i>Dallas</i>	None
Metcalfe, Janet S.	Des Moines	51	Self-Employed	83rd— <i>Polk</i>	71
Miller, Tom H.	Cherokee	61	Journalist	7th— <i>Cherokee, Clay, O'Brien</i>	71
Muhlbauer, Louis J.	Manilla	57	Agriculture-Business	96th— <i>Crawford, Shelby</i>	70, 71
Mullins, Sue	Corwith	50	Farmer	15th— <i>Humboldt, Kossuth, Palo Alto, Pocahontas</i>	68, 69, 69X, 69XX, 70, 71

## MEMBERS OF THE HOUSE—SEVENTY-SECOND GENERAL ASSEMBLY—1987 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Neuhauser, Mary	Iowa City	52	Attorney	46th— <i>Johnson</i>	None
Norrgard, Clyde L.	Danville	60	Administrator/Clergyman	59th— <i>Des Moines, Henry</i>	None
Ollie, C. Arthur	Clinton	45	Teacher	38th— <i>Clinton</i>	70, 71
Osterberg, David	Mt. Vernon	43	Economic Consultant	43rd— <i>Cedar, Linn</i>	70, 71
Parker, Edward G.	Mingo	27	Contractor	70th— <i>Jasper, Marion, Polk Warren</i>	70, 71
Paulin, Donald J.	Le Mars	53	Independent Manufacturers Representative, Kitchen Retailer	5th— <i>Plymouth, Woodbury</i>	70, 71
Pavich, Emil S.	Council Bluffs	55	Cereal Co. Employee	100th— <i>Pottawattamie</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71
Pellett, Wendell C.	Atlantic	69	Farmer	97th— <i>Cass, Harrison, Pottawattamie, Shelby</i>	64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71
Peters, Michael R.	Sioux City	37	Legislator	2nd— <i>Woodbury</i>	None
Petersen, Daniel F.	Muscatine	35	Farmer	57th— <i>Muscatine, Scott</i>	71(2nd)
Peterson, Michael K.	Carroll	26	Legislator	95th— <i>Audubon, Carroll, Shelby</i>	71
Plasier, Lee	Sioux Center	44	Manager-Wholesale Co.	6th— <i>Plymouth, Sioux</i>	None
Platt, Donald R.	Muscatine	63	Legislator	56th— <i>Louisa, Muscatine</i>	71
Poney, Charles N.	Ottumwa	64	Retired/Public School	65th— <i>Wapello</i>	62, 63, 65, 66, 67, 67X, 69, 69X, 69XX, 70, 71
Renaud, Dennis L.	Altoona	44	Fire Medic, D.M. Fire Dept., Barber Business	78th— <i>Polk</i>	69, 69X, 69XX, 70, 71
Renken, Robert H.	Aplington	65	Farmer	21st— <i>Butler, Grundy</i>	68(2nd), 69, 69X, 69XX, 70, 71
Rosenberg, Ralph	Ames	37	Attorney	73rd— <i>Story</i>	69(2nd), 70, 71
Royer, Bill D.	Essex	57	Real Estate Broker, Appraiser	93rd— <i>Fremont, Mills, Page</i>	70, 71
Running, Richard V.	Cedar Rapids	40	Quality Control Technologist	51st— <i>Linn</i>	69, 69X, 69XX, 70, 71
Schneklath, Hugo	Eldridge	63	Farmer	39th— <i>Scott</i>	67, 67X, 68, 69, 69X, 69XX, 70, 71

## MEMBERS OF THE HOUSE—SEVENTY-SECOND GENERAL ASSEMBLY—1987 REGULAR SESSION—Continued

Name	Residence	Age	Occupation	Representative District	Former Legislative Service
Schrader, David	Monroe	34	Businessman-Vending Route Operator	69th— <i>Marion</i>	None
Sherzan, Gary	Des Moines	42	Parole Officer	86th— <i>Polk</i>	70, 71
Shoning, Don	Sioux City	71	Legislator	3rd— <i>Woodbury</i>	71
Shoultz, Don	Waterloo	50	Public School Teacher	25th— <i>Black Hawk</i>	70, 71
Siegrist, J. Brent	Council Bluffs	34	Teacher	99th— <i>Pottawattamie</i>	71
Skow, Bob	Guthrie Center	34	Insurance and Real Estate Broker	90th— <i>Adair, Dallas, Guthrie, Madison</i>	70, 71
Spear, Clay	Burlington	70	Retired Postal Service Employee	61st— <i>Des Moines, Lee</i>	66, 67, 67X, 68, 69, 69X, 69XX, 70, 71
Stromer, Delwyn	Garner	56	Farmer-Legislator	17th— <i>Franklin, Hancock, Wright</i>	62, 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71
Stueland, Vic	Grand Mound	66	Farmer-Businessman	37th— <i>Cedar, Clinton</i>	69, 69X, 69XX, 70, 71
Svoboda, E. Jane	Clutier	42	Homemaker-Farmwife	75th— <i>Black Hawk, Marshall, Tama</i>	None
Swartz, Thomas E.	Marshalltown	40	Legislator	72nd— <i>Marshall</i>	69, 69X, 69XX, 70, 71
Swearingen, George R.	Sigourney	63	Retired Vocational Agriculture Instructor, Self-Employed, Legislator	63rd— <i>Jefferson, Keokuk, Wapello</i>	68, 69, 69X, 69XX, 70, 71
Tabor, David M.	Baldwin	31	Farmer	34th— <i>Dubuque, Jackson</i>	70, 71
Teaford, Jane	Cedar Falls	51	Legislator	24th— <i>Black Hawk</i>	71
Tyrrell, Phil	North English	54	Owner-Operator Independent Insurance Agency	53rd— <i>Iowa, Poweshiek</i>	68, 69, 69X, 69XX
Van Camp, Mike	Davenport	45	Electrician	58th— <i>Scott</i>	70, 71
Van Maanen, Harold	Oskaloosa	57	Farmer	64th— <i>Keokuk, Mahaska, Wapello</i>	68, 69, 69X, 69XX, 70, 71
Wise, Philip	Keokuk	40	Teacher	62nd— <i>Lee, Van Buren</i>	None

x

REPRESENTATIVES

# JOURNAL OF THE HOUSE

First Calendar Day — First Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 12, 1987

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the House of Representatives of the Seventy-second General Assembly of Iowa 1987 Regular Session, convened at 10:00 a.m., Monday, January 12, 1987.

The House was called to order by the Honorable Charles Poncey of Wapello County.

Prayer was offered by the Honorable Betty Jean Clark, State Representative from Cerro Gordo County.

## TEMPORARY OFFICERS

On motion by Chapman of Linn, Joseph O'Hern of Polk County was elected Acting Chief Clerk. Joseph O'Hern presented himself and took and subscribed to the following oath:

"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 will faithfully discharge the duties of my office to the best of my ability, so help me God."

Running of Linn moved that the Honorable Charles Poncey of Wapello County be elected Temporary Speaker.

The motion prevailed and the oath of office was administered to the Honorable Charles Poncey by Acting Chief Clerk O'Hern.

Temporary Speaker Poncey in the chair.

## CREDENTIALS OF MEMBERS

Fey of Scott moved that a committee of five on credentials be appointed and that the accredited list of the Secretary of State be accepted.

The motion prevailed and the following committee was appointed: Fey of Scott, Gruhn of Dickinson, Dvorsky of Johnson, Shoning of Woodbury and Maulsby of Calhoun.

## REPORT OF COMMITTEE ON CREDENTIALS

MR. SPEAKER: We, your committee on credentials, respectfully report that we find the following named persons duly elected to and entitled to seats in the House of Representatives of the Seventy-second General Assembly as shown by duplicate copies 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, ELAINE BAXTER, Secretary of State of the State of Iowa, custodian of the files and records pertaining to elections in the state, do hereby certify that the State Canvassing Board has declared that at the General Election held on November 4, 1986, each of the following named persons was duly elected to the office of State Representative for the term of two years beginning on the first day of January, 1987:

First	Steve Hansen
Second	Mike Peters
Third	Don Shoning
Fourth	Wayne Bennett
Fifth	Donald J. Paulin
Sixth	Leroy J. Plasier
Seventh	Tom H. Miller
Eighth	Kenneth De Groot
Ninth	Ruhl Maulsby
Tenth	Russell J. Eddie
Eleventh	Daniel P. Fogarty
Twelfth	Josephine Gruhn
Thirteenth	Rod Halvorson
Fourteenth	Janet Adams
Fifteenth	Sue Mullins
Sixteenth	Clifford O. Branstad
Seventeenth	Delwyn Stromer
Eighteenth	Robert D. Fuller
Nineteenth	Dennis May
Twentieth	John Groninga
Twenty-first	Bob Renken
Twenty-second	Ray Lageschulte
Twenty-third	Marvin E. Diemer
Twenty-fourth	Jane Teaford
Twenty-fifth	Don Shoultz
Twenty-sixth	Patricia Harper
Twenty-seventh	Joseph M. Kremer
Twenty-eighth	Donald D. Avenson
Twenty-ninth	Betty Jean Clark
Thirtieth	Deo Koenigs
Thirty-first	Paul W. Johnson
Thirty-second	Roger A. Halvorson
Thirty-third	Donald J. Knapp
Thirty-fourth	David M. Tabor
Thirty-fifth	Mike Connolly
Thirty-sixth	Thomas J. Jochum
Thirty-seventh	Vic Stueland
Thirty-eighth	C. Arthur Ollie

Thirty-ninth	Hugo Schnekloth
Fortieth	Don Hermann
Forty-first	Tom Fey
Forty-second	Bob Arnould
Forty-third	David Osterberg
Forty-fourth	Andy McKean
Forty-fifth	Minnette Doderer
Forty-sixth	Mary C. Neuhauser
Forty-seventh	Mary A. Lundby
Forty-eighth	Darrell Hanson
Forty-ninth	Kay Chapman
Fiftieth	Philip E. Brammer
Fifty-first	Richard V. Running
Fifty-second	Ron J. Corbett
Fifty-third	Phil Tyrrell
Fifty-fourth	Robert E. Dvorsky
Fifty-fifth	Virgil E. Corey
Fifty-sixth	Donald R. Platt
Fifty-seventh	Dan Petersen
Fifty-eighth	Mike Van Camp
Fifty-ninth	Clyde L. Norrgard
Sixtieth	Dennis M. Cohoon
Sixty-first	Clay Spear
Sixty-second	Philip Wise
Sixty-third	George R. Swearingen
Sixty-fourth	Harold Van Maanen
Sixty-fifth	Charles N. Poncy
Sixty-sixth	Dan Jay
Sixty-seventh	James J. Cooper
Sixty-eighth	Linda L. Beatty
Sixty-ninth	David Schrader
Seventieth	Ed Parker
Seventy-first	Dennis H. Black
Seventy-second	Tom Swartz
Seventy-third	Ralph Rosenberg
Seventy-fourth	Johnie Hammond
Seventy-fifth	Jane Svoboda
Seventy-sixth	Kyle Hummel
Seventy-seventh	Mark A. Haverland
Seventy-eighth	Dennis L. Renaud
Seventy-ninth	John H. Connors
Eightieth	Tony Bisignano
Eighty-first	Jack Hatch
Eighty-second	Dorothy F. Carpenter
Eighty-third	Janet Metcalf
Eighty-fourth	Jack Holveck
Eighty-fifth	Florence Buhr
Eighty-sixth	Gary Sherzan
Eighty-seventh	Teresa Garman
Eighty-eighth	Eugene Blanshan
Eighty-ninth	Wayne H. McKinney, Jr.

Ninetieth .....	Bob Skow
Ninety-first .....	Jack Beaman
Ninety-second .....	Horace Daggett
Ninety-third .....	Bill Royer
Ninety-fourth .....	William H. Harbor
Ninety-fifth .....	Mike Peterson
Ninety-sixth .....	Louis J. Muhlbauer
Ninety-seventh .....	Wendell C. Pellett
Ninety-eighth .....	Joan L. Hester
Ninety-ninth .....	Brent Siegrist
One Hundredth .....	Emil S. Pavich

(Seal) IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Secretary of State at the Capitol, in Des Moines, this 5th day of January, 1987.

ELAINE BAXTER, Secretary of State

TOM FEY, Chair  
 JOSEPHINE GRUHN  
 ROBERT E. DVORSKY  
 DON SHONING  
 RUHL MAULSBY

Fey of Scott moved that the report of the committee on credentials be adopted.

The motion prevailed and the report was adopted.

### MEMBERS' OATH OF OFFICE

The following members took and subscribed to the oath of office as follows:

"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 will faithfully 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."

Janet Adams	Florence D. Buhr
Robert C. Arnould	Dorothy F. Carpenter
Donald D. Avenson	Kay Chapman
Jack Beaman	Betty Jean Clark
Linda L. Beatty	Dennis M. Cohoon
Wayne Bennett	Mike Connolly
Tony Bisignano	John H. Connors
Dennis H. Black	James J. Cooper
Gene Blanshan	Ron J. Corbett
Phil Brammer	Virgil E. Corey
Clifford O. Branstad	Horace Daggett

Kenneth De Groot  
 Marvin E. Diemer  
 Minnette Doderer  
 Robert E. Dvorsky  
 Russell J. Eddie  
 Tom Fey  
 Daniel P. Fogarty  
 Robert D. Fuller  
 Teresa Garman  
 John Groninga  
 Josephine Gruhn  
 Rod Halvorson  
 Roger A. Halvorson  
 Johnie Hammond  
 Steve D. Hansen  
 Darrell R. Hanson  
 William H. Harbor  
 Patricia Harper  
 Jack Hatch  
 Mark A. Haverland  
 Donald F. Hermann  
 Joan L. Hester  
 Jack Holveck  
 Kyle Hummel  
 Daniel J. Jay  
 Thomas J. Jochum  
 Paul W. Johnson  
 Don Knapp  
 Deo Koenigs  
 Joseph M. Kremer  
 Raymond Lageschulte  
 Mary A. Lundby  
 Ruhl Maulsby  
 Dennis May  
 Andy McKean  
 Wayne McKinney, Jr.  
 Janet Metcalf  
 Tom H. Miller

Sue Mullins  
 Mary C. Neuhauser  
 Clyde L. Norrgard  
 C. Arthur Ollie  
 David Osterberg  
 Edward G. Parker  
 Donald J. Paulin  
 Emil S. Pavich  
 Wendell C. Pellett  
 Mike Peters  
 Dan Petersen  
 Michael K. Peterson  
 Leroy J. Plasier  
 Donald R. Platt  
 Charles N. Poncy  
 Dennis L. Renaud  
 Bob Renken  
 Ralph Rosenberg  
 Bill Royer  
 Richard V. Running  
 Hugo Schneklath  
 David Schrader  
 Gary Sherzan  
 Don Shoning  
 Don Shoultz  
 J. Brent Siegrist  
 Bob Skow  
 Clay Spear  
 Delwyn Stromer  
 Vic Stueland  
 Jane Svoboda  
 Tom Swartz  
 George R. Swearingen  
 David Tabor  
 Jane Teaford  
 Phil Tyrrell  
 Mike Van Camp  
 Harold Van Maanen  
 Philip Wise

### ELECTION OF SPEAKER

Pavich of Pottawattamie presented the name of the Honorable Donald D. Avenson of Fayette County as candidate for Speaker of the House of Representatives of the Seventy-second General Assembly, preceding such nomination with the following remarks:

**Mr. Speaker:** I wish to place in nomination the Honorable Donald D. Avenson of Fayette County as Speaker.

Today we are following the tradition and procedures of previous General Assemblies, thus also honoring their service to this body and state. On the 30th day of November 1846, the Iowa General Assembly convened for the first time and Jesse E. Browne of Lee County was elected as Speaker of the Iowa House of Representatives.

Browne, a native of Kentucky, was bigger than life, enjoying sports, outdoor activities, and especially the rough and tumble of politics. These are some of the same attributes of Don Avenson, a native of Minnesota. Browne was a Whig, while Avenson is a Democrat. Avenson like Browne has a great loyalty and devotion for his adopted state Iowa, especially after the basketball game last Saturday and the football game last fall.

Speaker Browne and that First General Assembly faced what must have seemed insurmountable problems in the organizing of a new state. That General Assembly went to work and met those challenges. Among the Acts that were passed by the First General Assembly were: acts relating to the distribution of school funds; acts relating to the duties of county officials, state officers and judges; acts concerning state roads; acts appropriating and raising revenue for the operation of the state government; and acts concerning the support of a state university.

This was just a small part of the agenda of that First General Assembly plus other assorted measures that are part of the work load of a General Assembly.

Times do not change, these same issues are again before us, often in a different form, but just as difficult. Don Avenson has demonstrated his leadership in the past as an assistant leader, minority leader and Speaker. He has worked with different coalitions to find solutions to the problems of our state. Like Theodore Roosevelt and Harry Truman, you know where he stands, and he has the political courage to take a position on controversial issues. This is in the spirit of the framers of our nation and state constitutions. This is especially apropos in this bicentennial period of our United States Constitution. I believe that Jesse E. Browne and the members of that First General Assembly would be proud of Avenson and the members of this body. This will be the first time in the history of this state, if this House so desires, that we will elect the same individual as Speaker of the Iowa House for three consecutive terms, joining Representative William Harbor as the only other person to serve as Speaker in three different General Assemblies. Only in America could a son of Croatia immigrants have the honor of nominating as Speaker of the Iowa House of Representatives a person of Scandinavian ancestry. So again, fellow members, I nominate Donald Avenson of Fayette County as Speaker of the greatest body in the world, the Iowa House of Representatives.

**Arnould of Scott** seconded the nomination of Donald D. Avenson for Speaker of the House, preceded by the following remarks:

**Mr. Speaker, Ladies and Gentlemen of the House and Guests:**

I am honored, today, to have this opportunity to second the nomination of the gentleman from Fayette, the Honorable Donald Dean Avenson to serve as Speaker of the House of Representatives for the Seventy-second General Assembly.

During the fourteen years that Don has been a member of the House of Representatives, he has been selected by his colleagues to serve in leadership during all but

his first two years. As Speaker for the last four years, Don has led by ensuring that policies and issues developed by this legislature became the policies and laws of this state. As we begin this the seventy-second meeting of an Iowa General Assembly, it is impossible to believe that anyone has worked harder or with more determination to elevate the Legislative Branch of government into the leadership role it plays today.

You new members will quickly learn that when the leaders and policy makers in this state need assistance, they have learned that the House of Representatives and it's leaders will be open to new ideas and will give a fair hearing to anyone who comes to us with legitimate concerns. I renew that pledge to all Iowans who have new ideas or concerns.

When I entered this chamber for the first time as a member, Don Avenson was already "up to speed" and he hasn't slowed down yet. What I saw in Don was a man who wanted to help people. What I have seen develop is a leader with a vision for a better Iowa and an agenda to carry the people of this state into the next decade and beyond. But, just as important, I have seen the Speaker as an honest and fair leader whose mind is open to change and new ideas — who, today, has as clear an understanding of the diverse needs of his colleagues and of this state as anyone serving in public office.

It is for these reasons that we should be proud of the part we play today when we elect Don Avenson to a historic, third consecutive term as Speaker of the House of Representatives.

I move, Mr. Speaker, and Ladies and Gentlemen of the House to second the nomination of Representative Don Avenson as Speaker of the House.

Stromer of Hancock seconded the nomination of Donald D. Avenson for Speaker of the House, preceded by the following remarks:

Mr. Speaker, Ladies and Gentlemen: I rise to second the nomination of Donald D. Avenson of Fayette County as Speaker of the House for the Seventy-second General Assembly.

I look forward to this session as one of opportunity for Iowa, opportunity that will only be accomplished with a sincere and dedicated effort by all the branches of the government and both political parties. I'm sure each of us have agendas to help Iowa move forward — agendas that deserve a fair hearing by this body. You, Mr. Avenson, will have the opportunity to develop those agendas based on one major criteria, "What is in the best interests of all Iowans?" Mr. Avenson, if you will have the patience and the wisdom to listen to everyone's priorities, I will again extend the "olive branch." I hope that you will not prune it to a short stick.

Mr. Speaker, it is with a great deal of bipartisan anticipation that I second the nomination of Mr. Avenson as Speaker of the House.

I move that the Chief Clerk be authorized to cast the votes of all the members of the House of Representatives of the Seventy-second General Assembly for the Honorable Donald D. Avenson as Speaker.

In accordance with the foregoing motion, the Acting Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable Donald D. Avenson as Speaker of the House of

Representatives of the Seventy-second General Assembly. The Honorable Donald D. Avenson of Fayette County, having received all of the votes cast for the office of Speaker of the House of Representatives of the Seventy-second General Assembly, was declared duly elected to that office.

Harper of Black Hawk moved that a committee of two be appointed to escort the Speaker to the chair.

The motion prevailed and the following committee was named: Harper of Black Hawk and Platt of Muscatine.

### PRESENTATION OF SPEAKER

The Honorable Donald D. Avenson was escorted to the Speaker's station and, having been sworn, assumed the chair. Temporary Speaker Poncy presented Speaker Avenson with the gavel and congratulated him on his unanimous election.

Speaker Avenson thanked the House for the honor bestowed upon him and offered the following remarks:

Thank you once again for the privilege of serving as your Speaker. I am honored to preside over this House of Representatives and I pledge to do so fairly and respectfully.

Like all beginnings, opening day of a legislative session is always special to me. It is good to see you again and to sense the anticipation of the months ahead. As a strong believer in this legislative process, I want to thank all of you for involving yourselves in Iowa government, for the personal sacrifices you make to represent those 29,000 people back home.

I want to extend my warm welcome to this year's freshman class. You're probably wondering what you've gotten yourselves into — difficult issues, strange procedures, public scrutiny, time away from your friends and families. All of those things are true. But you have also just become a part of a very large legislative family. And like every family, we bicker and argue amongst ourselves from time-to-time, but as family we also establish close relationships based on mutual respect.

I know you will find this experience stimulating and rewarding. Your class has varied and exceptional talents, and I pledge my help in giving you every chance to contribute those talents from this day forward.

I have now completed fourteen years in the Iowa House of Representatives. They have been fourteen extraordinary and wonderful years. So much has changed since 1972. I can remember back when Bob Ray had hair — and Lowell Junkins didn't. I remember carrying my 3-year old son Clay in the 4th of July parade during my first campaign for office. Now he's an all-conference football player who will graduate from high school this May.

Iowa has changed, too. Fourteen years ago, we had 22,000 more farms. We had a third more students in our school systems — that's 160,000 more students. Farm-land values had risen 15% over 1971; they were down 17% last year.

In 1972, we marketed 3.7 million Iowa-fed cattle; now, we're at half that number. Metropolitan residential construction was double what it was last year. Per capita income was five percent above the national average; last year it was five percent below. We had fifty percent more workers manufacturing farm machinery and equipment. And our population was younger — now only two states in the nation have a higher percentage of elderly than Iowa, thanks to the exodus of young Iowans to better economic climates.

The last five years in particular have tested the strength and character of Iowans. We have witnessed a period of transition like no other in fifty years. Vacant houses, farm sales, bank closings and empty storefronts have been an all-too-common part of the Iowa scene.

We have struggled as a people — and as a Legislature — to build back the pieces of a fallen Iowa, to make things the way they used to be, hoping and trusting that we could recreate that former time.

But now we must realize that going back is no longer possible. We have not seen a mere deviation in course — we have witnessed fundamental change. The loss of 60 percent of our agricultural wealth and the resulting ripples through our state economy has had a profound effect on the way we live. No, the Iowa of the eighties and nineties can never be the Iowa of the sixties and seventies.

I believe among Iowans there is already a quiet recognition and acceptance of this change. I sense that people now want to look at what we have in place, the resources still at our command. And to look at them in the harsh light of this new reality. They are not looking for big and shiny and new. Instead, they want to stretch our assets to make what we have better, to do what we do better.

It is evidenced by the Farm Bureau member who is concerned about farm chemical pollution of our groundwater. By the educator who thinks classrooms and teaching assignments can be changed to make schools more efficient. By the pork producer who wants Iowa to take the lead in laser technology so his kids will have opportunities in this state.

As legislators, we must accept the new realities of Iowa in the year 1987. We must see Iowa as our constituents already do — and tailor our approaches to that vision.

We must summon the courage to challenge old assumptions, as difficult as that might be. Does the school aid formula that served us well in 1972, provide the support necessary for an education system with 25 percent fewer students, but only five percent fewer school districts? Can we continue to follow a road use tax formula which allows us to pave roads from nowhere to nowhere in some counties while allowing roads to crumble in others? Should we continue to give tax money to counties based upon where cattle were raised in 1972? Does the private ownership of farmland and the need to make a profit allow us the right to pollute the public water supply?

In planning the new Iowa, let's look at new uses for our cash crops and encourage the production of alternative crops. Let's see how the new technologies of satellites and lasers and fiber optics can help maintain educational excellence into the next century. And let's assure that Iowa does not become the first in the nation in providing menial labor, replacing lost opportunity and lost employment with jobs which don't use the abundant skills of our people.

All the people say these are the problems this Legislature has to solve. I prefer to say these are the problems this Legislature gets to solve.

The Legislature has always been the people's branch of government — the most accessible, the most responsive, the most diverse, the most creative of the three branches. It is here that the voices of the factory worker, the teacher, the farmer and the businessperson are heard daily, because we are the factory workers, the teachers, the farmers and the businesspeople.

But only in recent years have we established ourselves as an independent, co-equal branch of government by acquiring the tools for leadership — capable support staffs, modern technologies, meaningful oversight of the state budget, and development of our legislative agenda of programs and policies.

We stand prepared to tackle any issue. Our power as a body is virtually unlimited. Our challenge is to use that power — forcefully and wisely.

We will need strong leadership from our floor leaders. Del, when I came to the House fourteen years ago, you already had six years of experience. Since then, we've praised each other, we've cursed each other and agonized over dozens of tough decisions together. Each year we promise our cooperation and good will, and yet we have never achieved the political partnership which could take this body to new levels of excellence. Now is our chance to do that. Del, you helped put in place a revolutionary formula which has made Iowa the nation's best in education for fourteen years. Now, we need your personal expertise to assure quality in our schools into the next century, and I ask for your help.

Bob, You represent a new generation of legislators who are hungry to lead, who see the opportunities which this process offers. Reach out and grab those opportunities. Take whatever risks are necessary. Work hard. No one is going to make you lead, and no one is going to prevent you from leading. Choose your course and pursue it with the drive and determination you have already demonstrated, and you will do well.

We need strong leadership from our committee chairs and committee members. There, working together, you can craft the vast majority of our work product before it can be warped by partisan caucuses and other less important considerations. I know that you will.

There's a beautiful event that happens in nature in February every year. It's the sound of the cardinal singing high up in the oak trees. When you hear it, you sense that change is about to come. That, though there is still some hard weather ahead, and hard months ahead, the promise of spring is almost within reach.

I believe change in Iowa is almost here. We have been through a hard economic winter, and though there are still tough times in the months ahead, the opportunity for stability and renewal is fast approaching. We must be ready when it comes.

We have a solid base of enduring resources from which to build this new Iowa — our productive workers, our educated populace, our good soil, pure water and clean air. Those things haven't changed over the last fourteen years and, with our stewardship, they won't. Let's use them to make an Iowa that is not merely the best in the nation, but an Iowa that is far and away the best in the nation. I know we can do it.

Thank you and good luck this session.

### PERMANENT CHIEF CLERK

Chapman of Linn moved that Joseph O'Hern be elected permanent Chief Clerk of the House.

The motion prevailed and Joseph O'Hern was declared elected permanent Chief Clerk.

### COMMITTEE TO NOTIFY THE GOVERNOR

Halvorson of Webster moved that a committee of three be appointed to notify the Governor that the House was duly organized and ready to receive any communication that he may desire to transmit.

The motion prevailed and the following committee was appointed: Halvorson of Webster, Chair; Neuhauser of Johnson and Branstad of Winnebago.

### COMMITTEE TO NOTIFY THE SENATE

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

The motion prevailed and the following committee was appointed: Knapp of Dubuque, Chair; Schrader of Marion and Plasier of Sioux.

### ADOPTION OF HOUSE CONCURRENT RESOLUTION 1

Arnould of Scott asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

- 1 House Concurrent Resolution 1
- 2 By Arnould and Stromer
- 3 *Be It Resolved by the House of Representatives, the*
- 4 *Senate Concurring,* That a joint convention of the two
- 5 houses of the 1987 session of the Seventy-second
- 6 General Assembly be held on Monday, January 12, 1987,
- 7 at 1:30 p.m.; and
- 8 *Be It Further Resolved,* That at this joint convention
- 9 the votes for Governor and Lieutenant Governor be canvassed
- 10 and the results announced and recorded as provided by law.
- 11 *Be It Further Resolved,* That Governor Terry E. Branstad
- 12 be invited to deliver his state of the state message at a
- 13 joint convention of the two houses of the General Assembly
- 14 on January 13, 1987, at 10:00 a.m., and that the Speaker
- 15 of the House and the President of the Senate be designated
- 16 to extend the invitation to him.

The motion prevailed and the resolution was adopted.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 2

Arnould of Scott asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 2
- 2 By Arnould and Stromer
- 3 *Be It Resolved by the House of Representatives, the*
- 4 *Senate Concurring,* That a joint convention of the two
- 5 houses of the 1987 Session of the Seventy-second General
- 6 Assembly be held on Tuesday, January 20, 1987, at
- 7 10:00 a.m.; and
- 8 *Be It Further Resolved,* That Chief Justice of the
- 9 Supreme Court W. Ward Reynoldson be invited to present
- 10 his message of the condition of the judicial department
- 11 at this convention, and recommend such matters as the
- 12 Chief Justice deems expedient, pursuant to section
- 13 602.1207 of the Code.

The motion prevailed and the resolution was adopted.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 3

Arnould of Scott asked and received unanimous consent for the immediate consideration of the following resolution and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 3
- 2 By Arnould and Stromer
- 3 *Be It Resolved by the House of Representatives, the*
- 4 *Senate Concurring,* That a joint convention of the two
- 5 houses of the 1987 session of the Seventy-second General
- 6 Assembly be held on Thursday, January 22, 1987, at
- 7 10:00 a.m.; and
- 8 *Be It Further Resolved,* That Governor Terry E. Branstad
- 9 be invited to deliver his budget message at this joint
- 10 convention of the two houses of the General Assembly, and
- 11 that the Speaker of the House and the President of the
- 12 Senate be designated to deliver the invitation to him.

The motion prevailed and the resolution was adopted.

## IMMEDIATE MESSAGES

(House Concurrent Resolutions 1, 2 and 3)

Arnould of Scott asked and received unanimous consent to immediately message House Concurrent Resolutions 1, 2 and 3 to the Senate.

## ELECTION OF SPEAKER PRO TEMPORE

Jochum of Dubuque placed in nomination the Honorable John H. Connors as candidate for Speaker pro tempore of the House of

**Representatives of the Seventy-second General Assembly, preceding his nomination with the following remarks:**

**Mr. Speaker, Ladies and Gentlemen:**

John Connors would be a leader in this House whether he had a title or not. He's been chosen by his caucus and today will be confirmed by this body — not just because the Democratic caucus chose him but because of the qualities he has to offer.

John has spent his life championing causes for those who seek justice — working people have not a better friend; for those who are mistreated and abused — there is no stronger advocate.

To those who disagree with him — you have a worthy adversary, but a fair and reasonable adversary.

John Connors is also the type of leader who cares deeply about the members of this House of Representatives. To him, we are a part of his family, and as one who has known him for twelve years, his family comes first. Any member of this body can take John into his confidence. He is an advisor, a confidant, a leader and a friend.

It is indeed an honor to nominate for our Speaker pro-tempore, John Connors.

**Johnson of Winneshiek seconded the nomination of Mr. Connors as Speaker pro tempore of the House of Representatives, preceding his nomination with the following remarks:**

**Mr. Speaker:**

I wish to second the nomination of John Connors of Polk County for the office of Speaker pro tempore.

I know of no person in this assembly who more faithfully represents the ideals of this Assembly than John Connors.

And no person here does a better job of bringing together the one hundred individuals who make up this Assembly — and now and then we have to come together.

To those of you who are new here, I urge you to stop by and talk to John. He will become your friend.

Simply by John Connors being here, he makes this a more decent place. Through his re-election as Speaker pro tempore we will be gaining that decency, honesty and fairness which are what we all choose.

I consider it an honor to second the nomination of my friend, John Connors for Speaker pro tempore of the Seventy-second General Assembly.

**Carpenter of Polk seconded the nomination of Mr. Connors, preceding the nomination with the following remarks:**

**Mr. Speaker:**

Representative Connors brings a distinctive and effective leadership style to the position of Speaker pro tempore. Especially in time of stress, he has the ability to preside over the Iowa House of Representatives with skill and he can help us complete

business with decorum and speed, if necessary. He has depth of knowledge concerning the rules and traditions of the Iowa House of Representatives. Although his diligence in maintaining order has, on rare occasions, resulted in the destruction of gavels, I know we can depend on his even-handed fairness from the chair. I hope, and I know John Connors hopes, that all members of the Iowa House will be respectful and courteous to one another so violent actions from the Speaker's chair will be unnecessary. I am honored to second the nomination of John Connors.

I move that the Chief Clerk be authorized to cast the votes of all the members of the House of Representatives of the Seventy-second General Assembly for the Honorable John Connors as Speaker pro tempore.

In accordance with the foregoing motion, the Chief Clerk cast the votes of all the members of the House of Representatives for the Honorable John H. Connors as Speaker pro tempore of the House of Representatives of the Seventy-second General Assembly. The Honorable John H. Connors of Polk County, having received all of the votes cast for the office of Speaker pro tempore of the House of Representatives of the Seventy-second General Assembly, was declared duly elected to that office.

Buhr of Polk moved that a committee of two be appointed to escort the Speaker pro tempore to the chair.

The motion prevailed and the following committee was appointed: Buhr of Polk and Corey of Louisa.

Mr. Connors was escorted to the Speaker's station and, being duly sworn, offered the following remarks:

Mr. Speaker, Ladies and Gentlemen of the House — my brothers and sisters:

First of all, I want to thank my friends Tom Jochum, Paul Johnson and Dottie Carpenter for their kind words. I am sorry my folks were not here to hear them; my Dad would have enjoyed them and my Mother would have believed them. I also want to thank my friends Florence Buhr and Virgil Corey for escorting me.

Today, once again, I am privileged to thank you for giving me the high honor of electing me as our Speaker pro tempore.

It is a special honor this year, as it is the first time in our history that the Speaker, Minority leader, and Speaker pro tempore have been elected for three successive terms.

I talked to Mr. Avenson and he and I will do everything in our power to see that this continues for years and years.

This morning, our Speaker has mentioned changes that have taken place the last fourteen years and has set some goals for a new Iowa. It is a strong agenda to deal with the problems facing the people of our state. We will also be getting advice and direction from many other sources; but we must be careful that it is not good advice with bad direction. Bob Zuppke coaches at the University of Illinois. They were playing at Notre Dame and were behind at the end of the first half. Zuppke was the greatest orator and half-time motivator — even better than Knute Rockne of Notre Dame.

The Illinois team came into the dressing room through that door from the football field. Coach Zuppke gave a rousing, inspiring speech to his players, then said, "Now get up, go out that door, overtake the Irish, and win this game."

To a man, they rose to their feet, tears in their eyes, and — shouting — they ran through that door — — into the swimming pool!!

Good advice — but the wrong direction.

Everyone who achieves stardom in business, politics, or a profession is indebted to someone who did the blocking for them. We rise to positions of eminence partly because of competence and hard work and partly because of someone who sacrificially helped us to clear the way.

Whenever we consider our lives through a rearview mirror, we can see a collection of men and women whose influence and encouragement enabled us to surmount difficulties and to achieve our goals.

I again want to express my sincere appreciation and love to my family and friends — those who know me best — for their encouragement and support through the years that enables me to be here today.

I promise you that I will again do everything humanly possible to support and aid our Speaker, so that he will have another successful administration — and that I will faithfully serve you to the best of my ability.

You have made me very happy again today....I pray that my family and friends, both on earth — and with God — can feel, it, too.

May God continue to guide me and bless you.

Thank you.

### 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 communications that the House might desire to transmit.

#### REPORT OF COMMITTEE TO NOTIFY GOVERNOR

Halvorson of Webster, 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.

#### REPORT OF COMMITTEE TO NOTIFY THE SENATE

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

The report was accepted and the committee discharged.

### SPECIAL ORDER

Arnould of Scott moved that the assignment of seats to the members of the House be made a special order for this afternoon immediately following the recess of the Joint Convention.

The motion prevailed.

### SPECIAL PRESENTATION

Stromer of Hancock presented to the House the Honorable Charles Grassley, United States Senator from Iowa and former member of the Iowa House of Representatives.

### ADOPTION OF HOUSE RESOLUTION 1

Chapman of Linn asked and received unanimous consent for the immediate consideration of House Resolution 1 as follows and moved its adoption:

1                                   HOUSE RESOLUTION 1  
 2                                   By Chapman  
 3     *Be It Resolved by the House of Representatives, That*  
 4 each member of the House of Representatives shall be entitled  
 5 to select and appoint a secretary, and such secretary may  
 6 be called upon to aid in the discharge of the clerical work  
 7 of the House of Representatives. Only expert typists and  
 8 stenographers will be considered qualified. The Speaker  
 9 and Chief Clerk shall appoint their secretaries and pages  
 10 to serve for the session, and the Chief Clerk is hereby  
 11 authorized to employ such additional clerical assistance as  
 12 his duties may require.

The motion prevailed and the resolution was adopted.

### ADOPTION OF TEMPORARY RULES OF THE HOUSE

Chapman of Linn moved that the permanent rules of the House of the Seventy-first General Assembly be the temporary rules of the House of the Seventy-second General Assembly.

The motion prevailed.

### COMMITTEE ON MILEAGE

Beatty of Warren moved that a committee of three be appointed to determine the mileage due each member and report the same to the House.

The motion prevailed and the following committee was appointed: Beatty of Warren, Fuller of Hardin and Eddie of Buena Vista.

## REPORT OF COMMITTEE ON MILEAGE

Mr. Speaker: Your committee appointed to determine the mileage each member is entitled to begs leave to submit the following report:

Name	Round Trip Miles
Janet L. Adams	170
Robert C. Arnould	350
Donald D. Avenson	320
M. W. Jack Beaman	104
Linda L. Beatty	36
Wayne D. Bennett	300
Anthony F. Bisignano	NONE
Dennis H. Black	104
Eugene H. Blanshan	140
Philip E. Brammer	270
Clifford O. Branstad	260
Florence D. Buhr	NONE
Dorothy F. Carpenter	NONE
Kathleen H. Chapman	268
Betty J. Clark	228
Dennis M. Cohoon	320
Michael W. Connolly	410
John H. Connors	NONE
James J. Cooper	120
Ron J. Corbett	256
Virgil E. Corey	302
Horace C. Daggett	192
Kenneth De Groot	508
Marvin E. Diemer	220
Minnette F. Doderer	240
Robert E. Dvorsky	224
Russell J. Eddie	320
Thomas H. Fey	350
Daniel P. Fogarty	316
Robert D. Fuller	150
Teresa A. Garman	68
John D. Groninga	240
K. Josephine Gruhn	424
Rodney N. Halvorson	190
Roger A. Halvorson	436
Johnie W. Hammond	74
Steven D. Hansen	426
Darrell R. Hanson	322
William H. Harbor	258
Patricia M. Harper	240
Jack Hatch	NONE
Mark A. Haverland	28
Donald F. Hermann	356
Joan L. Hester	250
John K. (Jack) Holveck, Jr.	NONE
P. Kyle Hummel	250

Daniel J. Jay	190
Thomas J. Jochum	410
Paul W. Johnson	404
Donald J. Knapp	358
Dionysius A. Koenigs	324
Joseph M. Kremer	250
Raymond A. Lageschulte	276
Mary A. Lundby	272
E. Ruhl Maulsby	232
Dennis J. May	280
Andrew J. McKean	314
Wayne H. McKinney, Jr.	35
Janet S. Metcalf	NONE
Thomas H. Miller	350
Louis J. Muhlbauer	220
Sue B. Mullins	240
Mary C. Neuhauser	224
Clyde L. Norrgard	316
C. Arthur Ollie	400
David E. Osterberg	278
Edward G. Parker	60
Donald J. Paulin	440
Emil S. Pavich	280
Wendell C. Pellett	166
Michael R. Peters	424
Daniel F. Petersen	314
Michael K. Peterson	190
Leroy J. Plasier	470
Donald R. Platt	324
Charles N. Poncy	180
Dennis L. Renaud	NONE
Robert H. Renken	204
Ralph Rosenberg	70
Bill D. Royer	280
Richard V. Running	260
Hugo A. Schneklath	360
David F. Schrader	62
Gary C. Sherzan	NONE
Donald W. Shoning	406
Donald L. Shoultz	220
J. Brent Siegrist	260
Robert J. Skow	120
Clay R. Spear	330
Delwyn D. Stromer	226
Victor G. Stueland	360
E. Jane Svoboda	180
Thomas E. Swartz	102
George R. Swearingen	172
David M. Tabor	357
Laura Jane Teaford	220
Phillip E. Tyrrell	200

Michael J. Van Camp .....	330
Harold G. Van Maanen .....	114
Philip L. Wise .....	380

Respectfully submitted,  
 LINDA L. BEATTY, Chair  
 RUSSELL J. EDDIE  
 ROBERT D. FULLER

**RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend the rules for a meeting of the rules and administration committee today.

On motion by Arnould of Scott, the House was recessed at 11:08 a.m., until 1:15 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker Avenson in the chair.

**COMMITTEE TO NOTIFY THE SENATE**

Black of Jasper 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: Black of Jasper, Chair; Bisignano of Polk and Van Camp of Scott.

**EMPLOYEES OF THE HOUSE**

Chapman of Linn moved that the House rules and administration committee recommendations regarding employees of the House be accepted and that those named employees be elected as employees of the House.

The motion prevailed and the following named persons were duly elected.

**EMPLOYEES OF THE HOUSE**

- Elizabeth A. Isaacson—Assistant Chief Clerk
- Dan Dudley—Legal Counsel II
- Catherine A. Sears—Executive Secretary to Speaker
- Mark W. Brandsgard—Leader's Administrative Assistant
- William C. Maloney—Leader's Administrative Assistant
- Sharon R. Robinson—Caucus Staff Director
- Kathi Woods—Executive Secretary to Caucus
- Edward J. Conlow—Research Analyst
- Tim Dunbar—Research Analyst

Mary O'Connor Fleckenstein—Research Analyst  
 Jim O'Brien—Research Analyst  
 Thomas R. Patterson—Research Analyst  
 Allen Welsh—Research Analyst  
 David Werning—Research Analyst  
 Gary Steinke—Caucus Staff Director  
 Colleen Dillon—Executive Secretary to Caucus  
 Gina Angelici—Research Analyst  
 Bruce Brandt—Research Analyst  
 Stu Hadley—Research Analyst  
 Stephen Moore—Research Analyst  
 Margaret Thomson—Research Analyst  
 Maryjo Welch—Research Analyst  
 Deanna J. Templeton—Executive Secretary to Chief Clerk  
 Susan Bruckshaw—Clerk to Chief Clerk  
 Virginia A. Rowen—Supervisor of Secretaries  
 Joanne Wengert—Supply Clerk  
 Vivian M. Anders—Assistant Journal Editor  
 Carol S. Edwards—Assistant Journal Editor  
 C. Elaine Schoonover—Compositor  
 Billie Jean Walling—Finance Officer  
 Debra K. Rex—Assistant Finance Officer  
 Laura J. Ward—Recording Clerk  
 Pauline E. Kephart—Assistant to the Legal Counsel and Engrossing/Enrolling Clerk  
 E. Jane Fowler—Assistant Legal Counsel  
 Peter Dubec—Assistant to Legal Counsel  
 Juanita F. Swackhammer—Chief Indexer  
 Wilma F. Zika—Indexing Assistant  
 Virginia Semple—Switchboard Operator  
 Madeline James—Switchboard Operator  
 Joann B. Quade—Bill Clerk  
 Max D. Perdue—Postmaster  
 Roseanne McCarger—Sergeant-at-Arms  
 Jim Cunningham—Assistant Sergeant-at-Arms  
 Arthur Borwick—Doorkeeper  
 Dwight Dugan—Doorkeeper  
 Alfred Edwards—Doorkeeper  
 Marvin Hollingshead—Doorkeeper  
 Anthony King—Doorkeeper  
 John Quinn—Doorkeeper

## PAGES GROUP I

Todd Kolbe—Speaker's Page	Jacqueline Church
Janelle Rohlena—Chief Clerk's Page	Kyle Drefke
Amy Blouin	Christopher Ellis
Cindy Boland	Jill Hemphill
Keith Bonnstetter	Michael Malloy
Paul Bukta	Nancy Maroushek
Dulcey Caltrider	Wendy Ogier
David Caraway	Stephanie Powell

Kristen Schantz  
 Sarah Stotts  
 Julie Taiber

Lisa Waldon  
 Owen Winder  
 Valerie Young

#### GROUP II

Robb Anderson  
 Lori Baldwin  
 Paula Bloemendaal  
 Susan Choate  
 Patricia Groven  
 Dawn Hansen  
 Mindy Mathews  
 Natalie Neill

Amy Peterson  
 David Quirk  
 Amy Ruth  
 Kristi Santi  
 Susan Sears  
 Teresa Tasler  
 Kelley Workman  
 Renee Wurzer

#### INTRODUCTION OF BILLS

**House File 1**, by Cooper, a bill for an act to limit free park user permits to one per household and to take effect upon enactment.

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

**House File 2**, by Renken, a bill for an act permitting a board of directors of a school district to begin school before September 1.

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

**House File 3**, by Fogarty, a bill for an act relating to training requirements for reserve peace officers.

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

**House File 4**, by Rosenberg, a bill for an act to provide a refund of contributions made to the Iowa old age and survivors' insurance system for certain members of the Iowa public employees' retirement system.

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

**House File 5**, by Schneklath, a bill for an act to increase the capitalization rate from seven to nine percent in valuing agricultural land for property tax purposes and providing an effective date.

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

**House File 6**, by Shoning, a bill for an act relating to the installation of seat belts and safety harnesses.

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

**House File 7**, by Clark, a bill for an act requiring character education be taught in grade kindergarten through grade six and providing an effective date.

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

**House File 8**, by Cooper and Van Maanen, a bill for an act to require certain coal-fired electrical generating plants to burn a mixture of Iowa-mined coal.

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

**House File 9**, by Rosenberg, a bill for an act relating to the exemption of the sales of agricultural machinery and equipment used in research and development from the state sales, services, and use tax.

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

**House File 10**, by Gruhn, a bill for an act relating to the appointment of and fees received by probate referees.

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

The House stood at ease at 1:28 p.m., until the fall of the gavel.

The House resumed session at 1:39 p.m., Speaker Avenson in the chair.

#### REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Black of Jasper, 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 and the concurrent resolution duly adopted, the joint convention was called to order at 1:42 p.m., President Anderson presiding.

Senator Hutchins of Audubon 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 Anderson announced a quorum present and the joint convention duly organized.

President Anderson announced that the time had arrived for the canvass of votes for the offices of Governor and Lieutenant Governor at the General Election held on November 4, 1986, and announced as teller, on the part of the Senate, Senator Husak of Tama, and assistant tellers Senators Gronstal of Pottawattamie and Nystrom of Boone and as teller, on the part of the House, Representative Jochum of Dubuque, and assistant tellers Representative Doderer of Johnson and Royer of Page.

President Anderson further announced that, in accordance with statute, the six tellers just named would constitute the judges of said canvass.

The returns were opened in the presence of the joint convention and the tellers then proceeded to canvass the vote for Governor and Lieutenant Governor of the State of Iowa, cast at the General Election held on November 4, 1986.

Representative Arnould of Scott moved that the joint convention recess until 9:45 a.m., Tuesday, January 13, 1987.

The motion prevailed and the joint convention was recessed at 2:12 p.m.

The House reconvened at 2:14 p.m., Speaker Avenson in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Daggett of Adams on request of Stromer of Hancock; Muhlbauer of Crawford, for an indefinite period, on request of Arnould of Scott.

## SPECIAL ORDER

The hour for the special order having arrived, the members were requested to vacate their seats.

The drawing of seats was as follows:

1. Speaker of the House Avenson—floor seat.
2. Speaker pro tempore Connors
3. Majority Floor Leader Arnould
4. Minority Floor Leader Stromer
5. Assistant Floor Leaders—
6. Members with defective sight, hearing and physical disability.
7. Drawing by seniority:
  - a. Former Speaker
  - b. Returning members, by seniority
  - c. New members

The drawing of seats proceeded with the following results:

Name	Seat No.	Name	Seat No.
Janet Adams	80	John Groninga	88
Robert C. Arnould	100	Josephine Gruhn	39
Donald D. Avenson	14	Rod Halvorson	83
Jack Beaman	27	Roger A. Halvorson	92
Linda L. Beatty	17	Johnie Hammond	30
Wayne Bennett	63	Steve D. Hansen	73
Tony Bisignano	20	Darrell R. Hanson	10
Dennis H. Black	3	William H. Harbor	94
Gene Blanshan	54	Patricia Harper	50
Phil Brammer	70	Jack Hatch	79
Clifford O. Branstad	25	Mark A. Haverland	26
Florence D. Buhr	65	Donald F. Hermann	87
Dorothy F. Carpenter	95	Joan L. Hester	9
Kay Chapman	55	Jack Holveck	28
Betty Jean Clark	34	Kyle Hummel	82
Dennis M. Cohoon	75	Daniel J. Jay	69
Mike Connolly	85	Thomas J. Jochum	90
John H. Connors	84	Paul W. Johnson	51
James J. Cooper	15	Don Knapp	47
Ron J. Corbett	40	Deo Koenigs	1
Virgil E. Corey	44	Joseph M. Kremer	4
Horace Daggett	45	Raymond Lageschulte	31
Kenneth De Groot	32	Mary A. Lundby	29
Marvin E. Diemer	6	Ruhl Maulsby	97
Minnette Doderer	98	Dennis May	49
Robert E. Dvorsky	78	Andy McKean	43
Russell J. Eddie	37	Wayne McKinney, Jr.	74
Tom Fey	68	Janet Metcalf	8
Daniel P. Fogarty	7	Tom H. Miller	13
Robert D. Fuller	22	Louis J. Muhlbauer	91
Teresa Garman	36	Sue Mullins	86

Name	Seat No.	Name	Seat No.
Mary C. Neuhauser	38	Hugo Schnekloth	81
Clyde L. Norrgard	76	David Schrader	77
C. Arthur Ollie	24	Gary Sherzan	48
David Osterberg	41	Don Shoning	19
Edward G. Parker	58	Don Shoultz	71
Donald J. Paulin	62	J. Brent Siegrist	21
Emil S. Pavich	96	Bob Skow	5
Wendell C. Pellett	33	Clay Spear	53
Mike Peters	16	Delwyn Stromer	99
Dan Petersen	61	Vic Stueland	35
Michael K. Peterson	23	Jane Svoboda	72
Leroy J. Plasier	11	Tom Swartz	46
Donald R. Platt	57	George R. Swearingen	93
Charles N. Poncey	66	David Tabor	56
Dennis L. Renaud	60	Jane Teaford	52
Bob Renken	12	Phil Tyrrell	2
Ralph Rosenberg	67	Mike Van Camp	59
Bill Royer	42	Harold Van Maanen	89
Richard V. Running	64	Philip Wise	18

Arnould of Scott moved that the assignment of seats be accepted as listed.

The motion prevailed.

### STANDING COMMITTEES APPOINTED

The Speaker announced the following appointments to the standing committees of the House:

#### AGRICULTURE—22 Members

Osterberg, Chair	De Groot	Kremer	Petersen, D. F.
Gruhn*	Eddie	May	Skow
Pellett**	Fogarty	McKinney	Stueland
Bennett	Hatch	Muhlbauer	Svoboda
Branstad	Johnson	Norrgard	Van Maanen
Cooper	Koenigs		

#### APPROPRIATIONS—22 Members

Jochum, Chair	Halvorson, R. A.	Knapp	Poncey
Peterson, M. K.*	Halvorson, R. N.	Maulsby	Running
Van Maanen**	Harbor	McKean	Schrader
Blanshan	Hatch	McKinney	Stueland
Branstad	Hummel	Mullins	Swartz
Buhr	Jay		

\* Vice-Chair

\*\*Ranking Member

## ECONOMIC DEVELOPMENT—26 Members

Connolly, Chair	Dvorsky	Lundby	Running
Parker*	Fey	Metcalf	Skow
Hanson, D. R.**	Groninga	Miller	Svoboda
Beaman	Halvorson, R. N.	Neuhauser	Tyrrell
Bennett	Hermann	Ollie	Van Camp
Cohoon	Hummel	Pavich	Wise
Corbett	Jochum		

## EDUCATION—26 Members

Ollie, Chair	Connolly	Maulsby	Siegrist
Shoultz*	Corbett	McKean	Spear
Daggett**	Corey	Miller	Swartz
Adams	Harper	Neuhauser	Tabor
Beaman	Haverland	Plasier	Teaford
Black	Hester	Schrader	Wise
Cohoon	Lageschulte		

## ENERGY AND ENVIRONMENTAL PROTECTION—24 Members

Rosenberg, Chair	Fuller	May	Schrader
Johnson*	Garman	McKean	Shoultz
Mullins**	Harper	Norrgard	Stueland
Adams	Hatch	Osterberg	Svoboda
Diemer	Holveck	Paulin	Swearingen
Dvorsky	Lundby	Petersen, D. F.	Van Camp

## HUMAN RESOURCES—21 Members

Fey, Chair	Connors	Haverland	Norrgard
Teaford*	Corey	Hermann	Peters
Clark**	Eddie	Hester	Plasier
Adams	Hammond	Miller	Spear
Bisignano	Harper	Mullins	Swearingen
Buhr			

## JUDICIARY AND LAW ENFORCEMENT—26 Members

Jay, Chair	Doderer	Lageschulte	Rosenberg
McKinney*	Hammond	Paulin	Schnekloth
Halvorson, R. A.**	Hansen, S. D.	Peterson, M. K.	Sherzan
Brammer	Harbor	Plasier	Shoning
Carpenter	Haverland	Poncy	Siegrist
Chapman	Knapp	Renaud	Tabor
Clark	Kremer		

## LABOR AND INDUSTRIAL RELATIONS—19 Members

Sherzan, Chair	Buhr	Hermann	Peters
Running*	Connors	Hester	Schnekloth
Corey**	Eddie	Jochum	Tyrrell
Bisignano	Halvorson, R. N.	Metcalf	Van Maanen
Brammer	Hansen, S. D.	Ollie	

\* Vice-Chair

\*\*Ranking Member

## LOCAL GOVERNMENT—19 Members

Cooper, Chair	Black	Fuller	Petersen, D. F.
Hatch*	Connors	Hester	Platt
Royer**	Daggett	Muhlbauer	Renken
Beatty	Diemer	Norrgard	Spear
Bisignano	Eddie	Peters	

## NATURAL RESOURCES AND OUTDOOR RECREATION—19 Members

Black, Chair	Dvorsky	Knapp	Pony
Schrader*	Fogarty	Koenigs	Royer
Diemer**	Fuller	Paulin	Stueland
Branstad	Gruhn	Pellett	Tyrrell
Cooper	Johnson	Platt	

## RULES AND ADMINISTRATION—15 Members

Chapman, Chair	Carpenter	Hansen, S. D.	Stromer
Connors*	Doderer	Harbor	Swartz
Kremer**	Fey	Petersen, D. F.	Swearingen
Blanshan	Halvorson, R. N.	Running	

## SMALL BUSINESS AND COMMERCE—26 Members

Swartz, Chair	Garman	Holveck	Parker
Brammer*	Groninga	Hummel	Schneklath
Renken**	Halvorson, R. A.	Kremer	Sherzan
Beatty	Hansen, S. D.	McKinney	Shoning
Blanshan	Hanson, D. R.	Metcalf	Shoultz
Chapman	Harbor	Neuhauser	Skow
Corbett	Hatch		

## STATE GOVERNMENT—22 Members

Blanshan, Chair	Doderer	Knapp	Renken
Beatty*	Fuller	Lundby	Running
Swearingen**	Garman	Pavich	Shoning
Buhr	Halvorson, R. N.	Peterson, M. K.	Tyrrell
Carpenter	Hammond	Renaud	Van Camp
Connors	Hanson, D. R.		

## TRANSPORTATION—21 Members

Koenigs, Chair	Cooper	Harbor	Pavich
Cohoon*	De Groot	Jay	Pellett
Lageschulte**	Fey	Maulsby	Platt
Beaman	Gogarty	Muhlbauer	Renaud
Branstad	Gruhn	Neuhauser	Royer
Connolly			

\* Vice-Chair

\*\*Ranking Member

## WAYS AND MEANS—29 Members

Doderer, Chair	Daggett	Koenigs	Petersen, D. F.
Chapman*	De Groot	Lageschulte	Renken
Schneklath**	Fey	May	Rosenberg
Bennett	Groninga	Metcalf	Siegrist
Bisignano	Hanson, D. R.	Miller	Tabor
Brammer	Holveck	Osterberg	Teaford
Carpenter	Johnson	Parker	Wise
Connolly			

## ETHICS—5 Members

Holveck, Chair	Chapman	Rosenberg
De Groot**	Hermann	

## HOUSE APPROPRIATIONS SUBCOMMITTEES

## ADMINISTRATION—7 Members

Fogarty, Chair	Harbor**	Hummel	McKinney
Adams*	Fuller	Kremer	

## AGRICULTURE/NATURAL RESOURCES—7 Members

Knapp, Chair	Stueland**	Diemer	Schrader
Skow*	Black	Pellett	

## CLAIMS—3 Members

Muhlbauer, Chair	Clark	Swartz
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## ECONOMIC DEVELOPMENT—7 Members

Running, Chair	Branstad**	Corbett	Swartz
Hatch*	Blanshan	Halvorson, R. A.	

## EDUCATION—7 Members

Poncy, Chair	Maulsby**	Mullins	Swearingen
Neuhauser*	Beatty	Shoultz	

## HEALTH AND HUMAN RIGHTS—8 Members

Hammond, Chair	Hermann**	Gruhn	Plasier
Harper*	Buhr	Ollie	Royer

## HUMAN SERVICES—7 Members

Haverland, Chair	Hester**	Norrgard	Tyrrell
Hansen, S. D.*	Clark	Peters	

## JUSTICE SYSTEM—7 Members

Spear, Chair	McKean**	Paulin	Sherzan
Dvorsky*	Garman	Peterson, M. K.	

\* Vice-Chair

\*\*Ranking Member

## REGULATION—7 Members

Renaud, Chair	Van Camp**	Corey	Lundby
Muhlbauer*	Connors	Halvorson, R. N.	

## TRANSPORTATION AND SAFETY—7 Members

Pavich, Chair	Platt**	Cphoon	Shoning
Svoboda*	Beaman	Cooper	

## HOUSE COMMITTEE ASSIGNMENTS

Adams, Janet	Education Energy and Environmental Protection Human Resources Administration Appropriations Subcommittee, Vice-Chair
Beaman, Jack	Economic Development Education Transportation Transportation and Safety Appropriations Subcommittee
Beatty, Linda	Local Government Small Business and Commerce State Government, Vice-Chair Education Appropriations Subcommittee
Bennett, Wayne	Agriculture Economic Development Ways and Means
Bisignano, Anthony	Human Resources Labor and Industrial Relations Local Government Ways and Means
Black, Dennis	Education Local Government Natural Resources and Outdoor Recreation, Chair Agriculture/Natural Resources Appropriations Subcommittee
Blanshan, Gene	Appropriations Rules and Administration Small Business and Commerce State Government, Chair Economic Development Appropriations Subcommittee

\* Vice-Chair

\*\*Ranking Member

Brammer, Phil	Judiciary and Law Enforcement Labor and Industrial Relations Small Business and Commerce, Vice-Chair Ways and Means
Branstad, Clifford	Agriculture Appropriations Natural Resources and Outdoor Recreation Transportation Economic Development Appropriations Subcommittee, Ranking Member
Buhr, Florence	Appropriations Human Resources Labor and Industrial Relations State Government Health and Human Rights Appropriations Subcommittee
Carpenter, Dorothy	Judiciary and Law Enforcement Rules and Administration State Government Ways and Means
Chapman, Kay	Ethics Judiciary and Law Enforcement Rules and Administration, Chair Small Business and Commerce Ways and Means, Vice-Chair
Clark, Betty Jean	Claims, Ranking Member Human Resources, Ranking Member Judiciary and Law Enforcement Human Services Appropriations Subcommittee
Cohoon, Dennis	Economic Development Education Transportation, Vice-Chair Transportation and Safety Appropriations Subcommittee
Connolly, Michael	Economic Development, Chair Education Transportation Ways and Means
Connors, John	Human Resources Labor and Industrial Relations Local Government Rules and Administration, Vice-Chair State Government Regulation Appropriations Subcommittee

Cooper, James	Agriculture Local Government, Chair Natural Resources and Outdoor Recreation Transportation Transportation and Safety Appropriations Subcommittee
Corbett, Ron	Economic Development Education Small Business and Commerce Economic Development Appropriations Subcommittee
Corey, Virgil	Education Human Resources Labor and Industrial Relations, Ranking Member Regulation Appropriations Subcommittee
Daggett, Horrace	Education, Ranking Member Local Government Ways and Means
De Groot, Kenneth	Agriculture Ethics, Ranking Member Transportation Ways and Means
Diemer, Marvin	Energy and Environmental Protection Local Government Natural Resources and Outdoor Recreation Ranking Member Agriculture/Natural Resources Appropriation Subcommittee
Doderer, Minnette	Judiciary and Law Enforcement Rules and Administration State Government Ways and Means, Chair
Dvorsky, Robert	Economic Development Energy and Environmental Protection Natural Resources and Outdoor Recreation Justice System Appropriations Subcommittee, Vice-Chair
Eddie, Russell	Agriculture Human Resources Labor and Industrial Relations Local Government
Fey, Thomas	Economic Development Human Resources, Chair Rules and Administration Transportation Ways and Means

Fogarty, Daniel	Agriculture Natural Resources and Outdoor Recreation Transportation Administration Appropriations Subcommittee Chair
Fuller, Robert	Energy and Environmental Protection Local Government Natural Resources and Outdoor Recreation State Government Administration Appropriations Subcommittee
Garman, Teresa	Energy and Environmental Protection Small Business and Commerce State Government Justice System Appropriations Subcommittee
Groninga, John	Economic Development Small Business and Commerce Ways and Means
Gruhn, Josephine	Agriculture, Vice-Chair Natural Resources and Outdoor Recreation Transportation Health and Human Rights Appropriations Subcommittee
Halvorson, Rod	Appropriations Economic Development Labor and Industrial Relations Rules and Administration State Government Regulation Appropriations Subcommittee
Halvorson, Roger	Appropriations Judiciary and Law Enforcement, Ranking Member Small Business and Commerce Economic Development Appropriations Subcommittee
Hammond, Johnie	Human Resources Judiciary and Law Enforcement State Government Health and Human Rights Appropriations Subcommittee, Chair
Hansen, Steve	Judiciary and Law Enforcement Labor and Industrial Relations Rules and Administration Small Business and Commerce Human Services Appropriations Subcommittee, Vice-Chair

Hanson, Darrell	Economic Development, Ranking Member Small Business and Commerce State Government Ways and Means
Harbor, William	Appropriations Judiciary and Law Enforcement Rules and Administration Small Business and Commerce Transportation Administration Appropriations Subcommittee, Ranking Member
Harper, Patricia	Education Energy and Environmental Protection Human Resources Health and Human Rights Appropriations Subcommittee, Vice-Chair
Hatch, Jack	Agriculture Appropriations Energy and Environmental Protection Local Government, Vice-Chair Small Business and Commerce, Economic Development Appropriations Subcommittee, Vice-Chair
Haverland, Mark	Education Human Resources Judiciary and Law Enforcement Human Services Appropriations Subcommittee, Chair
Hermann, Donald	Economic Development Ethics Human Resources Labor and Industrial Relations Health and Human Rights Appropriations Subcommittee, Ranking Member
Hester, Joan	Education Human Resources Labor and Industrial Relations Local Government Human Services Appropriations Subcommittee, Ranking Member
Holveck, Jack	Energy and Environmental Protection Ethics Small Business and Commerce Ways and Means

Hummel, Kyle	Appropriations Economic Development Small Business and Commerce Administration Appropriations Subcommittee
Jay Daniel	Appropriations Judiciary and Law Enforcement, Chair Transportation
Jochum, Thomas	Appropriations, Chair Economic Development Labor and Industrial Relations
Johnson, Paul	Agriculture Energy and Environmental Protection, Vice-Chair Natural Resources and Outdoor Recreation Ways and Means
Knapp, Don	Appropriations Judiciary and Law Enforcement Natural Resources and Outdoor Recreation State Government Agriculture/Natural Resources Appropriations Subcommittee, Chair
Koenigs, Deo	Agriculture Natural Resources and Outdoor Recreation Transportation, Chair Ways and Means
Kremer, Joseph	Agriculture Judiciary and Law Enforcement Rules and Administration, Ranking Member Small Business and Commerce Administration Appropriations Subcommittee
Lageschulte, Raymond	Education Judiciary and Law Enforcement Transportation, Ranking Member Ways and Means
Lundby, Mary	Economic Development Energy and Environmental Protection State Government Regulation Appropriations Subcommittee
Maulsby, Ruhl	Appropriations Education Transportation Education Appropriations Subcommittee, Ranking Member

May, Dennis	Agriculture Energy and Environmental Protection Ways and Means
McKean, Andy	Appropriations Education Energy and Environmental Protection Justice System Appropriations Subcommittee, Ranking Member
McKinney, Wayne	Agriculture Appropriations Judiciary and Law Enforcement, Vice-Chair Small Business and Commerce Administration Appropriations Subcommittee
Metcalf, Janet	Economic Development Labor and Industrial Relations Small Business and Commerce Ways and Means
Miller, Tom	Economic Development Education Human Resources Ways and Means
Muhlbauer, Louis	Agriculture Local Government Transportation Regulation Appropriations Subcommittee, Vice-Chair Claims, Chair
Mullins, Sue	Appropriations Energy and Environmental Protection, Ranking Member Human Resources Education Appropriations Subcommittee
Neuhauser, Mary	Economic Development Education Small Business and Commerce Transportation Education Appropriations Subcommittee, Vice-Chair
Norrsgard, Clyde	Agriculture Energy and Environmental Protection Human Resources Local Government Human Services Appropriations Subcommittee

Ollie, Arthur	Economic Development Education, Chair Labor and Industrial Relations Health and Human Rights Appropriations Subcommittee
Osterberg, David	Agriculture, Chair Energy and Environmental Protection Ways and Means
Parker, Edward	Economic Development, Vice-Chair Small Business and Commerce Ways and Means
Paulin, Donald	Energy and Environmental Protection Judiciary and Law Enforcement Natural Resources and Outdoor Recreation Justice System Appropriations Subcommittee
Pavich, Emil	Economic Development State Government Transportation Transportation and Safety Appropriations Subcommittee, Chair
Pellett, Wendell	Agriculture, Ranking Member Natural Resources and Outdoor Recreation Transportation Agriculture/Natural Resources Appropriations Subcommittee
Peters, Mike	Human Resources Labor and Industrial Relations Local Government Human Services Appropriations Subcommittee
Petersen, Dan	Agriculture Energy and Environmental Protection Local Government Rules and Administration Ways and Means
Peterson, Michael	Appropriations, Vice-Chair Judiciary and Law Enforcement State Government Justice System Appropriations Subcommittee
Plasier, Leroy	Education Human Resources Judiciary and Law Enforcement Health and Human Rights Appropriations Subcommittee

Platt, Donald	Local Government Natural Resources and Outdoor Recreation Transportation Transportation and Safety Appropriations Subcommittee, Ranking Member
Poncy, Charles	Appropriations Judiciary and Law Enforcement Natural Resources and Outdoor Recreation Education Appropriations Subcommittee, Chair
Renaud, Dennis	Judiciary and Law Enforcement State Government Transportation Regulation Appropriations Subcommittee, Chair
Renken, Bob	Local Government Small Business and Commerce, Ranking Member State Government Ways and Means
Rosenberg, Ralph	Energy and Environmental Protection, Chair Ethics Judiciary and Law Enforcement Ways and Means
Royer, Bill	Local Government, Ranking Member Natural Resources and Outdoor Recreation Transportation Health and Human Rights Appropriations Subcommittee
Running, Richard	Appropriations Economic Development Labor and Industrial Relations, Vice-Chair Rules and Administration State Government Economic Development Appropriations Subcommittee, Chair
Schnekloth Hugo	Judiciary and Law Enforcement Labor and Industrial Relations Small Business and Commerce Ways and Means, Ranking Member
Schrader, David	Appropriations Education Energy and Environmental Protection Natural Resources and Outdoor Recreation, Vice-Chair Agriculture/Natural Resources Appropriations Subcommittee

Sherzan, Gary	Judiciary and Law Enforcement Labor and Industrial Relations, Chair Small Business and Commerce Justice System Appropriations Subcommittee
Shoning, Donald	Judiciary and Law Enforcement Small Business and Commerce State Government Transportation and Safety Appropriations Subcommittee
Shoultz, Don	Education, Vice-Chair Energy and Environmental Protection Small Business and Commerce Education Appropriations Subcommittee
Siegrist, Brent	Education Judiciary and Law Enforcement Ways and Means
Skow, Bob	Agriculture Economic Development Small Business and Commerce Agriculture/Natural Resources Appropriations Subcommittee, Vice-Chair
Spear, Clay	Education Human Resources Local Government Justice System Appropriations Subcommittee Chair
Stromer, Delwyn	Rules and Administration
Stueland, Vic	Agriculture Appropriations Energy and Environmental Protection Natural Resources and Outdoor Recreation Agriculture/Natural Resources Appropriation Subcommittee, Ranking Member
Svoboda, Jane	Agriculture Economic Development Energy and Environmental Protection Transportation and Safety Appropriations Subcommittee, Vice-Chair
Swartz, Tom	Appropriations Education Rules and Administration Small Business and Commerce, Chair Claims Economic Development Appropriations Subcommittee

Swearingen, George	Energy and Environmental Protection Human Resources Rules and Administration State Government, Ranking Member Education Appropriations Subcommittee
Tabor, David	Education Judiciary and Law Enforcement Ways and Means
Teaford, Jane	Education Human Resources, Vice-Chair Ways and Means
Tyrrell, Phil	Economic Development Labor and Industrial Relations Natural Resources and Outdoor Recreation State Government Human Services Appropriations Subcommittee
Van Camp, Mike	Economic Development Energy and Environmental Protection State Government Regulation Appropriations Subcommittee, Ranking Member
Van Maanen, Harold	Agriculture Appropriations, Ranking Member Labor and Industrial Relations
Wise, Phil	Economic Development Education Ways and Means

IN THE SUPREME COURT OF IOWA

APPOINTMENT OF MEMBERS OF THE ETHICS COMMITTEE IN THE HOUSE OF REPRESENTATIVES OF THE 72ND IOWA GENERAL ASSEMBLY BY THE CHIEF JUSTICE OF THE SUPREME COURT OF IOWA

TO THE HOUSE OF REPRESENTATIVES OF THE 72ND IOWA GENERAL ASSEMBLY:

Pursuant to the provisions of section 68B.10, The Code, the undersigned, Chief Justice of the Supreme Court of Iowa, hereby appoints Trave E. O'Hearn, of LeClaire, and Mary E. Robinson, of Cedar Rapids, neither of whom is an employee of the General Assembly, as members of the Ethics Committee in the House of Representatives.

Done this 11th day of December, 1986.

THE SUPREME COURT OF IOWA  
W. W. Reynoldson, Chief Justice

The original and a true copy of this Order have been filed with the Clerk of the House of Representatives of the Iowa General Assembly on this 11th day of December, 1986.

JOSEPH O'HERN, Chief Clerk

#### APPOINTMENT TO HOUSE ETHICS COMMITTEE

Pursuant to chapter 68B.10, Code of Iowa, I hereby appoint the following members to serve on the House Ethics Committee for the Seventy-second General Assembly: Representative Jack Holveck of Polk County, Chair; Representative Kay Chapman of Linn County; and Representative Ralph Rosenberg of Story County.

ROBERT C. ARNOULD  
House Majority Leader

#### APPOINTMENT TO HOUSE ETHICS COMMITTEE

Pursuant to chapter 68B.10, Code of Iowa, I hereby appoint the following members to serve on the House Ethics Committee for the Seventy-second General Assembly: Representatives Kenneth De Groot of Lyon County and Representative Donald Hermann of Scott County.

DELWYN STROMER  
House Minority Leader

### REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 2, your committee on rules and 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:

Chief Clerk	Joseph O'Hern	\$42,062.60	Annual Salary	12/12/86
Assistant Chief Clerk	Elizabeth A. Isaacson	\$33,959.60	Annual Salary	12/12/86

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Research Analyst	Edward J. Conlow	26-2	P-FT	05/16/86
Research Analyst	James W. O'Brien	24-1	P-FT	12/29/86
Research Analyst	David Werning	26-2	P-FT	05/16/86
Caucus Staff	Gary W. Steinke	29-1	P-FT	07/11/86
Director				
Research Analyst	Gina M. Angelici	24-1	P-FT	09/16/86
Research Analyst	Stuart D. Hadley	24-1	P-FT	08/04/86

Research Analyst	Margaret Ann Thomson	24-2	P-FT	06/27/86
Research Analyst	Maryjo F. Welch	26-4	P-FT	06/27/86
Executive Secretary to Chief Clerk	Deanna J. Templeton	23-4	P-FT	12/26/86
Executive Secretary to Caucus	Kathi G. Woods	17-1	P-FT	01/05/87
Compositor	C. Elaine Schoonover	18-5	P-FT	06/27/86
Assistant Legal Counsel	E. Jane Fowler	23-2	P-FT	06/27/86

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

<u>Name</u>	<u>Position</u>	<u>Date</u>
E. Marie Callas	Executive Secretary to Caucus	07/01/86
Charlotte A. Tammel	Executive Secretary to Caucus	01/02/87
Anthony D. Cobb	Caucus Staff Director	05/29/86
Laura A. Murphy	Research Analyst	06/25/86
Shirley Danskin White	Research Analyst	01/02/87
M. Maxine Mann	Assistant Legal Counsel	07/09/86

CHAPMAN of Linn, Chair

## APPOINTMENTS

Speaker Avenson announced the following appointments which were made during the interim:

### ADMINISTRATIVE RULES REVIEW COMMITTEE

David Tabor ..... To an unexpired term ending April 30, 1987  
(Vacancy created by the resignation of Jim O'Kane)

### IOWA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS (Section 28C.2(2), Code of Iowa, 1985)

Robert Renken ..... To a term ending June 30, 1988  
(Reappointment)

### AGRICULTURAL ENERGY MANAGEMENT ADVISORY COUNCIL (Senate File 2305, 1986 Session)

Paul Johnson ..... To a term beginning July 1, 1986  
and ending June 30, 1988

Don Paulin ..... To a term beginning July 1, 1986  
and ending June 30, 1988

### IOWA BOUNDARY COMMISSION (Section 2.91, Code of Iowa, 1985)

Louis Muhlbauer ..... To a term ending June 30, 1990

Emil Pavich ..... To a term ending June 30, 1990

IOWA COMMISSION ON COMPENSATION, EXPENSES  
AND SALARIES FOR ELECTED OFFICIALS  
(Chapter 2A.1, Code of Iowa, 1985)

Paul Copenhagen ..... To a term beginning July 1, 1986  
and ending June 30, 1991

IOWA COMMISSION ON INTERSTATE COOPERATION  
(28B.1, Code of Iowa, 1986)

John Connors ..... To a term ending January 31, 1987  
(Replaces Sullivan)

Dan Fogarty ..... To a term ending January 31, 1987  
(Replaces Lonergan)

ECONOMIC DEVELOPMENT BOARD

John Groninga ..... To a term beginning July 1, 1986  
and ending June 30, 1988

IOWA HEALTH DATA COMMISSION  
(Section 145.2, Code of Iowa)

Johnie Hammond ..... To a term beginning July 1, 1986  
and ending June 30, 1987

APPOINTMENT

House Minority Leader Stromer announced the following appointment which was made during the interim:

IOWA DEVELOPMENT COMMISSION

Wayne Bennett ..... (Reappointment)

COMMUNICATION RECEIVED

The following copy of a communication was received by the Speaker and placed on file:

December 15, 1986

The Honorable Terry Branstad  
Governor  
State of Iowa  
L O C A L

Dear Governor Branstad:

In accordance with Section 69.4 (2) of the Iowa Code, I hereby submit my resignation from the office of state representative, House District 1, effective January 1, 1987.

Sincerely,  
Jim O'Kane

## COMMUNICATIONS RECEIVED

The following communications were received and placed on file in the office of the Chief Clerk:

### AUDITOR OF STATE

A copy of the Audit Report pertaining to the Iowa Lottery, pursuant to Chapter 11.25(2), Code of Iowa. Received December 17, 1986.

A copy of an Audit Report pertaining to the Iowa Lottery, pursuant to Chapter 99E.20(3), 1985 Code Supplement. Received December 30, 1986.

A report of the County Finance Committee, pursuant to Chapter 333A.4(5). Received December 31, 1986.

### COMMERCE COMMISSION

The annual report of the Iowa State Commerce Commission for 1985, pursuant to Chapter 17.10, Code of Iowa. Received November 25, 1986.

### COMMISSION ON THE STATUS OF WOMEN

A copy of the 1985 Annual Report, pursuant to Chapter 601.8, Code of Iowa. Received July 31, 1986.

### DEPARTMENT OF GENERAL SERVICES

A report on the implementation of the life cycle cost and energy efficiency standards by General Services, Board of Regents, DOT and other state agencies, pursuant to Senate File 2175, Section 2071, 1986 Session of the Seventy-first General Assembly. Received December 31, 1986.

### DEPARTMENT OF HUMAN SERVICES

A copy of the 1985 Annual Report, pursuant to Chapter 217.21, Code of Iowa. Received June 6, 1986.

### DEPARTMENT OF JOB SERVICE

A copy of the Job Service of Iowa annual report for Fiscal Year 1985, pursuant to Chapter 96.35, Code of Iowa. Received May 8, 1986.

### MERIT EMPLOYMENT DEPARTMENT

A copy of the 1985 Annual Report, pursuant to Chapter 19A.7, Code of Iowa.

### DEPARTMENT OF NATURAL RESOURCES

A summary of disciplinary activities of the Iowa Board of Operator Certification, pursuant to Section 258A.4(2), Code of Iowa. Received December 29, 1986.

A plan for the siting and construction of an above-ground facility for the long-term storage of hazardous wastes in Iowa, pursuant to Section 455B.412(1), Code of Iowa. Received December 31, 1986.

The annual report from the Iowa Department of Natural Resources, pursuant to Sections 455B.425 and 455B.427. Received December 31, 1986.

**DEPARTMENT OF PUBLIC DEFENSE**

Recommendations on 9-1-1 services in Iowa, pursuant to Chapter 477A.3, Code of Iowa. Received January 9, 1987.

**DEPARTMENT OF PUBLIC HEALTH**

A report of hospital licensure by service, pursuant to Chapter 1200, Section 10, 1986 Acts. Received December 31, 1986.

**RAILWAY FINANCE AUTHORITY**

A copy of the Iowa Railway Finance Authority Policy, pursuant to Chapter 307B.8(6), Code of Iowa. Received August 18, 1986.

**STATE BOARD OF REGENTS**

A copy of a survey reporting on compliance with statutory requirements dealing with life cycle cost analysis of buildings. Received December 29, 1986.

**DEPARTMENT OF REVENUE AND FINANCE**

A copy of the Iowa Corporation Income and Franchise Tax Report for 1985, pursuant to Chapter 421.17(12), Code of Iowa. Received November 24, 1986.

**DEPARTMENT OF TRANSPORTATION**

A copy of the 1985 Iowa Aviation System Plan Executive Report and Technical Supplement, pursuant to Chapter 328.12. Received May 7, 1986.

A copy of the 1986 Iowa Rail Plan, pursuant to Chapter 307B.8(6), Code of Iowa. Received August 6, 1986.

A copy of the Fiscal Year 1987 Iowa Transportation Policy, pursuant to Chapter 307.10(1), Code of Iowa. Received August 18, 1986.

A copy of the Public and Private Transportation Coordination Project Progress Report for 1986, pursuant to Chapter 601J.6, Code of Iowa. Received August 19, 1986.

A copy of the 1986 Iowa Airport Sufficiency Ratings, pursuant to Chapter 328.12, Code of Iowa. Received December 23, 1986.

**DEPARTMENT OF WATER, AIR AND WASTE MANAGEMENT**

A copy of the Annual Report for the fiscal year 1985, pursuant to Chapter 455B.105(6), Code of Iowa. Received May 21, 1986.

A report entitled "A Plan for Mapping Iowa Flood Plains", pursuant to Chapter 455B.262, Code of Iowa. Received June 17, 1986.

**STATE OF LOUISIANA**

Senate Concurrent Resolution 54, to memorialize the Congress of the United States and to enact legislation to permit states to require nonresident dealers to collect sales tax on items that are to be brought into the state. Received July 17, 1986.

House Concurrent Resolution 156, to memorialize the Congress of the United States to repeal that portion of the Food Security Act of 1985 that prohibits participation in the food stamp program by states who impose either a state or local sales tax on purchases made with United States Department of Agriculture food coupons.

## STATE OF PENNSYLVANIA

Senate Resolution, Serial No. 180, demanding that the United States Government and Congress take more decisive and aggressive action to secure the freedom of our POWs.

## CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following certificates of recognition were issued subsequent to final adjournment in 1986:

- |         |  |
|---------|--|
| 1986-22 | Association of Farm Worker Opportunity Program, Washington, District of Columbia — Increasing employment opportunities for migrant and seasonal farm workers in America. |
| 1986-23 | Byran and Hilda Walla, Cedar Rapids — Celebrating fifty years of marriage on August 29, 1986.  |

JOSEPH O'HERN

Chief Clerk of the House

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 1 Local Government**

Authorizing a county to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter.

## COMMITTEE RECOMMENDATION

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

JOSEPH O'HERN

Chief Clerk of the House

## COMMITTEE ON RULES AND ADMINISTRATION

**Committee Resolution**, a resolution relating to the permanent rules of the House for the seventy-second general assembly.

Fiscal Note is not required.

Recommended **DO PASS** January 12, 1987.

**RESOLUTION FILED**

**HR 2**, by committee on rules and administration, a resolution relating to the permanent rules of the House for the seventy-second general assembly.

**Laid over under Rule 25 and placed on the calendar.**

On motion by Arnould of Scott, the House adjourned at 3:29 p.m., until 9:00 a.m., Tuesday, January 13, 1987.

# JOURNAL OF THE HOUSE

Second Calendar Day — Second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 13, 1987

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

Prayer was offered by the Honorable Mark Haverland, State Representative from Polk County.

The Journal of Monday, January 12, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Siegrist of Pottawattamie, for January 13 and January 14, 1987, on request of Shoning of Woodbury; Sherzan of Polk, until his return, on request of Connors of Polk.

## 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 12, 1987, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 1, resolved that a joint convention be held on Monday, January 12, 1987 for the purpose of canvassing the votes for Governor and Lieutenant Governor and the results announced and recorded and further resolved that a joint convention be held on Tuesday, January 13, 1987 for the purpose of hearing the Governor deliver the state of the state message.

Also: That the Senate has on January 12, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 1, relating to distribution of printed legislative materials.

Also: That the Senate has on January 12, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 2, relating to appointment of a joint inaugural committee.

JOHN F. DWYER, Secretary of the Senate

## INTRODUCTION OF BILLS

**House Joint Resolution 1**, by Van Maanen, a joint resolution to nullify an administrative rule of the department of revenue and finance relating to the nonresident declaration of estimated tax.

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

**House File 11**, by Schnekloth, a bill for an act relating to the valuation of agricultural and residential property and making the Act effective January 1 following enactment.

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

**House File 12**, by Renken, a bill for an act repealing the mandatory use of seat belts by certain persons.

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

**House File 13**, by Hermann, a bill for an act relating to the exclusion of retirement income in determining a taxpayer's net income for state individual income tax purposes and providing an effective date.

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

**House File 14**, by Schnekloth, a bill for an act requiring a corporation organized in this state to provide a copy of the corporation's annual report containing certain financial information to a stockholder of the corporation upon receipt of a written request from the stockholder and providing for penalties.

Read first time and referred to committee on **small business and commerce**.

**House File 15**, by Schnekloth, a bill for an act relating to the obstruction of emergency communications and providing penalties.

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

**House File 16**, by Rosenberg and Hammond, a bill for an act relating to the income received as a scholarship or fellowship by graduate research assistants for state individual income tax purposes and providing an effective date.

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

**House File 17**, by Clark, a bill for an act relating to the hours of closing of the polls.

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

**House File 18**, by Hermann, a bill for an act relating to the crime of interference with official acts, and providing penalties.

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

**House File 19**, by Halvorson of Clayton and Mullins, a bill for an act relating to an anatomical gift request program within hospitals and providing an effective date.

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

**House File 20**, by Schnekloth, a bill for an act relating to the requirement that the actual value of property for purposes of property taxation shall not exceed its fair and reasonable market value and providing an effective date.

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

#### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for a committee on local government meeting today.

#### ADOPTION OF MILEAGE COMMITTEE REPORT

Beatty of Warren called up for consideration the report of the committee on mileage found on pages 17 through 19 of the House Journal and moved its adoption.

The motion prevailed and the report was adopted.

#### COMMITTEE TO NOTIFY THE SENATE

Tabor of Jackson 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: Tabor of Jackson, Chair; Wise of Lee and Corbett of Linn.

The House stood at ease at 9:12 a.m., until the fall of the gavel.

The House resumed session at 9:48 a.m., Speaker Avenson in the chair.

#### REPORT OF COMMITTEE TO NOTIFY THE SENATE

Tabor of Jackson, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that it 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 and House Concurrent Resolution 1, duly adopted, the joint convention reconvened at 9:50 a.m., President Anderson presiding.

Senator Hutchins of Audubon 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 Anderson announced a quorum present.

Senator Hutchins of Audubon moved that a committee of six, consisting of three members from the Senate and three members from the House, 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 Fraise of Lee, Varn of Johnson and Vande Hoef of Osceola, on the part of the Senate; and Representatives Shoultz of Black Hawk, Svoboda of Tama and Garman of Boone, on the part of the House.

Lieutenant Governor-elect JoAnn Zimmerman was escorted into the House chamber.

Secretary of State Baxter, Treasurer of State Fitzgerald, Secretary of Agriculture Cochran, Auditor of State Johnson and Attorney General Miller were escorted into the House chamber.

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

Mrs. Chris Branstad, Eric and Allison; Mr. and Mrs. Dick Johnson (Mrs. Branstad's parents), were escorted into the House chamber.

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

President Anderson presented Governor Terry E. Branstad who delivered the following condition of the state address:

Before I begin this speech, I want to congratulate you who have been chosen by the people of this great state to serve as their elected state Senators and Representatives of this Seventy-second Iowa General Assembly. I want to congratulate those who have been elected as leaders, especially Speaker of the House Don Avenson who was just chosen to an unprecedented third consecutive term as Speaker of the House. Don, contrary to what you may have heard, I think you're all right. Some of you may think it would be a hot day in January before I would compliment Don Avenson.

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

Today's State of the State is my first of three speeches that I will give to the people of Iowa over the next two weeks. On Friday, I will also present the Inaugural Address and next week, the Budget Message.

In addition to reporting on the Condition of the State today, I will concentrate on economic development, agriculture and the environment. On Friday, the Inaugural Address will center on education, and next week the Budget Message will spell out my programs for tax reform, welfare reform, aid for the elderly and other priorities.

Today, we look at where we are, where we have been and where we want to go. After witnessing the boom of the 70's, we felt the bust of the 80's.

For many of us, it has been a time of great stress and a time of dramatic change. Now we cannot ignore the facts. In this decade, we have lost farms, banks, businesses and people. But, those grim statistics represent the past. They don't reflect the future.

Let us all resolve today that the worst is behind us and in our future lies opportunity. Yes, the trials of the economy will continue. But the big drop in asset values is already behind us. We Iowans have had to adjust. We have learned to focus on our strengths, both as individuals and as a state and we're better because of it.

Many Iowans are rediscovering the pioneer spirit of our ancestors. Iowans are coping with the new realities of today and preparing for tomorrow.

That pioneer spirit can be seen in places like Guthrie Center. In that county seat town, area farmers and other residents are earning additional income for their families by assembling automotive parts as independent contractors.

For a farmer like Dennis Menefee, that is an opportunity to provide a means to maintain the family farm for his children and grandchildren.

Dennis Menefee is like a lot of Iowans who have weathered the difficulties of the 80's. Like thousands of people all across this state, Dennis has the courage and determination to meet the realities of today while preparing for tomorrow.

The 1980's are not the first time that Iowans have had to face hard times. A half century ago, Iowans were facing the Great Depression. It was a time of extreme low farm prices, high unemployment and extraordinary levels of bankruptcies.

Yet, the people of Iowa refused to give up. In 1939, after years of economic depression and devastating drought, Governor George Wilson reminded Iowans that,

"The story of Iowa is that of transforming a wilderness of hidden wealth into a commonwealth of fascinating beauty, teeming with the honorable activities of an industrious people.

It is an epic adorned with all that makes life worthwhile."

What Governor Wilson said about Iowa 48 years ago is true today. We have faced hard times, and we are emerging ever stronger dedicated to a stronger and brighter future.

In 1986, we Iowans accomplished some remarkable things. Think of Bob and Ruth Kehl from Dubuque. They transported over a quarter of a million tourists up and down the Mississippi River in their riverboats and went on to be named the United States Small Business People of the Year.

Also last year, Naum Starolselsky, who immigrated from the Soviet Union to Des Moines, Iowa, eleven years ago, was honored as the American Small Business Innovator of the Year.

Another Iowan, Kevin Eblen, from Creston, was chosen by his peers as the National President of the Future Farmers of America.

Other Iowa success stories include Marj and Jack Haley. Jack Haley retired from the military a few years back and the Haley's moved from Virginia to Waterloo to start a small business. That was just a few years ago. Today, they are operating one of the most innovative railroads in the country from the headquarters in Waterloo.

Another Iowan, Peter Owenson, a Webster County farmer, made a difference in 1986. After watching a television news story about the troubles facing farmers in the drought-stricken southeastern United States, he organized a hay-lift that sent thousands of tons of hay to South Carolina and other southern states.

These Iowans are a diverse group of people: they include life-long Iowa residents, immigrants, young people, family farmers, entrepreneurs and others who have adopted Iowa as their home.

Each of these Iowans saw a need, developed a solution, set a goal and had the courage to take the risks to make it happen. These Iowans had a positive attitude and faith in what they could accomplish.

Each of these Iowans proved that they had what it takes to achieve success, and there are thousands of others just like them all over this great state.

During this decade, Iowans have done more than just cope with crisis. We have fought back, refusing to give up or give in. We have kept the dream alive and we've

planted seeds of opportunity and eliminated the barriers to progress.

We took action to eliminate the sales and use tax on machinery, equipment and computers. We no longer assess a personal property tax. And, we provided incentives for job training, research and community development.

Now is the time to work even harder and to do even more. Let me share with you, my goals for Iowa's future:

- \* I want the world to see Iowa as a leader in agriculture and education;
- \* The Iowa I want is a land of new opportunities for all;
- \* I want Iowa to be a center of development in laser and biotechnology;
- \* I want Iowa noted as a place where the air is clean, the water is clean and we have a good quality of life;
- \* And, I want all of Iowa to be connected to markets of growth and opportunity.

We already know the first step on the pathway to reach our goals. We must eliminate the barriers to growth that continue to exist. We must create an environment in Iowa that encourages and nurtures success and a business climate that does not penalize or overburden the innovators and job creators with excessive taxes, regulations or high costs of doing business.

Today, I am recommending to you reasonable legislation, which will eliminate the impediments that prevent Iowa from making the final cut in business location decisions.

Second, Iowa's work ethic, achievements in education and quality products have been kept a secret for far too long. We must market and proudly promote Iowa and all we have to offer.

We have increased our state marketing and promotion budget by seven fold in the past four years. I recommend another seven fold increase in the next four years and we must begin on that this year.

The final phase of our economic development plan is to foster innovation and small business development. After all, we know that eighty percent of all new jobs come from our small businesses. Our state must take action to make this land a haven for entrepreneurs and for new opportunities.

That is why I am recommending:

- \* A 50 percent increase in our commitment to the Iowa Product Development Corporation;
- \* Increased support for the Community Economic Betterment Fund;
- \* A New Opportunities Grant Program;

- \* And funding for small business innovation and research.

We cannot stop there. We stand at the threshold of new technological breakthroughs, breakthroughs that could change our economy as much as the digital computer and the computer chip changed the industrial age.

Those technologies were discovered in Iowa by Iowans, but the commercial development occurred in the Silicon Valley and Boston, instead of in Ames or Grinnell. Our challenge today is to never let that happen again. We must seize the opportunities to make Iowa the center for the next generation of technological development in lasers and biotechnology.

Therefore, today I recommend that we construct a laser research facility at the University of Iowa and a molecular biology building at Iowa State University.

The National Science Foundation cites light-wave technology, laser optics, as one of the emerging technical fields of the future. Iowa has the opportunity to be one of the centers of that exciting new development.

With an investment of \$25 million today, University of Iowa officials estimate we can create over 12,000 laser industry jobs in this state in the next decade.

Biotechnology also will change the world, giving new tools in crop and livestock production and processing. For a \$35 million investment, Iowa State University officials are confident, we will attract over \$120 million in research money to Iowa in the next decade.

We are especially well positioned because of the foundation we already have laid in action we took last year with our universities. They are poised to help Iowa lead the nation in moving from the Age of Electricity to the Age of Light and biotechnology.

A comprehensive economic development plan must include careful stewardship of our environment to maintain a quality of life that is both healthy and enjoyable.

I have seen the mountains and the oceans, but none of them compare with the panorama of the Iowa country-side. No where else on this earth is there such a perfect harmony between land and people and nature.

We have learned to appreciate our natural heritage that we enjoy and we must protect it. I am recommending a five-year \$37 million program to guard against the greatest environmental threat we face, the pollution of our ground water.

Our actions will help farmers to reduce their production costs while protecting the health of families living on the farms and in the cities of our state.

In addition, I am committed to helping farmers to stay on their land and to revitalizing the cattle industry in this state. We must act now to begin selling Certified Iowa Quality Grain to the markets of the world.

And finally, I propose a dramatic step for Iowa's future: Iowa Transportation 2000, an investment to build a transportation system that will propel our state into the 21st Century. We must develop a transportation system for Iowa that puts 80 percent of the state within 10 miles of a 2,000 mile high-standard commercial highway network.

This comprehensive plan for transportation includes:

- \* Upgrading Iowa's system of over 100 general aviation airports;

- \* Rehabilitating several hundred miles of rail track and constructing new rail spurs;
- \* And developing 400 miles of new hiking and biking trails throughout the state.

We know that fuel prices have gone down, in fact they are 38 cents per gallon lower than last year at this time. We should take 2 cents of those savings this year and 2 cents next year to help fund Iowa Transportation 2000.

Let us take action so that all of Iowa can have access to the markets of the world.

We are moving ahead in Iowa. We must continue to move ahead. We must not, we cannot afford to stand still. If you adopt the program I have laid out for you today, we will create all kinds of new opportunities in all parts of our state.

Last year, we made history with a comprehensive reorganization of state government. We cut out inefficiencies and we consolidated functions into a well-managed state government to serve the people. We eliminated over 1,000 positions, without the pain of massive layoffs, and we reduced the number of state agencies from 68 to 24.

The smooth transition in reorganization is a tribute to the dedication and effort of our state employees. To them, on behalf of the people of Iowa, I say thank you.

Passing reorganization took cooperation between the Governor and the General Assembly. We proved that we can work together to achieve a common goal. As a result, Iowans have a more accountable, efficient and effective state government.

Now is again the time to put partisanship aside. Now is again the time to seek innovative answers to our problems. Now is again the time to move Iowa forward.

The times require each of us to strive to be the best that we can be. We owe it to ourselves. We owe it to each other. But most important, we owe it to the people of Iowa.

Iowa, is the America that we grew up believing in. It is faith, hope and caring for each other. It is freedom bought through hard work and integrity.

It is the belief that the future will be better than today. Iowa is a place where the dream still works.

Thank you and God bless you all.

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

Arnould of Scott moved that the joint convention be recessed at 10:24 a.m., until 9:15 a.m., Friday, January 16, 1987, at Veterans Memorial Auditorium.

The House reconvened at 10:24 a.m., Speaker Avenson in the chair.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### H.S.B. 2 Energy and Environmental Protection

Relating to the delegation of the authority to prevent, abate, or control air pollution.

**H.S.B. 3 Ways and Means**

Relating to revocation of a property tax exemption.

**H.S.B. 4 Ways and Means**

Relating to eligibility for a mobile home reduced tax rate, a military service property tax exemption, the filing of late claims for a homestead tax credit and military service property tax exemption, an exemption from the real estate transfer tax, continuing education for assessors and deputy assessors, the length of board of review sessions, and appeal rights.

**RESOLUTIONS FILED**

**HCR 4**, by Buhr, a concurrent resolution commemorating the life and work of Reverend Dr. Martin Luther King, Jr.

Laid over under **Rule 25**.

**SCR 1**, by committee on rules and administration, a concurrent resolution relating to distribution of printed legislative materials.

Laid over under **Rule 25**.

**SCR 2**, by committee on rules and administration, a concurrent resolution relating to appointment of a joint inaugural committee.

Laid over under **Rule 25**.

**AMENDMENTS FILED**

H-3001	H.R.	2	Paulin of Plymouth Harbor of Mills
H-3002	H.R.	2	Van Camp of Scott
H-3003	H.R.	2	Van Camp of Scott
H-3004	H.R.	2	Van Camp of Scott
H-3005	H.R.	2	Kremer of Buchanan Connors of Polk
H-3006	H.R.	2	Carpenter of Polk Harbor of Mills
H-3007	H.R.	2	Harbor of Mills Van Maanen of Mahaska Maulsby of Calhoun Hermann of Scott Halvorson of Clayton
H-3008	H.R.	2	Stromer of Hancock Van Maanen of Mahaska Maulsby of Calhoun Corey of Louisa

H—3009

H.R. 2

Halvorson of Clayton  
Hanson of Delaware  
Platt of Muscatine  
Tyrrell of Iowa  
Royer of Page  
Harbor of Mills

On motion by Arnould of Scott, the House adjourned at 10:25 a.m., until 9:00 a.m., Wednesday, January 14, 1987.

# JOURNAL OF THE HOUSE

Third Calendar Day—Third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 14, 1987

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

Prayer was offered by the Honorable Clyde Norrgard, State Representative from Des Moines County.

The Journal of Tuesday, January 13, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Brammer of Linn, from eight hundred seventy-three constituents favoring repealing the liquor store bill.

By Gruhn of Dickinson, from one hundred sixty-six constituents favoring increasing funding of public transportation so that funding reaches at least \$4 million.

Also, from fifty-five constituents of District 12 opposing proposed legislation by the Department of Natural Resources which would provide that the fur buyers of the state would pay back to the state five percent of the amount they pay in the purchase of furs in the state of Iowa.

By Halvorson of Clayton, from three hundred seventy-one constituents opposing the closing and sale of the Iowa state liquor stores.

By Wise of Van Buren and Spear of Lee, from eight hundred seventy-four citizens opposing the sale of the Iowa state liquor stores.

## INTRODUCTION OF BILLS

**House Joint Resolution 2**, by Schnekloth, a joint resolution proposing amendments to the Constitution of the State of Iowa limiting appropriations to ninety-eight percent of the estimated revenues and requiring the approval of tax and license fee increases by two-thirds of the members elected to each house of the general assembly.

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

**House File 21**, by Fogarty, a bill for an act relating to the cost of reclassification of a drainage district.

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

**House File 22**, by Clark, a bill for an act to allow the removal of trees, brush, and underbrush, and other growth within the highway right-of-way.

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

**House File 23**, by Schneklath, a bill for an act appropriating funds for the relocation of the offices of the judicial department in the old state historical building.

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

**House File 24**, by Hermann, a bill for an act relating to the state sales, services and use tax on the gross receipts from fees charged by cities or counties for the privilege of participating in athletic activities.

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

**House File 25**, by Daggett, a bill for an act providing a soil conservation tax credit for certain uses of agricultural land and providing an effective date.

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

**House File 26**, by Clark, a bill for an act relating to gas and electric utility level payment plans for certain low income public assistance program recipients.

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

**House File 27**, by Lageschulte, a bill for an act relating to the sales, service and use tax on the storage warehousing of grain.

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

**House File 28**, by Corey, a bill for an act relating to the termination of a tenancy at will.

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

**House File 29**, by Corey, a bill for an act abolishing the statewide collection services center for the receipt and disbursement of child and spousal support payments, and providing an effective date.

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

**House File 30**, by Shoultz, a bill for an act relating to the disability of brain injury.

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

**House File 31**, by Daggett, a bill for an act relating to the landowner-tenant permit for the taking of deer.

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

On motion by Arnould of Scott, the House was recessed at 9:05 a.m., until 3:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk, until his return, on request of Stromer of Hancock.

### 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 14, 1987, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 2, resolved that a joint convention of the two houses of the 1987 Session of the Seventy-second General Assembly be held on Tuesday, January 20, 1987 at 10:00 a.m.

Also: That the Senate has on January 14, 1987, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 3, a resolution calling for a joint convention of the two houses of the 1987 Session of the Seventy-second General Assembly be held on Thursday, January 22, 1987 at 10:00 a.m.

JOHN F. DWYER, Secretary

### RULE 31.8 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the filing of amendments, on House Resolution 2.

### ADOPTION OF HOUSE RESOLUTION 2

Chapman of Linn called up for consideration House Resolution 2 as follows:

1                   House Resolution 2

2       By Committee On Rules And Administration

3 A Resolution relating to permanent rules of the House  
4 for the seventy-second general assembly.

5 *Be It Resolved By The House Of Representatives,*

6 That the permanent rules of the House for the seventy-  
7 second general assembly be as follows:

8                   **DIVISION I—GENERAL RULES**

9                   **Rule 1**

10                  **Call to Order and Order of Business**

11 The speaker shall take the chair at the hour to  
12 which the house has adjourned, and shall immediately  
13 call the members to order, correct the journal of the  
14 previous day's proceedings, and proceed to other  
15 business, including introduction of bills, reports,  
16 messages, communications, business pending at  
17 adjournment, resolutions and bills on their passage.

18                  **Rule 2**

19                  **Quorum Call and Time of Convening**

20 The house shall convene each Monday at 10:00 a.m.  
21 and at 9:00 a.m. on all other legislative days, unless  
22 otherwise ordered.

23 The speaker or a member may request a roll call to  
24 determine if a quorum is present.

25                  **Rule 3**

26                  **Absences from the House**

27 No member shall be absent without leave while the  
28 house is in session unless the member is sick or  
29 unable to attend.

30                  **Rule 4**

**Page 2**

1                   **Preservation of Order**

2 The speaker shall preserve order and decorum and  
3 speak to points of order in preference to other  
4 members. Subject to an appeal to the house by any  
5 member, the speaker shall decide questions of order  
6 which shall not be debated.

7 The speaker may have the chamber of the house  
8 cleared in case of any disturbance or disorderly  
9 conduct.

10 Only past legislators, state officials, persons  
11 whose presence is deemed by the speaker to be of  
12 special significance to the house, and school classes  
13 accompanied by teachers and seated in the galleries  
14 shall be introduced in the house.

15                  **Rule 5**

16                  **Rules of Parliamentary Practice**

17 The rules of parliamentary practice in Mason's

18 Manual of Legislative Procedure shall govern the house  
 19 in all cases where they are not inconsistent with the  
 20 standing rules of the house or the joint rules of the  
 21 senate and house.

#### 22 **Rule 6**

##### 23 **The Speaker Pro Tempore**

24 The house shall, at its pleasure, elect a speaker  
 25 pro tempore. When the speaker shall for any cause be  
 26 absent, the speaker pro tempore shall preside, except  
 27 when the chair is filled by appointment by either the  
 28 speaker or the speaker pro tempore. The speaker or  
 29 the speaker pro tempore shall have the right to name  
 30 any member to perform the duties of speaker, but such

#### Page 3

1 substitution shall not extend beyond the adjournment.  
 2 The acts of the speaker pro tempore shall have the  
 3 same validity as those of the speaker. In the absence  
 4 of both the speaker and the speaker pro tempore, the  
 5 house shall name a speaker who shall preside over it  
 6 and perform all the duties of the speaker with the  
 7 exception of signing bills, until such time as the  
 8 speaker or speaker pro tempore shall be present, and  
 9 the person's acts shall have the same force and  
 10 validity as those of the regularly elected speaker.

#### 11 **Rule 7**

##### 12 **Amendment and Suspension of Rules**

13 A motion to change or rescind a standing rule or  
 14 order of the house requires one day's notice. A  
 15 motion to suspend a rule, or to table or take from the  
 16 table a matter, requires an affirmative vote of a  
 17 constitutional majority. Postponing or changing the  
 18 order of business requires an affirmative vote of a  
 19 constitutional majority.

#### 20 **Rule 8**

##### 21 **Violation of House Rules**

22 The speaker shall, or any member may, call to order  
 23 a member who transgresses the rules of the house.  
 24 With leave of the house, the member called to order  
 25 may be permitted to explain. If the case requires it,  
 26 the member shall be subject to censure of the house.

#### 27 **Rule 9**

##### 28 **Referral of Rule Violations**

29 The speaker shall, upon complaint of a member, or  
 30 upon the speaker's own motion, refer any alleged

#### Page 4

1 violation of house or joint rules by house members,  
 2 employees or staff to the house ethics committee upon

3 an initial finding that an investigation is warranted.  
 4 The ethics committee shall investigate such  
 5 allegations and report them back to the house with a  
 6 recommendation.

7 **Rule 10**

8 **Recognition and Decorum in Debate**

9 A member who wishes to speak in debate or deliver  
 10 any matter to the house, shall raise the microphone  
 11 and, after recognition by the chair, shall  
 12 respectfully address the presiding officer by saying  
 13 "Mr. or Madam Speaker", shall confine all remarks to  
 14 the question under debate and shall avoid  
 15 personalities.

16 **Rule 11**

17 **Limit on Debate**

18 No member shall speak more than once on the same  
 19 question, without leave of the speaker, nor more than  
 20 twice until every member choosing to speak has spoken,  
 21 except as provided in Rule 81. A member shall be  
 22 limited to ten minutes debate on a bill being  
 23 considered prior to its last reading, but may be  
 24 granted an extension of time by consent of the house.

25 **Rule 12**

26 **Decorum During Debate**

27 No member shall leave the house while the speaker  
 28 is putting a question. No one shall pass between the  
 29 speaker and a member who is speaking or two members  
 30 who have been recognized by the Speaker.

Page 5

1 **Rule 13**

2 **Stating the Question**

3 When a motion is made, it shall be stated by the  
 4 speaker. A motion made in writing shall be passed to  
 5 the desk before it is debated.

6 **Rule 14**

7 **Putting the Question**

8 Questions shall be distinctly put in this form:  
 9 "All those in favor of (the question) shall say  
 10 "aye";" and after the affirmative voice is expressed,  
 11 "All those opposed to (the question) shall say "no"."  
 12 If the speaker is in doubt or a member of the house  
 13 requests, a nonrecord roll call vote shall be taken.

14 **DIVISION II—EMPLOYEES OF THE HOUSE**

15 **Rule 15**

16 **Chief Clerk of the House**

17 The chief clerk of the house shall serve as  
 18 parliamentarian and chief administrative officer of  
 19 the house under the direction of the speaker of the

20 house. The chief clerk shall supervise the chief  
 21 clerk's office; be responsible for the custody and  
 22 safekeeping of all bills, resolutions, and amendments  
 23 filed, except when they are in the custody of a  
 24 committee; have charge of the daily journal; have  
 25 control of all rooms assigned for the use of the  
 26 house; attest to the accuracy and correctness of text  
 27 and action on bills and resolutions; process the  
 28 handling of amendments when filed and during the floor  
 29 consideration of bills; insert adopted amendments into  
 30 bills before transmittal to the senate and prior to

**Page 6**

1 final enrollment; supervise legislative printing and  
 2 the distribution of printed material; and perform all  
 3 other duties pertaining to the office of the chief  
 4 clerk.

**Rule 16**

**Legal Counsel**

7 The legal counsel shall be a house employee under  
 8 the direction of the speaker of the house. The legal  
 9 counsel shall serve as chief legal officer of the  
 10 house; supervise the legal counsel's office; approve  
 11 all bills, resolutions, and amendments as to proper  
 12 form prior to introduction; and provide assistance to  
 13 house committees.

**Rule 17**

**Sergeant-At-Arms**

15 The sergeant-at-arms shall execute all orders of  
 16 the house and the presiding officer; perform all  
 17 assigned duties related to the policing and good order  
 18 of the house; supervise the entrance and exit of all  
 19 persons to and from the chamber; promptly execute all  
 20 messages, etc.; provide that the chamber is properly  
 21 ventilated and open for the use of the members; and  
 22 perform all other services pertaining to the office of  
 23 sergeant-at-arms.

**Rule 18**

**Secretaries**

25 All secretaries of the house shall be under the  
 26 general direction of the speaker and the chief clerk.  
 27 Secretaries shall be on duty at the house from 8:30  
 28 a.m. to 4:30 p.m. except when excused by the member  
 29  
 30

**Page 7**

1 to whom the secretary is assigned. Secretaries shall  
 2 perform such additional duties as may be assigned to  
 3 them by the chief clerk.

4

**Rule 19**

5

**Extra Compensation of Employees**

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No employee shall receive any extra compensation, except as provided by the house, or tips for services performed while on duty. Any violation of this rule shall be grounds for removal.

10

**DIVISION III—VISITORS AND LOBBYISTS**

11

**Rule 20**

12

**Admission to the House; Lobbying**

13

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The chamber of the house shall include the vestibule, restrooms, cloak room, lounge, visitors' galleries, and floor of the house.

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The floor of the house shall consist of that area between the press box, speaker's station, and the south wall behind the last row of desks occupied by representatives, excluding the visitors' galleries.

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During a legislative day while the house is in session, and one-half hour before the house convenes and one-half hour after the house recesses or adjourns, no person shall be admitted to the floor of the house except:

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1. Members of the general assembly and authorized house employees in the performance of their duties.
2. Former members of the general assembly who are not registered lobbyists.
3. A general assembly member's family who shall be restricted to the perimeter seating area only while

**Page 8**

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- the house is in session.
4. Representatives of the press, radio, and television who shall go directly to and from the press box.
  5. Legislative interns approved by the chief clerk who shall go directly to and from the seat of their assigned representative or to be seated in the perimeter seating area.
  6. Chair, co-chair, and the executive secretary of a political party having members serving in the general assembly.
  7. Personnel of the code editor's office, legislative service bureau, legislative fiscal bureau, citizens' aide/ombudsman's office, computer support bureau and administrative rules review committee staff.
  8. The governor's executive assistants and administrative assistants, members of the state executive council, the lieutenant governor, the attorney general, and the administrative rules coordinator, all of whom shall be confined to the

22 perimeter area.

23 No other persons shall be allowed on the house  
24 floor without permission of the presiding officer of  
25 the house.

26 No person admitted to the floor of the house,  
27 except members of the general assembly, shall, while  
28 the house is in session, lobby or attempt to exercise  
29 any influence with any member for or against any  
30 matter then pending or that may thereafter be

**Page 9**

1 considered by the house.

2 Notwithstanding the provisions of this rule  
3 regarding admission to the floor of the house, a  
4 registered lobbyist shall not be admitted to the floor  
5 of the house on any day when the house is in session  
6 or committees are scheduled to meet from one-half hour  
7 before the house convenes or 9:00 a.m., whichever is  
8 earlier, until one-half hour after the house adjourns  
9 or until 4:30 p.m., whichever is later. A registered  
10 lobbyist or other person may be admitted to the house  
11 when the house is not in session to gain access to a  
12 committee room or upon the invitation of a member or  
13 members of the house for the purpose of visiting only  
14 with that member or members of the house.

15 Each lobbyist shall be given a copy of this rule  
16 when the lobbyist registers.

17 Each member, employee of the house, and registered  
18 lobbyist shall report violations of this rule  
19 immediately to the sergeant-at-arms.

20 Any person for cause may be summarily dismissed  
21 from the chamber of the house, by action of the house,  
22 and shall forfeit that person's right to admission  
23 thereafter.

**Rule 21**

**Distribution of Literature**

26 No person not a member of the house of  
27 representatives shall generally distribute or cause to  
28 be distributed any pamphlets, material, or other  
29 printed literature in the house without the express  
30 permission of the chief clerk. Each piece of

**Page 10**

1 literature shall bear its source of distribution.

2 All copies of pamphlets, material, or printed  
3 literature distributed by a member of the general  
4 assembly shall bear the name of the member and a copy  
5 shall be left with the sergeant-at-arms.

6

**Rule 22**

7

**Distribution of Materials**

8

**Printed by the State**

9 A member of the house shall not distribute maps,  
10 books, and pamphlets such as, but not limited to  
11 Golden Dome, How a Bill Becomes Law, etc., which have  
12 been printed by the state of Iowa and upon which the  
13 name of the member of the house has been affixed  
14 unless the member has purchased the materials or  
15 unless the member has affixed the words "Paid for by  
16 the citizens of Iowa and distributed by representative  
17 (member's name)."

18

**DIVISION IV—FORMS AND PROCEDURES**

19

**For Bills And Other Documents**

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**Rule 23**

21

**Documents signed by the Speaker**

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23 All acts and joint resolutions shall be signed by  
24 the speaker, and all writs, warrants, and subpoenas  
25 issued by order of the house, shall be signed by the  
26 speaker and attested by the chief clerk.

26

**Rule 24**

27

**Presentation of Petitions**

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29 All petitions, memorials and other papers addressed  
30 to the house shall be signed by the member and filed  
with the chief clerk or the chief clerk's staff.

**Page 11**

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**Rule 25**

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**Consideration of Resolutions**

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4 Action on a resolution, except a memorial  
5 resolution, or a proposition requesting information  
6 from a state official shall not be taken until one day  
7 after the resolution has been placed on the members'  
8 desks. After the resolution is adopted, the chief  
9 clerk shall transmit certified copies and have the  
10 resolution printed in the bound journal. A resolution  
11 may be printed in the daily journal upon the approval  
12 of the speaker after consultation with the minority  
13 leader.

13

**Rule 26**

14

**Unanimous Consent Calendar**

15

16 The speaker may, upon the request of three members,  
17 place on a unanimous consent calendar any house  
18 resolution or concurrent resolution which does not  
19 contain an appropriation and which has been laid over  
20 under Rule 25.

20

21 If such resolution is placed on the unanimous  
22 consent calendar, it may be removed only upon a  
23 written request submitted to the speaker by a member  
of the house.

24 If not removed after five legislative days, the  
 25 chief clerk shall call up the resolution and without  
 26 debate the speaker shall pronounce that it has passed  
 27 by unanimous consent.

28 If the resolution is removed from the unanimous  
 29 consent calendar, the speaker may again lay the  
 30 resolution over under Rule 25, place it on a different

**Page 12**

1 calendar, or refer the resolution to any of the  
 2 standing committees of the house.

**Rule 27**

**Forms of Bills and Joint Resolutions**

5 Every house bill shall be introduced by one or more  
 6 members or by any standing or specially authorized  
 7 committee of the house, the administrative rules  
 8 review committee or interim study committee. All  
 9 bills and joint resolutions introduced shall be  
 10 prepared by the legislative service bureau with title,  
 11 enacting clause, text and explanation as directed by  
 12 the chief clerk of the house. One copy of each bill  
 13 shall be presented in a bill cover with the number of  
 14 copies of the bill and the title as directed by the  
 15 chief clerk.

**Rule 28**

**Joint and Nullification Resolutions**

18 Joint resolutions shall be framed and treated as  
 19 bills.

20 A "nullification resolution" is a joint resolution  
 21 which nullifies all or part of an administrative rule  
 22 adopted pursuant to chapter 17A of the Code. A  
 23 nullification resolution shall not amend an  
 24 administrative rule by adding language or by inserting  
 25 new language in lieu of existing language.

26 A nullification resolution may be introduced by an  
 27 individual, a standing committee or the administrative  
 28 rules review committee, and may be referred to a  
 29 standing committee.

30 A nullification resolution is debatable, but cannot

**Page 13**

1 be amended on the floor of the house.

**Rule 29**

**Time of Introduction of Bills**

4 No bill or joint resolution under individual  
 5 sponsorship, other than a nullification resolution,  
 6 shall be read for the first time after 4:00 p.m. on  
 7 Friday of the 7th week of the first regular session of  
 8 the general assembly unless a written request for  
 9 drafting the bill has been filed with the legislative

10 service bureau before that time.

11 After adjournment of the first regular session,  
12 bills may be prefiled at any time before the convening  
13 of the second regular session. No bill or joint  
14 resolution under individual sponsorship, other than a  
15 nullification resolution, shall be read for the first  
16 time after 4:00 p.m. on Friday of the 2nd week of the  
17 second regular session of the general assembly unless  
18 a written request for drafting the bill has been filed  
19 with the legislative service bureau before that time.

20 However, bills or joint resolutions sponsored by  
21 standing committees or the administrative rules review  
22 committee, co-sponsored by the majority and minority  
23 floor leaders, or companion bills sponsored by the  
24 house majority leader and the senate majority leader  
25 may be drafted and introduced at any time permissible  
26 under Joint Rule 20. House, concurrent and  
27 nullification resolutions may be introduced at any  
28 time.

#### 29 Rule 30

#### 30 Introduction and Reading of Bills

Page 14

1 All bills and resolutions to be introduced in the  
2 house shall be typed in proper form and filed with the  
3 chief clerk no later than 4:30 p.m. on the legislative  
4 day preceding its introduction.

5 Every bill shall receive two readings but no bill  
6 shall receive its first and last readings on the same  
7 day.

8 A "reading of a bill" as required by these rules  
9 shall consist of a reading of the title and enacting  
10 clause unless otherwise demanded by a house member.

#### 11 Rule 31

#### 12 First Reading, Commitment and Amendment

13 31.1. A bill is introduced into the house by an  
14 initial or "first reading of the bill".

15 31.2. When the house is in session the first  
16 reading shall consist of a "reading" as provided in  
17 Rule 30.

18 31.3. Upon a first reading of the bill, the  
19 speaker shall state that it is ready for commitment or  
20 amendment; and the speaker shall commit it to the  
21 standing or select committee, or to a committee of the  
22 whole house. If to a committee of the whole house,  
23 the house shall determine on what day.

24 31.4. On a day when the house is not in session,  
25 the speaker shall cause a statement, which shall  
26 consist of the title, enacting clause, bill number and  
27 committee to which the bill is referred to be

28 published in the house journal. This publication  
 29 shall constitute a first reading and commitment and  
 30 shall contain the notation "read and committed under

**Page 15**

1 Rule 31.4".

2 31.5. All amendments offered to bills on file or  
 3 on the regular calendar shall be accompanied by such  
 4 copies as the chief clerk shall direct.

5 31.6. Such amendments shall give the number of the  
 6 bill sought to amend and the chief clerk shall  
 7 designate each such amendment thus: Amendment to  
 8 House File \_\_\_\_\_, or Senate File \_\_\_\_\_, by  
 9 \_\_\_\_\_.

10 31.7. A bill reported out by committee shall go to  
 11 the speaker who shall direct that the bill be placed  
 12 on the regular calendar unless it covers subject  
 13 matter more properly within the jurisdiction of some  
 14 other standing committee, in which case the speaker  
 15 shall refer the bill to the proper standing committee.

16 31.8. No amendment to the rules of the house, to  
 17 any resolution or bill, except technical amendments  
 18 and amendments to bills substituted for by senate  
 19 files containing substantially identical title,  
 20 language, subject matter, purpose and intrasectional  
 21 arrangement, shall be considered by the membership of  
 22 the house without a copy of the amendment having been  
 23 filed with the chief clerk by 4:00 p.m. or within one-  
 24 half hour of adjournment, whichever is later, on the  
 25 day preceding floor debate on the amendment. This  
 26 provision shall not apply to any proposal debated on  
 27 the floor of the house after the fourteenth week of  
 28 the first session and the twelfth week of the second  
 29 session. No amendment or amendment to an amendment to  
 30 a bill, rule of the house, or resolution shall be

**Page 16**

1 considered by the membership of the house without a  
 2 copy of the amendment being on the desks of the entire  
 3 membership of the house prior to consideration.

**Rule 32**

**Commitment of Appropriation and Revenue Bills**

4 All bills to appropriate money shall be referred to  
 5 the appropriations committee, and all bills pertaining  
 6 to the levy, assessment or collection of taxes shall  
 7 be referred to the committee on ways and means.

**Rule 33**

**Regular Calendar**

8 Bills, nullification resolutions and joint

13 resolutions reported out for passage, or amendment and  
14 passage, or without recommendation, by a committee,  
15 shall be arranged on a regular calendar by the chief  
16 clerk each day at 4:30 p.m. in the order of the file  
17 number of the bills and following the preceding  
18 legislative day's regular calendar. Priority shall be  
19 given to house over senate file numbers and to joint  
20 resolutions over bills in the arrangement of the  
21 regular calendar.

#### 22 **Rule 34**

##### 23 **Debate Calendars**

24 The majority floor leadership shall cause a weekly  
25 debate calendar to be prepared and distributed to the  
26 house members by the chief clerk. The weekly debate  
27 calendar shall be the last regular calendar of the  
28 preceding week with an addendum by noon of that day  
29 consisting of bills that are read in on that day as  
30 reported out of committee and provided that copies of

#### Page 17

1 the bills on the addendum are available by 4:00 p.m.  
2 or by adjournment of that day, whichever is later. A  
3 bill, other than an appropriations or ways and means  
4 committee bill or a bill which has passed both houses  
5 in different forms, not listed on the weekly debate  
6 calendar shall not be considered by the house during  
7 the week covered by the weekly debate calendar.

8 The majority floor leadership shall cause to be  
9 prepared and distributed to the members at the opening  
10 of each session day when floor action is scheduled, a  
11 daily debate calendar consisting of bills,  
12 nullification resolutions and joint resolutions from  
13 the weekly debate calendar setting forth the number,  
14 title, and order of consideration of bills,  
15 nullification resolutions and joint resolutions for  
16 the next session day that floor action is scheduled.  
17 This rule does not apply to bills which have passed  
18 both houses in different forms.

#### 19 **Rule 35**

##### 20 **Noncontroversial Calendar**

21 The majority floor leadership may cause to be  
22 prepared a noncontroversial calendar consisting of  
23 bills and joint resolutions from the regular calendar.  
24 The noncontroversial calendar shall appear under  
25 separate heading on the regular calendar.

26 Notwithstanding Rule 34, a bill or joint resolution  
27 on the noncontroversial calendar may be called up for  
28 debate at any time by the majority leader beginning  
29 the third legislative day after it appears on the  
30 noncontroversial calendar. A bill or joint resolution

**Page 18**

1 shall be stricken from the noncontroversial calendar  
 2 if a written objection to the bill or joint resolution  
 3 is filed with the chief clerk prior to the time the  
 4 bill or joint resolution is called up by the majority  
 5 leader.

6 Debate on a bill or joint resolution from the  
 7 noncontroversial calendar shall be limited to ten  
 8 minutes. If debate exceeds ten minutes, the bill or  
 9 joint resolution shall be stricken from the  
 10 noncontroversial calendar.

**Rule 36****Consideration of Committee Amendments**

12 After a bill has been referred and reported back,  
 13 it shall be considered on its first reading after the  
 14 amendments of the committee have been read.  
 15

**Rule 37****Amendments to Special Order Bills**

17 All amendments, except corrective amendments, to  
 18 bills special ordered more than five session days in  
 19 advance of the date set for debate shall be filed at  
 20 least two session days prior to the date set for  
 21 debate.  
 22

23 A corrective amendment is an amendment which does  
 24 not substantively change the amendment or the bill.

25 The time limits set for the filing of amendments on  
 26 specially ordered bills shall not apply to bills  
 27 special ordered for less than five session days.  
 28

**Rule 38****Irrelevant Amendments**

29 No motion or proposition on a subject different  
 30

**Page 19**

1 from that under consideration shall be admitted under  
 2 color of an amendment.

**Rule 39****Consideration of Bills**

5 Bills, including committee bills, and nullification  
 6 resolutions, reported out for passage, for indefinite  
 7 postponement, for amendment and passage, or without  
 8 recommendation by the committee, shall not be acted  
 9 upon until at least one day after the printed journal  
 10 containing the report has been placed upon the desks  
 11 of the members of the house.

12 Appropriations committee bills shall not be acted  
 13 upon until at least two days after the printed bill  
 14 has been placed on the desks of the members of the  
 15 house.

16 The reports of the committees shall not be read  
17 while the house is in session except as herein  
18 provided. The reports shall be printed in the journal  
19 immediately after they are filed with the chief clerk.  
20 Reports recommending bills for passage, for amendment  
21 and passage, or without recommendation shall stand  
22 approved unless written objections are filed during  
23 the first legislative day following their printing in  
24 the journal. If objections are filed, they shall be  
25 disposed of as soon as possible. Reports recommending  
26 indefinite postponement shall be governed by Rule 44.  
27 Upon an affirmative vote of at least a  
28 constitutional majority of the members, a report may  
29 be read before it is printed in the journal and while  
30 the house is in session, and acted upon at once.

Page 20

1 **Rule 40**

2 **Consideration of Bills Upon Last Reading**

3 No amendment, unless by way of correcting an error  
4 or omission, shall be received to any bill on its last  
5 reading, and no debate shall be allowed on it.

6 **Rule 41**

7 **Printing of Bills and Joint Resolutions**

8 Bills and joint resolutions shall be printed in  
9 form as provided by law and by rule. Each house may  
10 direct the printing of an additional number of its own  
11 bills.

12 Legalizing bills of a local or private nature shall  
13 be printed in bill form and placed in the files of the  
14 members, the same as other bills, in the order of  
15 their introduction. The cost of printing shall be  
16 deposited with the treasurer of state in advance at a  
17 rate to be fixed, and the newspaper publication of the  
18 bill shall be without cost to the state. No  
19 legalizing act may be introduced until all provisions  
20 of law have been complied with.

21 **Rule 42**

22 **Certification of Bills**

23 The chief clerk shall certify the passage of each  
24 bill and note the date of its passage.

25 **Rule 43**

26 **Rereferral**

27 A bill may be rereferred at any time before its  
28 passage and after the report of its referral to  
29 committee.

30 **Rule 44**

**Page 21****1 Effect of Indefinite Postponement**

2 When a question is indefinitely postponed, it shall  
 3 not be acted upon again during that session. Any bill  
 4 which receives a committee recommendation of  
 5 indefinite postponement shall be disposed of within  
 6 three legislative days after the printed journal  
 7 containing the report has been placed upon the desks  
 8 of the members of the house, or the committee  
 9 recommendation will be considered adopted.

**10 Rule 45****11 Status of Bills Following****12 First Regular Session**

13 Except as provided in Rule 3 of the joint rules all  
 14 bills which have not been withdrawn, defeated or  
 15 indefinitely postponed, shall be rereferred to  
 16 committee upon adjournment. Within seven days after  
 17 the first committee meeting following convening of the  
 18 second regular session, the committee chair shall  
 19 submit the bill to the full committee for action or  
 20 the chair shall reassign the bill to a subcommittee.

**21 DIVISION V—COMMITTEE PROCEDURES****22 Rule 46****23 Appointment of Committees**

24 All committees shall be appointed by the speaker,  
 25 unless otherwise especially directed by the house.

**26 Rule 47****27 Order on Question of Commitment**

28 When a resolution is offered or a motion made to  
 29 refer any subject, and different committees are  
 30 proposed, the question shall be taken in the following

**Page 22**

1 order: The committee of the whole house; a standing  
 2 committee; a select committee.

**3 Rule 48****4 Study Bills**

5 A study bill is any matter which a member of the  
 6 house wishes to have considered by a standing  
 7 committee, other than appropriations, and which has  
 8 not been included in a previously introduced bill.  
 9 Upon taking possession of a study bill, the committee  
 10 chair shall notify the speaker and then submit fifteen  
 11 copies of the bill to the legal counsel's office for  
 12 numbering.

13 A study bill shall bear the name of the member who  
 14 wishes to have the bill considered. A study bill  
 15 submitted by a state agency or board for consideration  
 16 shall bear the name of the state agency or board. A

17 committee chair may submit a study bill in the name of  
18 that committee.

19 Final committee action on a study bill shall not be  
20 taken until one day following the notation of the  
21 study bill assignment in the house journal.

22 A study bill not prepared by the legislative  
23 service bureau may be submitted to a standing  
24 committee, but shall not be considered by the full  
25 committee unless reviewed and typed in proper form by  
26 the legislative service bureau.

#### 27 Rule 49

#### 28 Committee Meetings

29 No committee, except a conference committee or the  
30 administrative rules review committee, shall meet

### Page 23

1 while the house is in session without special leave.

#### 2 Rule 50

#### 3 Smoking

4 Smoking shall not be permitted in the house  
5 committee rooms while a committee is meeting, or on  
6 the floor of the house, at the speaker's station, in  
7 the press boxes, visitors' galleries, or house  
8 members' rest rooms.

#### 9 Rule 51

#### 10 Assignments to Subcommittee

11 The chair of the committee shall report to the  
12 house the bill number of each bill assigned to  
13 subcommittee and the names of the subcommittee  
14 members. The report shall be printed in the journal.

15 All bills, prior to consideration by the committee,  
16 shall be referred by the chair to a subcommittee,  
17 unless acted upon by a committee of the whole.

18 The chair may assign bills to subcommittees without  
19 a meeting of the committee, but the membership of the  
20 subcommittee so appointed shall be reported at the  
21 next meeting of the committee.

#### 22 Rule 52

#### 23 Open Meetings

24 Standing committee meetings shall be open, and  
25 voting by secret ballot is prohibited. The rules and  
26 administration committee may close its meetings to  
27 evaluate the professional competency of an individual  
28 whose appointment, hiring, performance or discharge is  
29 being considered when necessary to prevent needless  
30 and irreparable injury to that individual's reputation

### Page 24

1 on the request of the affected individual.

2

**Rule 53**

3

**Quorum and Vote Requirements**

4

The committee roll shall be taken at the convening of each meeting to determine the presence of a quorum.

6

A majority of the committee membership shall constitute a quorum.

8

An affirmative vote of a majority of the committee membership is required to report a bill out of committee or to suspend a committee rule.

10

11

**Rule 54**

12

**Committee Attendance Record and Report of Committee Form**

13

A committee attendance record shall be filed with the chief clerk no later than 10:00 a.m. of the legislative day immediately following the day of the committee meeting. The committee attendance record is a public record and may be published in the journal. The committee attendance record shall include the following information:

20

21

a. The time the meeting convened.

22

b. The members present at the meeting.

23

c. The time the meeting adjourned.

24

d. A list of bills receiving final committee disposition.

25

26

A report of committee form shall be filed with the chief clerk no later than 10:00 a.m. of the legislative day immediately following the day of the committee meeting for each study bill, numbered bill or resolution receiving final committee disposition.

27

28

29

30

**Page 25**

1

The report of committee form is a public record and a report of committee action shall be printed in the journal. The report of committee form shall include the following information:

5

a. The committee action taken.

6

b. The committee amendment number, if any.

7

c. The roll call vote of the committee on final disposition.

8

d. The minority recommendation, if any.

9

Upon final adjournment of the first session and final adjournment of the second session of the general assembly, the chair of each committee shall have placed the committee's book of record containing minutes, roll calls, rules, etc., with the chief clerk for access of any interested person.

15

16

**Rule 55**

17

**Minority Recommendation**

18

The minority of the members of a committee may

19 present its recommendations on the final disposition  
 20 of a bill to the house by attaching its recommendation  
 21 to the committee report and the same shall be printed  
 22 in the journal with the committee report.

23 **Rule 56**

24 **Committee Amendment**

25 Whenever a committee amendment is proposed which  
 26 would amend another committee amendment, the amendment  
 27 shall be drafted in the form of a substitute amendment  
 28 and shall be considered as such.

29 **Rule 57**

30 **Committee Notice and Agenda**

**Page 26**

1 Each committee shall prepare and publish a notice  
 2 and agenda of each committee meeting at least one  
 3 legislative day prior to the meeting.

4 The notice shall contain the committee name, the  
 5 date, time and location of the meeting.

6 The agenda shall contain the matters to be  
 7 discussed, including a list of bills, joint  
 8 resolutions, nullification resolutions and study bills  
 9 by number. The agenda should contain the names of  
 10 individuals who are scheduled to appear before the  
 11 committee and the organization which they represent.

12 A bill, joint resolution, nullification resolution  
 13 or study bill shall not be reported out of committee  
 14 if the bill was not included in the published notice  
 15 and agenda unless this rule is suspended by a majority  
 16 of the total membership of the committee.

17 A committee chair may call a meeting without  
 18 providing the required notice and agenda upon leave of  
 19 the house if a notice is placed on the desks of  
 20 committee members and on the bulletin board.

21 **Rule 58**

22 **Clearing of Committee Room**

23 The chair of a committee may clear the committee  
 24 room in case of any disturbance or disorderly conduct.

25 **Rule 59**

26 **Committee Amendments**

27 All amendments to a bill or resolution adopted in  
 28 committee shall be incorporated in a single committee  
 29 amendment or incorporated in a new committee bill.

30 **Rule 60**

**Page 27**

1 **Withdrawal of Bills**  
 2 **or Nullification Resolutions**  
 3 **From Committee**

4 A bill or nullification resolution which has been  
5 in committee for eighteen legislative days following  
6 notation of such referral in the journal may be  
7 withdrawn from the committee and placed on the  
8 calendar by an affirmative vote of not less than  
9 fifty-one members of the house.

10 **Rule 61**

11 **Committee Hearings**

12 The chair of a committee may call a hearing for the  
13 purpose of receiving public comment on any matter  
14 within the purview of the committee.

15 The chair shall call a hearing upon the written  
16 request of committee members according to committee  
17 rules, but no more than one-third of the committee  
18 members shall be required.

19 The chair shall designate a time and place for a  
20 hearing and provide public notice at least five days  
21 prior to a hearing.

22 **Rule 62**

23 **Limitation on Filing of Claims**

24 A claim or claim bill, the subject matter of which  
25 has been considered or filed for consideration in the  
26 house or any of its committees, in two or more prior  
27 sessions of the general assembly, shall not be  
28 considered by any committee or by the house unless it  
29 has been specifically referred to this session by a  
30 prior general assembly. The committee on claims is

**Page 28**

1 authorized to set a definite date after which it will  
2 not receive claims or claim bills for consideration.

3 **DIVISION VI—COMMITTEE OF THE WHOLE**

4 **Rule 63**

5 **Organization of Committee of the Whole**

6 In forming the committee of the whole house, the  
7 speaker shall appoint a member to preside in committee  
8 and then leave the chair.

9 **Rule 64**

10 **Rules in Committee of the Whole**

11 The rules of the house shall be observed in  
12 committee of the whole house, so far as they are  
13 applicable.

14 **Rule 65**

15 **Bills in Committee of the Whole**

16 Bills committed to the committee of the whole house  
17 shall first be read in their entirety by the chief  
18 clerk or chair and then read again or debated by  
19 section, leaving the preamble to be considered last.  
20 After report, the bill shall again be subject to

21 debate and amendment before a vote is had on its last  
22 reading and passage.

23 **Rule 66**

24 **Amendments by Committee of the Whole**

25 All amendments made to a report committed to a  
26 committee of the whole house shall be noted and  
27 reported as in the case of bills.

28 **DIVISION VII—MOTIONS**

29 **Rule 67**

30 **Order and Precedence of Motions**

**Page 29**

1 The following order and precedence of motions shall  
2 govern when a question is under debate:

- 3 11. Adjourn.
- 4 10. Recess.
- 5 9. Questions of privilege.
- 6 8. Lay on the table.
- 7 7. Previous question.
- 8 6. Postpone definitely or to a certain time.
- 9 5. Refer or commit.
- 10 4. Defer.
- 11 3. Amend an amendment.
- 12 2. Amend.
- 13 1. Postpone indefinitely.

14 These motions are listed in descending order of  
15 precedence.

16 A motion to postpone definitely or to a certain time, to  
17 refer or commit, or to postpone indefinitely a particular  
18 question shall not be considered more than once on the same day.

19 Adoption of a motion to strike the enacting words is equivalent  
20 to rejection of the question.

21 **Rule 68**

22 **Order of Consideration of Amendments**

23 Amendments shall be considered by earliest position  
24 in the bill. Amendments to the same place in the bill  
25 shall be considered by the lowest amendment number.  
26 An amendment which inserts language after a line and  
27 an amendment which inserts language before the  
28 succeeding line shall be considered amendments to the  
29 same place in the bill.

30 However, an amendment to strike the enacting clause

**Page 30**

- 1 shall always be considered first. An amendment filed
- 2 by a committee shall have the next highest order of
- 3 priority, followed by an amendment to strike
- 4 everything after the enacting clause and insert new
- 5 language. An amendment to strike language or to

6 strike and insert new language, except an amendment to  
 7 strike everything after the enacting clause and insert  
 8 new language, shall not be considered before  
 9 amendments to perfect all or part of the same portion  
 10 of the bill.

11 **Rule 69**

12 **Motions Not Debatable**

13 The motions to lay on the table, to adjourn, for  
 14 the previous question, and appeals of a ruling of the  
 15 presiding officer shall be decided without debate.

16 **Rule 70**

17 **Motion to Adjourn**

18 A motion to adjourn shall always be in order,  
 19 except when a member is speaking or the house is  
 20 voting.

21 **Rule 71**

22 **Withdrawal of Motions**

23 After a motion is stated by the speaker, or read by  
 24 the chief clerk, it shall be deemed to be in  
 25 possession of the house, but may be withdrawn by leave  
 26 of the house.

27 **Rule 72**

28 **Referral and Rereferral**

29 Motions and reports may be referred and rereferred  
 30 at the pleasure of the house.

**Page 31**

1 **Rule 73**

2 **Reconsideration**

3 a. A motion to reconsider may be made only by a  
 4 member who voted on the prevailing side of the  
 5 question sought to be reconsidered.

6 b. A motion to reconsider may be made not later  
 7 than adjournment on the day following the day of the  
 8 action sought to be reconsidered. Where the floor  
 9 manager voted on the prevailing side, he or she has  
 10 the prior right to make the motion, until adjournment  
 11 on the day of the action sought to be reconsidered. A  
 12 motion to reconsider a nullification resolution shall  
 13 be acted upon not later than adjournment on the  
 14 legislative day following the day of the action sought  
 15 to be reconsidered.

16 c. A motion to reconsider made following the one  
 17 hundred fourth calendar day of the first regular  
 18 session, or the ninety-fourth calendar day of the  
 19 second regular session, shall be taken up when made.  
 20 A motion made at any other time may be taken up prior  
 21 to the third day succeeding the day of the action  
 22 sought to be reconsidered only if called up by the  
 23 mover, and after the second day succeeding the day of

24 the action sought to be reconsidered if called up by  
25 any member.

26 d. The making of a motion to reconsider takes  
27 precedence over all other questions.

28 e. No motion to reconsider passage, adoption or  
29 failure of any bill, nullification resolution or joint  
30 resolution shall prevail unless it obtains a

**Page 32**

1 constitutional majority. When passage, adoption or  
2 failure is reconsidered, questions on amendments may  
3 also be reconsidered and shall be disposed of  
4 immediately.

5 f. A motion that the motion to reconsider be laid  
6 on the table is in order. The effect of laying the  
7 motion to reconsider on the table is to cause the bill  
8 or joint resolution to proceed on its regular course  
9 immediately.

10 g. In the event that a motion to reconsider is  
11 pending at the end of the first session or any  
12 extraordinary session of any general assembly, or the  
13 general assembly adjourns sine die, and the motion to  
14 reconsider has not been voted upon by the house, the  
15 motion shall be determined to have failed.

**DIVISION VIII—VOTING**

**Rule 74**

**Manner of Voting**

18 Upon direction of the speaker or upon request of  
19 two members during the taking of the vote of the house  
20 on any question, only those members at their desks and  
21 voting shall be counted except:

22 a. Members who have not voted may record their  
23 votes on any record roll call vote except quorum calls  
24 within ten minutes after the vote has been announced,  
25 providing the vote does not change the outcome of the  
26 vote on that question. A member may request  
27 announcement of the names of members so recorded after  
28 the ten-minute period.

30 b. Members meeting in a conference committee or in

**Page 33**

1 administrative rules review committee at the time a  
2 vote is taken on a question may have their vote  
3 recorded within 30 minutes or adjournment, whichever  
4 is first of that same legislative day, providing the  
5 vote does not change the outcome of the vote on that  
6 question.

7

**Rule 75**

8

**Duty of Voting**

9 Except as limited in Rule 74, every member who is  
10 in the house when a question is put shall vote unless  
11 the house has excused that member for special reasons;  
12 however, such member must have asked to be excused  
13 prior to commencing to take the vote on the main  
14 question.

15

**Rule 76**

16

**Limitation on Right to Vote**

17 No member shall vote on any question in which that  
18 person is financially interested.

19

**Rule 77**

20

**Call of the House**

21 Upon written request of five members, the presiding  
22 officer shall compel attendance of absent and  
23 unexcused members for the consideration of specified  
24 bills or resolutions.

25

26 A call of the house shall specify the propositions  
27 to which it is to apply, and must be put into effect  
28 before roll call is taken on the proposition. The  
29 request may be filed at any time before final action  
30 upon the propositions with the chief clerk, who shall  
notify the house immediately.

**Page 34**

1

**Rule 78**

2

**Method of Calling the House**

3 Upon a call of the house, the names of the members  
4 shall be called by the chief clerk and the absentees  
5 noted, after which the names of the absentees shall  
6 again be called. The sergeant-at-arms shall be  
7 directed by the speaker to compel the attendance of  
8 absent members, unless they are previously excused.  
9 Any member occupying his or her seat during a call of  
10 the house shall be counted by the speaker and that  
11 person's name entered in the journal as being present  
12 for the purpose of making a quorum.

13

**Rule 79**

14

**Method of Calling the Roll**

15 The electrical voting machine shall be used for a  
16 call of the house, a quorum call or a roll call vote  
17 on any question. If the electrical voting machine is  
18 not in operating order when it is necessary to take a  
19 record roll call vote, the presiding officer shall  
20 order the vote to be taken by calling the roll in  
21 alphabetical order, except the name of the presiding  
22 officer shall be called last.

23

24 During the casting of the vote with the voting  
machine, the individual votes and the vote totals

25 shall be shown on the display boards. Before the  
 26 voting machine is closed, the presiding officer shall  
 27 inquire of the house, "Have you all voted?"

28 **Rule 80**

29 **Quorum and Record Roll Call Votes**

30 A majority of the members shall constitute a

**Page 35**

1 quorum.

2 A record roll call vote shall be ordered upon  
 3 request of any two members. The names of the members  
 4 requesting the record roll call shall be entered in  
 5 the journal.

6 **Rule 81**

7 **Previous Question**

8 When a member moves for a previous question, that  
 9 member shall state whether the motion will apply to  
 10 the main question, to all the amendments, or to  
 11 particular amendments. The motion requires an  
 12 affirmative vote of at least a constitutional majority  
 13 of the members. If the motion for a previous question  
 14 is not adopted, the house shall proceed in the same  
 15 manner as before the motion was made.

16 If the motion is adopted, all debate must end and  
 17 the house will vote upon the question except:

18 1. If the motion applies to the main question, the  
 19 member in charge of the measure will have ten minutes  
 20 to speak for the purpose of closing discussion before  
 21 the vote on the measure is taken.

22 2. If the motion applies to an amendment, the  
 23 member proposing the amendment will have five minutes  
 24 to speak for the purpose of closing discussion before  
 25 the vote on the amendment is taken.

26 3. If a member has filed a written request with  
 27 the chief clerk of the house indicating his or her  
 28 desire to speak on a particular question. The request  
 29 must be filed before the motion is made by the movant.  
 30 The request allows a member to speak on a particular

**Page 36**

1 question before the closing discussion by the member  
 2 who is in charge of the measure or who is proposing  
 3 the amendment.

4 **Rule 82**

5 **Division of the Question**

6 Any member may call for a division of the question,  
 7 which shall be divided if it comprehends questions so  
 8 distinct that one being taken away, the remainder may  
 9 stand separately for discussion by the house. A

- 10 motion to strike out being lost shall not preclude
- 11 either an amendment or a motion to strike out and
- 12 insert. A motion to strike out and insert shall be
- 13 deemed indivisible.

Halvorson of Clayton offered the following amendment H—3009 filed by Halvorson, et al., and moved its adoption:

H—3009

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 3, line 17 by striking the words
- 3 "constitutional majority" and inserting the words "at
- 4 least sixty-six members".

Amendment H—3009 lost.

Hummel of Benton offered the following amendment H—3012 filed by him from the floor and moved its adoption:

H—3012

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 3, by striking lines 16 and 17 and
- 3 inserting the following: "table a matter, requires an
- 4 affirmative vote of at least fifty-five members.
- 5 Postponing or changing the".

A non-record roll call was requested.

The ayes were 38, nays 49.

Amendment H—3012 lost.

Van Camp of Scott offered the following amendment H—3002 filed by him and moved its adoption:

H—3002

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 10, by striking line 4 and inserting the
- 3 following: "assembly or approved for distribution by
- 4 the chief clerk shall bear that person's name and a
- 5 copy".

A non-record roll call was requested.

The ayes were 39, nays 49.

Amendment H—3002 lost.

Carpenter of Polk offered the following amendment H—3006 filed by her and Harbor of Mills and moved its adoption:

H—3006

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 22, line 7 by striking the following:
- 3 “, other than appropriations.”

Roll call was requested by Stromer of Hancock and Carpenter of Polk.

On the question “Shall amendment H—3006 be adopted?” (H.R. 2)

The ayes were, 40:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schneklath	Shoning	Stromer
Stueland	Tyrrell	Van Camp	Van Maanen

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Shoultz
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 4:

Muhlbauer	Sherzan	Siegrist	Swearingen
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Amendment H—3006 lost.

Van Camp of Scott offered the following amendment H—3004 filed by him and moved its adoption:

H—3004

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 23 by striking lines 4 through 8 and
- 3 inserting the following:
- 4 “Smoking shall not be permitted in the house

- 5 committee rooms while a committee is meeting or on the  
6 floor of the house, at the speaker's station and in  
7 the press boxes while the house is in session."

Amendment H—3004 lost.

Osterberg of Linn offered the following amendment H—3013 filed from the floor by Osterberg, Fey, Johnson, Halvorson of Webster, Hansen of Woodbury, McKean, Renken, Hanson of Delaware, Carpenter, Stueland, Doderer and Schneklath and moved its adoption:

H—3013

- 1 Amend House Resolution 2 as follows:  
2 1. Page 23, line 5, by inserting after the word  
3 "meeting," the following: "the west part of the  
4 lounge provided for telephone use,".

Amendment H—3013 was adopted.

Paulin of Plymouth offered the following amendment H—3001 filed by him and Harbor of Mills and moved its adoption:

H—3001

- 1 Amend House Resolution 2 as follows:  
2 1. Page 23, line 24 by inserting after the word  
3 "meetings" the words "and caucuses".

Roll call was requested by Stromer of Hancock and Paulin of Plymouth.

On the question "Shall amendment H—3001 be adopted?" (H.R. 2)

The ayes were, 40:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schneklath	Shoning	Stromer
Stueland	Tyrrell	Van Camp	Van Maanen

The nays were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper

Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Shoultz
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 4:

Muhlbauer	Sherzan	Siegrist	Swearingen
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Amendment H—3001 lost.

Tyrrell of Iowa offered amendment H—3011, filed by him from the floor, and requested division as follows:

H—3011

1 Amend House Resolution 2 as follows:

H—3011A

2 1. Page 24, line 18, by striking the word "may"  
3 and inserting the word "shall".

H—3011B

4 2. Page 24, line 22, by inserting after the word  
5 "The" the words "names of the".

Johnson of Winneshiek in the chair at 4:38 p.m.

On motion by Tyrrell of Iowa, amendment H—3011A lost.

On motion by Tyrrell of Iowa, amendment H—3011B lost.

Speaker Avenson in the chair at 4:50 p.m.

Stromer of Hancock offered the following amendment H—3008 filed by Stromer, et al., and moved its adoption:

H—3008

1 Amend House Resolution 2 as follows:

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

4 "Within two weeks of convening the first regular  
5 session and during the first week of the second  
6 regular session, each standing committee chair, after  
7 consultation with the ranking members, shall prepare  
8 and publish an agenda of subject matters the committee  
9 will discuss during that session. In the extended  
10 absence of a committee chair, this duty shall be  
11 performed by the vice chair."

Amendment H—3008 lost.

Harbor of Mills offered the following amendment H—3007 filed by Harbor, et al., and moved its adoption:

H—3007

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 27, by inserting the following after
- 3 line 21:
- 4 "A bill for which a public hearing has been called
- 5 can be voted to the calendar but cannot be debated
- 6 until after the public hearing is held."

Roll call was requested by Harbor of Mills and Halvorson of Clayton.

On the question "Shall amendment H—3007 be adopted?" (H.R. 2)

The ayes were, 40:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schnekloth	Shoning	Stromer
Stueland	Tyrrell	Van Camp	Van Maanen

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohon	Connolly	Connor
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Neuhauser	Norrgard
Ollie	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Shoultz	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 5:

Muhlbauer	Osterberg	Sherzan	Siegrist
Swearingen			

Amendment H—3007 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Osterberg of Linn, for the remainder of the day, on request of Buhr of Polk.

Van Camp of Scott offered the following amendment H—3003 filed by him and moved its adoption:

H—3003

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 32, by striking lines 23 through 29.

Roll call was requested by Van Camp of Scott and Stromer of Hancock.

On the question "Shall amendment H—3003 be adopted?" (H.R. 2)

The ayes were, 40:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schnekloth	Shoning	Stromer
Stueland	Tyrrell	Van Camp	Van Maanen

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Neuhausser	Norrgard
Ollie	Parker	Pavich	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg
Running	Schrader	Shoultz	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 5:

Muhlbauer	Osterberg	Sherzan	Siegrist
Swearingen			

Amendment H—3003 lost.

Kremer of Buchanan asked and received unanimous consent to withdraw amendment H—3005 filed by him on January 13, 1987.

Tyrrell of Iowa offered the following amendment H—3010 filed by him from the floor and moved its adoption:

H—3010

- 1 Amend House Resolution 2 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "chair" the words "every day precisely".

Amendment H—3010 lost.

On motion by Chapman of Linn, the resolution, as amended, was adopted.

### COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

#### BOARD OF REGENTS

The Board of Regents' 1987-97 Ten-Year Building Program, pursuant to Section 262A.3, Code of Iowa.

#### DEPARTMENT OF NATURAL RESOURCES

A Groundwater Protection Strategy, pursuant to Chapter 7, Section 3, 1985 Acts of the Seventy-first General Assembly.

### STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 5 Human Resources**

Relating to certain certificates and services provided by and data collected and compiled by the Iowa department of public health.

#### **H.S.B. 6 Human Resources**

Relating to immunizations of certain students attending nonprofit post-secondary educational institutions.

#### **H.S.B. 7 Human Resources**

Relating to the deputy director of the department of public health responsible for the substance abuse programs.

#### **H.S.B. 8 Human Resources**

Relating to the approval of chemical substitutes and antagonists programs.

**H.S.B. 9 Human Resources**

Relating to program grants under the Iowa department of public health for substance abuse programs.

**H.S.B. 10 Human Resources**

Relating to the Iowa department of public health by changing the name of the executive officer and prohibiting the department from reissuing official documents because of name and title changes.

**H.S.B. 11 Human Resources**

Creating a lead abatement program within the Iowa department of public health and making an appropriation.

**H.S.B. 12 Human Resources**

Allowing the department of public health to establish standards and inspection fees for swimming pools, spas, and bathing beaches, to enter into agreement with local boards of health for inspection, enforcement, and fee collection, and establishing a penalty.

**H.S.B. 13 Human Resources**

Relating to the registration process of certain certificates by the Iowa department of public health.

**H.S.B. 14 State Government**

Relating to the educational and experience requirements for registered professional engineers and registered land surveyors.

**H.S.B. 15 State Government**

Allowing therapeutically certified optometrists to prescribe and dispense certain pharmaceutical agents and to treat certain conditions.

**H.S.B. 16 Education**

Relating to the annual report of a school district.

**H.S.B. 17 Education**

Relating to the date on which the certified enrollment count is taken for pupils enrolled in public schools in this state.

**H.S.B. 18 State Government**

Relating to the definition of disability for purposes of the state civil rights law.

**H.S.B. 19 State Government**

Relating to the powers and duties of the civil rights commission in issuing publications and reports and recommending legislation.

**H.S.B. 20 State Government**

Relating to the discretion of a notary public in performing notarial services, and limiting that discretion.

**H.S.B. 21 State Government**

Relating to the filing of a request for a contested case proceeding with a state agency.

On motion by Arnould of Scott, the House adjourned at 5:41 p.m., until 9:00 a.m., Thursday, January 15, 1987.

# JOURNAL OF THE HOUSE

Fourth Calendar Day — Fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 15, 1987

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

Prayer was offered by the Honorable Kenneth De Groot, state representative from Lyon County.

The Journal of Wednesday, January 14, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Fogarty of Palo Alto, from fifty-eight constituents from District 11 favoring increasing funding by the Iowa General Assembly to the State Transit Assistance Fund to ensure continuation of public transit service to Iowans.

Also: From three hundred three constituents from District 11 opposing the closing of the State Liquor Stores.

By Johnson of Winneshiek, from twenty-one constituents of the Senior Citizen Hospitality Center of Winneshiek County favoring an increase in funding to the State Transit Assistance Fund to ensure continuation of public transit service to Iowans.

By Royer of Page, from three hundred four citizens of District 93 opposing the sale and issuance of out-of-state deer/turkey hunting licenses.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hansen of Woodbury, for January 15 and 16, 1987, on request of Buhr of Polk.

## 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 14, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 3, relating to joint rules of the senate and house

for the seventy-second general assembly.

JOHN F. DWYER, Secretary of the Senate

### INTRODUCTION OF BILLS

**House File 32**, by Daggett, a bill for an act relating to the payment of tuition for children living in licensed child foster care facilities.

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

**House File 33**, by Schnekloth, a bill for an act relating to the administration of property tax laws.

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

**House File 34**, by Diemer, a bill for an act imposing a monthly fee of twenty dollars on offenders on parole and defendants granted probation.

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

**House File 35**, by Schnekloth, a bill for an act relating to the posting of property for purposes of preventing trespass.

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

**House File 36**, by Hermann, a bill for an act relating to the operation of retail stores by an institution of higher education under the control of the state board of regents.

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

**House File 37**, by Schnekloth, a bill for an act relating to grading corn for foreign material.

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

**House File 38**, by Branstad, a bill for an act to allow motor homes with an outside width up to eight feet six inches to travel on the public highways of the state.

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

**House File 39**, by Spear, a bill for an act making changes in the statutes relating to marriage.

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

**House File 40**, by Stueland, a bill for an act relating to the financing of water quality studies.

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

### RESOLUTION FILED

**SCR 3**, by rules and administration committee, a concurrent resolution relating to joint rules of the senate and house for the seventy-second general assembly.

Referred to committee on **rules and administration**.

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 1

Arnould of Scott called up for consideration Senate Concurrent Resolution 1, relating to distribution of printed legislative materials, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 2

Arnould of Scott called up for consideration Senate Concurrent Resolution 2, relating to appointment of a joint inaugural committee, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Arnould of Scott, the House was recessed at 9:10 a.m., until 11:00 a.m.

The House reconvened, Speaker Avenson in the chair.

#### INAUGURAL COMMITTEE APPOINTED

The Speaker announced the appointment of the following members of the inaugural committee on the part of the House: Hammond of Story, May of Worth, McKinney of Dallas, Paulin of Plymouth, Schneklath of Scott and Metcalf of Polk.

#### IMMEDIATE MESSAGES

(Senate Concurrent Resolutions 1 and 2)

Arnould of Scott asked and received unanimous consent to immediately message Senate Concurrent Resolutions 1 and 2 to the Senate.

### COMMITTEE RECOMMENDATION

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

**JOSEPH O'HERN**  
Chief Clerk of the House

#### COMMITTEE ON RULES AND ADMINISTRATION

**Senate Concurrent Resolution 3**, a concurrent resolution relating to joint rules of the senate and house for the seventy-second general assembly.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—3014**, January 15, 1987.

#### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Concurrent Resolution 3.

#### RULE 31.8 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the filing of amendments, on Senate Concurrent Resolution 3.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 4

Buhr of Polk called up for consideration House Concurrent Resolution 4, commemorating the life and work of Reverend Dr. Martin Luther King, Jr., and moved its adoption.

The motion prevailed and the resolution was adopted.

#### IMMEDIATE MESSAGE

(House Concurrent Resolution 4)

Arnould of Scott asked and received unanimous consent to immediately message House Concurrent Resolution 4 to the Senate.

The House stood at ease at 11:09 a.m., until the fall of the gavel.

The House resumed session at 11:49 a.m., Speaker Avenson in the chair.

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 3

Chapman of Linn called up for consideration Senate Concurrent Resolution 3, as follows with report of committee recommending amendment and passage:

1 Senate Concurrent Resolution 3

2 By Rules and Administration Committee

3 A concurrent resolution relating to joint rules  
4 of the senate and house for the seventy-second  
5 general assembly.

6 *Be It Resolved By The Senate, The House Concurring,*  
7 That the joint rules of the senate and house in the  
8 seventy-second general assembly shall be:

9 **JOINT RULES OF THE**  
10 **SENATE AND HOUSE**

11 **Rule 1**

12 **Suspension of Joint Rules**

13 The joint rules of the general assembly may be  
14 suspended by concurrent resolution, duly adopted by a  
15 constitutional majority of the senate and the house.

16 **Rule 2**

17 **Designation of Sessions**

18 Each regular session of a general assembly shall be  
19 designated by the year in which such regular session  
20 commences.

21 **Rule 3**

22 **Sessions of a General Assembly**

23 The election of officers, organization, hiring and  
24 compensation of employees, and standing committees in  
25 each house of the general assembly and action taken by  
26 each house shall carry over from the first to the  
27 second regular session and to any extraordinary  
28 session of the same general assembly. The status of  
29 each bill and resolution shall be the same at the  
30 beginning of each second session as it was immediately

**Page 2**

1 before adjournment of the previous regular or  
2 extraordinary session; however the rules of either  
3 house may provide for re-referral of some or all bills  
4 and resolutions to standing committees upon  
5 adjournment of each session or at the beginning of a  
6 subsequent regular or extraordinary session, except  
7 those which have been adopted by both houses in  
8 different forms.

9 Upon final adoption of a concurrent resolution at  
10 any extraordinary session affecting that session, or  
11 at a regular session affecting any extraordinary  
12 session which may be held before the next regular  
13 session, the creation of any calendar by either house  
14 shall be suspended and the business of the session  
15 shall consist solely of those bills or subject matters  
16 stated in the resolution adopted. Bills named in the  
17 resolution, or bills containing the subject matter  
18 provided for in the resolution, may, at any time, be  
19 called up for debate in either house by the majority

20 leader of that house.

21

**Rule 4**

22

**Presentation of Messages**

23

24 All messages between the two houses shall be sent  
25 by the secretary of the senate or the chief clerk of  
26 the house of representatives, shall be announced and  
communicated to the chair.

27

28

**Rule 5**

29

**Printing and Form of Bills  
and Other Documents**

30

**Page 3**

1 Bills and joint resolutions shall be introduced,  
2 numbered, prepared, and printed as provided by law, or  
3 in the absence of such law, in a manner determined by  
4 the secretary of the senate and the chief clerk of the  
5 house of representatives.

6 All bills and joint resolutions introduced shall be  
7 in a form and number approved by the secretary of the  
8 senate and chief clerk of the house.

9 The legal counsel's office of each house shall  
10 approve all bills before introduction.

11

**Rule 6**

12

**Companion Bills**

13 Identical bills introduced in each house shall be  
14 called companion bills. Each house shall designate  
15 the sponsor in the usual way followed in parentheses  
16 by the sponsor of the companion bill in the other  
17 house. The house where the bill is first introduced  
18 shall print the complete text.

19

**Rule 7**

20

**Reprinting of Bills**

21 Whenever any bill has been substantially amended by  
22 either house, the secretary of the senate or the chief  
23 clerk shall order the bill reprinted on paper of a  
24 different color. All adopted amendments shall be  
25 distinguishable.

26 The secretary of the senate or the chief clerk may  
27 order the printing of a reasonable number of  
28 additional copies of any bill, resolution, amendment,  
29 or journal.

30

**Rule 8**

**Page 4**

1

**Daily Clip Sheet**

2 The secretary of the senate and the chief clerk  
3 shall prepare a daily clip sheet covering all  
4 amendments filed.

5 **Rule 9**

6 **Reintroduction of Bills and Other Measures**

7 A bill or resolution which has passed one house and  
8 is rejected in the other shall not be introduced again  
9 during that general assembly.

10 **Rule 10**

11 **Certification of Bills and Other Enrollments**

12 When any bill or resolution which has passed one  
13 house is rejected or adopted in the other, notice of  
14 such action and the date thereof shall be given to the  
15 house of origin in writing signed by the secretary or  
16 the chief clerk.

17 **Rule 11**

18 **Code Editor's Correction Bill**

19 A bill recommended by the code editor which is  
20 introduced by a committee of the house or senate  
21 within the first four weeks of convening of a  
22 legislative session and which contains code  
23 corrections of a nonsubstantive nature shall not be  
24 amended on the floor of either house except pursuant  
25 to corrective or nonsubstantive amendments filed by  
26 the judiciary committee of the house or the senate.  
27 Such committee amendments shall not be incorporated  
28 into the bill in the originating house but shall be  
29 filed separately.

30 A bill recommended by the code editor which is

**Page 5**

1 introduced by a committee of the house or senate  
2 within the first four weeks of convening of a  
3 legislative session and which contains code  
4 corrections beyond those of a nonsubstantive nature  
5 shall not be amended on the floor of either house  
6 except pursuant to amendments filed by the judiciary  
7 committee of the senate or the judiciary and law  
8 enforcement committee of the house. Such committee  
9 amendments shall not be incorporated into the bill in  
10 the originating house but shall be filed separately.  
11 Such a bill shall be limited to corrections which:  
12 Adjust language to reflect current practices, insert  
13 earlier omissions, delete redundancies and  
14 inaccuracies, delete temporary language, resolve  
15 inconsistencies and conflicts, update ongoing  
16 provisions, and remove ambiguities.

17 **Rule 12**

18 **Amendments by Other House**

19 I. When a bill which originated in one house is  
20 amended in the other house, the house originating the  
21 bill may amend the amendment, concur in full in the  
22 amendment, or refuse to concur in full in the  
23 amendment. Such amendments shall not be ruled out of

24 order based on a question of germaneness. Precedence  
25 of motions shall be in that order.

26 A. If the house originating the bill concurs in  
27 the amendment, the bill shall then be immediately  
28 placed upon its final passage.

29 B. If the house originating the bill refuses to  
30 concur in the amendment, the bill shall be returned to

**Page 6**

1 the amending house which shall either:

2 1. Recede, after which the bill shall be read for  
3 the last time and immediately placed upon its final  
4 passage; or

5 2. Insist, which will send the bill to a  
6 conference committee.

7 C. If the house originating the bill amends the  
8 amendment, that house shall concur in the amendment as  
9 amended and the bill shall be immediately placed on  
10 final passage, and shall be returned to the other  
11 house. The other house cannot further amend the bill.

12 1. If the amending house which gave second  
13 consideration to the bill concurs in the amendment to  
14 the amendment, the bill shall then be immediately  
15 placed upon its final passage.

16 2. If the amending house refuses to concur in the  
17 amendment to the amendment, the bill shall be returned  
18 to the house originating the bill which shall either:

19 a. Recede, after which the bill shall be read for  
20 the last time as amended and immediately placed upon  
21 its final passage; or

22 b. Insist, which will send the bill to a  
23 conference committee.

24 II. A motion to recede has precedence over a  
25 motion to insist. Failure to recede means to insist;  
26 and failure to insist means to recede.

27 III. A motion to lay on the table or to  
28 indefinitely postpone shall be out of order with  
29 respect to motions to recede from or insist upon and  
30 to amendments to bills which have passed both houses.

**Page 7**

1 IV. A motion to concur, refuse to concur, recede,  
2 insist, or adopt a conference committee report is in  
3 order even though the subject matter has previously  
4 been acted upon.

**Rule 13**

**Conference Committee**

6 1. Within one legislative day after either house  
8 insists upon an amendment to a bill, the presiding  
9 officer of the house, after consultation with the

10 majority leader, shall appoint three majority party  
11 members and, after consultation with the minority  
12 leader, shall appoint two minority party members to a  
13 conference committee. The majority leader of the  
14 senate, after consultation with the president, shall  
15 appoint three majority party members and, after  
16 consultation with and approval by the minority leader,  
17 shall appoint two minority party members to a  
18 conference committee. The papers shall remain with the  
19 house that originated the bill.

20 2. The conference committee shall meet before the  
21 end of the next legislative day after their  
22 appointment, shall select a chair and shall discuss  
23 the controversy.

24 3. The authority of the committee shall cover free  
25 conference during which the committee has authority to  
26 propose amendments to any portion of a bill provided  
27 the amendment is within the scope of the title of the  
28 bill as passed by the house of origin or amended by  
29 the second house.

30 4. An agreement on recommendations must be

**Page 8**

1 approved by at least three members from each house.  
2 The committee shall submit two originals of the report  
3 signed by at least three members of each house with  
4 one signed original and three copies to be submitted  
5 to each house. The report shall first be acted upon  
6 in the house originating the bill. Such action,  
7 including all papers, shall be immediately referred by  
8 the secretary of the senate or the chief clerk of the  
9 house of representatives to the other house.

10 5. The report of agreement is debatable, but  
11 cannot be amended. If the report contains recommended  
12 amendments to the bill, adoption of the report shall  
13 automatically adopt all amendments contained therein.  
14 After the report is adopted, there shall be no more  
15 debate, and the bill shall immediately be placed upon  
16 its final passage.

17 6. Refusal of either house to adopt the conference  
18 committee report has the same effect as if the  
19 committee had disagreed.

20 7. If the conference committee fails to reach  
21 agreement, a report of such failure signed by at least  
22 three members of each house shall be given promptly to  
23 each house. The bill shall be returned to the house  
24 that originated the bill, the members of the committee  
25 shall be immediately discharged, and a new conference  
26 committee appointed in the same manner as the first  
27 conference committee.

28

**Rule 14**

29

**Enrollment and Authentication of Bills**

30

A bill or resolution which has passed both houses

**Page 9**

1 shall be enrolled in the house of origin under the  
2 direction of either the secretary or the chief clerk  
3 and its house of origin shall be certified by the  
4 endorsement of the secretary or the chief clerk.  
5 After enrollment, each bill shall be signed by the  
6 president and by the speaker.

7

**Rule 15**

8

**Concerning other Enrollments**

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All resolutions and other matters which are to be  
presented to the governor for approval shall be  
enrolled, signed, and presented in the same manner as  
bills.

All resolutions and other matters which are not to  
be presented to the governor or the secretary of state  
shall be enrolled, signed and retained permanently by  
the secretary of the senate or chief clerk of the  
house.

18

**Rule 16**

19

**Transmission of Bills to the Governor**

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After a bill has been signed in each house, it  
shall be presented to the governor by the secretary or  
the chief clerk of the house of origin. The secretary  
or the chief clerk shall report the date of the  
presentation, which shall be entered upon the journal  
of the house of origin.

26

**Rule 17**

27

**Fiscal Notes**

28

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A fiscal note shall be attached to any bill or  
joint resolution which reasonably could have an annual  
effect of at least one hundred thousand dollars or a

**Page 10**

1 combined total effect within five years after  
2 enactment of five hundred thousand dollars or more on  
3 the aggregate revenues, expenditures or fiscal  
4 liability of the state or its subdivisions. This rule  
5 does not apply to appropriation and ways and means  
6 measures where the total effect is stated in dollar  
7 amounts.

8 The preliminary determination of whether the bill  
9 appears to require a fiscal note shall be made by the  
10 legislative service bureau which shall send a copy of  
11 the request to the legislative fiscal bureau unless  
12 the requestor specifies the request is to be  
13 confidential. Upon completion of the bill draft, the

14 legislative service bureau shall immediately send a  
15 copy to the legislative fiscal director for review.  
16 If the legislative fiscal bureau confirms that a  
17 fiscal note is required, the words "FISCAL NOTE  
18 REQUIRED" shall be prominently stamped on the bill  
19 jacket.

20 When a committee reports a bill to the floor, the  
21 committee shall state in the report whether a fiscal  
22 note is or is not required.

23 The fiscal note shall be printed on the bill before  
24 introduction if practicable; and the secretary of the  
25 senate or chief clerk of the house shall attach the  
26 fiscal note to the bill as soon as it is available.

27 The legislative fiscal director shall prepare the  
28 fiscal note within a reasonable time after receiving  
29 the request and necessary information. A copy of the  
30 fiscal note shall be filed by the legislative fiscal

#### Page 11

1 director, for distribution, with the secretary of the  
2 senate or the chief clerk of the house unless within  
3 one legislative day a request for a revised fiscal  
4 note is filed with the legislative fiscal director.

5 The legislative fiscal director may request the  
6 cooperation of any state department or agency.

7 Each fiscal note shall state in dollars the  
8 estimated effect of the bill on the revenues,  
9 expenditures, and fiscal liability of the state during  
10 the first five years after enactment. The information  
11 shall specifically note the fiscal impact for the  
12 first two years following enactment and the  
13 anticipated impact for the succeeding three years.

14 The fiscal note shall specify the source of the  
15 information. Sources of funds for expenditures under  
16 the bill shall be stated, including federal funds. If  
17 the fiscal director cannot make an accurate estimate,  
18 the director shall state the best available estimate  
19 or shall state that no dollar estimate can be made and  
20 state concisely the reason.

21 The fiscal note shall be attached or printed in the  
22 bill following the explanation or shall be printed in  
23 the daily clip sheet.

24 A revised fiscal note may be requested by a  
25 committee chair or a sponsor of the bill if the fiscal  
26 effect of the bill has been changed by adoption of an  
27 amendment. However, a request for a revised fiscal  
28 note shall not delay action on a bill unless so  
29 ordered by the presiding officer of the house in which  
30 the bill is under consideration.

**Page 12**

1 If a date for adjournment has been set, then a  
 2 constitutional majority of the house in which the bill  
 3 is under consideration may waive the fiscal note  
 4 requirement during the three days prior to the date  
 5 set for adjournment.

**Rule 18****Legislative Interns**

7 Legislators may arrange student internships during  
 8 the legislative session with Iowa college, university,  
 9 or law school students, for which the students may  
 10 receive college credit at the discretion of their  
 11 schools. Each legislator is allowed only one intern  
 12 at a time per legislative session, and all interns  
 13 must be registered with the offices of the secretary  
 14 of the senate and the chief clerk of the house.

16 The purpose of the legislative intern program shall  
 17 be: 1) to provide useful staff services to  
 18 legislators not otherwise provided by the general  
 19 assembly; 2) to give interested college, graduate, and  
 20 law school students practical experience in the  
 21 legislative process as well as providing a meaningful  
 22 educational experience; and 3) to enrich the  
 23 curriculum of participating colleges and universities.  
 24 The secretary of the senate and the chief clerk of  
 25 the house or their designees shall have the following  
 26 responsibilities as regards the legislative intern  
 27 program:

28 1. Identify a supervising faculty member at each  
 29 participating institution who shall be responsible for  
 30 authorizing students to participate in the intern

**Page 13**

1 program.

2 2. Provide legislators with a list of  
 3 participating institutions and the names of  
 4 supervising professors to contact if interested in  
 5 arranging for an intern.

6 3. Provide interns with name badges which will  
 7 allow them access to the floor of either house when  
 8 required to be present by the legislators for whom  
 9 they work.

10 4. Provide orientation materials to interns prior  
 11 to the convening of each session.

**Rule 19****Administrative Rules Review Committee Bills**

14 A bill which relates to departmental rules and  
 15 which is approved by the administrative rules review  
 16 committee by a majority of the committee's members of

17 each house is eligible for introduction in either  
18 house at any time and must be referred to a standing  
19 committee, which must take action on the bill within  
20 three weeks of referral, except bills referred to  
21 appropriations and ways and means committees.

22 **Rule 20**

23 **Time of Committee Passage and Consideration of Bills**

24 1. This rule does not apply to concurrent or  
25 simple resolutions, joint resolutions nullifying  
26 administrative rules, senate confirmations, or bills  
27 passed by both houses in different forms. Subsection  
28 2 of this rule does not apply to appropriations bills,  
29 ways and means bills, legalizing acts, administrative  
30 rules review committee bills, bills cosponsored by

**Page 14**

1 majority and minority floor leaders of one house,  
2 bills in conference committee, and companion bills  
3 sponsored by the majority floor leaders of both houses  
4 after consultation with the respective minority floor  
5 leaders. For the purposes of this rule, a joint  
6 resolution is considered as a bill.

7 2. To be placed on the calendar in the house of  
8 origin, a bill must be first reported out of the  
9 committee of first referral by Friday of the 10th week  
10 of the first session and the 8th week of the second  
11 session. To be placed on the calendar in the other  
12 house, a bill must be first reported out of the  
13 committee of first referral by Friday of the 13th week  
14 of the first session and the 11th week of the second  
15 session.

16 3. During the 11th week of the first session and  
17 the 9th week of the second session, each house shall  
18 consider only bills originating in that house and  
19 unfinished business. During the 14th week of the  
20 first session and the 12th week of the second session,  
21 each house shall consider only bills originating in  
22 the other house and unfinished business. Beginning  
23 with the 15th week of the first session and the 13th  
24 week of the second session, each house shall consider  
25 only bills passed by both houses, bills exempt from  
26 subsection 2 and unfinished business.

27 4. A motion to reconsider filed and not disposed  
28 of on an action taken on a bill or resolution which is  
29 subject to a deadline under this rule may be called up  
30 at any time before or after the day of the deadline by

**Page 15**

1 the person filing the motion or after the deadline by  
2 the majority floor leader, notwithstanding any other

3 rule to the contrary.

4

**Rule 21**

5

**Resolutions**

6 1. A "concurrent resolution" is a resolution to be  
7 adopted by both houses of the general assembly which  
8 expresses the sentiment of the general assembly or  
9 deals with temporary legislative matters. It may  
10 authorize the expenditure, for any legislative  
11 purpose, of funds appropriated to the general  
12 assembly. A concurrent resolution is not limited to,  
13 but may provide for a joint convention of the general  
14 assembly, adjournment or recess of the general  
15 assembly, or requests to a state agency or to the  
16 general assembly or a committee. A concurrent  
17 resolution requires the affirmative vote of a majority  
18 of the senators or representatives present and voting  
19 unless otherwise specified by statute. A concurrent  
20 resolution does not require the governor's approval  
21 unless otherwise specified by statute. A concurrent  
22 resolution shall be filed with the secretary of the  
23 senate or the chief clerk of the house. A concurrent  
24 resolution shall be printed in the bound journal after  
25 its adoption.

26 2. A "joint resolution" is a resolution which  
27 requires for approval the affirmative vote of a  
28 constitutional majority of each house of the general  
29 assembly. A joint resolution which appropriates funds  
30 or enacts temporary laws must contain the clause "Be

**Page 16**

1 It Enacted by the General Assembly of the State of  
2 Iowa:", is equivalent to a bill, and must be  
3 transmitted to the governor for his approval. A joint  
4 resolution which proposes amendments to the  
5 Constitution of the State of Iowa, ratifies amendments  
6 to the Constitution of the United States, proposes a  
7 request to Congress or an agency of the government of  
8 the United States of America, proposes to Congress an  
9 amendment to the Constitution of the United States of  
10 America, nullifies an administrative rule, or creates  
11 a special commission or committee must contain the  
12 clause "Be It Resolved by the General Assembly of the  
13 State of Iowa:" and shall not be transmitted to the  
14 governor. A joint resolution shall not amend a  
15 statute in the Code of Iowa.

16

**Rule 22**

17

**Nullification Resolutions**

18 A "nullification resolution" is a joint resolution  
19 which nullifies all or part of an administrative rule  
20 adopted pursuant to chapter 17A of the Code. A  
21 nullification resolution shall not amend an

22 administrative rule by adding language or by inserting  
23 new language in lieu of existing language.  
24 A nullification resolution is debatable, but cannot  
25 be amended on the floor of the house or senate. The  
26 effective date of nullification resolutions shall be  
27 two legislative days after final passage by the second  
28 house. Any motions filed to reconsider adoption of a  
29 nullification resolution must be disposed of within  
30 one legislative day of the filing.

**Page 17**

**Rule 23**

**Reconsideration of Vetoes**

1  
2  
3 1. The senate and house calendar shall include a  
4 list known as the "Veto Calendar." The veto calendar  
5 shall consist of:  
6 a. Bills returned to that house by the governor in  
7 accordance with Article III, section 16 of the  
8 Constitution of the State of Iowa.  
9 b. Appropriations items returned to that house by  
10 the governor in accordance with Article III, section  
11 16 of the Constitution of the State of Iowa.  
12 c. Bills and appropriations items received from  
13 the other house after that house has voted to override  
14 a veto of them by the governor.  
15 2. Vetoed bills and appropriations items shall  
16 automatically be placed on the veto calendar upon  
17 receipt. Vetoed bills and appropriations items shall  
18 not be referred to committee.  
19 3. Upon first publication in the veto calendar,  
20 the senate majority leader or the house majority  
21 leader may call up a vetoed bill or appropriations  
22 item at any time.  
23 4. The affirmative vote of two-thirds of the  
24 members of the body by record roll call on a motion to  
25 reconsider a vetoed bill or appropriations item  
26 constitutes a vote to override the executive veto or  
27 item veto.  
28 5. A motion to reconsider a vetoed bill or  
29 appropriations item is debatable. A vetoed bill or  
30 appropriation item cannot be amended in this case.

**Page 18**

1 6. The vote by which a motion to reconsider a  
2 vetoed bill or appropriations item passes or fails to  
3 pass either house is not subject to reconsideration  
4 under senate rule 24 or house rule 73.  
5 7. The secretary of the senate or the chief clerk  
6 of the house shall immediately notify the other house  
7 of the adoption or rejection of a motion to reconsider

- 8 a vetoed bill or appropriations item.  
 9 8. All bills and appropriations items on the veto  
 10 calendar shall be disposed of before adjournment sine  
 11 die, unless the house having a bill or appropriation  
 12 item before it declines to do so by unanimous consent.  
 13 9. Bills and appropriations items on the veto  
 14 calendar are exempt from deadlines imposed by joint  
 15 rule 20.

Chapman of Linn offered the following amendment H—3014 filed by the committee on rules and administration and moved its adoption:

H—3014

- 1 Amend Senate Concurrent Resolution 3 as passed by  
 2 the Senate as follows:  
 3 1. Page 4, by striking line 26 and inserting the  
 4 following: "the judiciary committee of the senate or  
 5 the judiciary and law enforcement committee of the  
 6 house."  
 7 2. Page 16, by striking lines 26 through 28 and  
 8 inserting the following: "effective date of a  
 9 nullification resolution shall be stated in the  
 10 resolution. Any motions filed to reconsider adoption  
 11 of a".

The committee amendment H—3014 was adopted.

Harbor of Mills offered the following amendment H—3015 filed from the floor by him and Miller of Cherokee and moved its adoption:

H—3015

- 1 Amend Senate Concurrent Resolution 3 as adopted  
 2 by the Senate as follows:  
 3 1. Page 1, by inserting the following after line  
 4 15.  
 5 "When the presiding officer has ruled that an  
 6 amendment is not germane, it will not be in order  
 7 to suspend the rules for consideration of that  
 8 amendment."

A non-record roll call was requested.

The ayes were 35, nays 43.

Amendment H—3015 lost.

Stromer of Hancock offered the following amendment H—3016 filed from the floor by him and Miller of Cherokee and moved its adoption:

H-3016

- 1 Amend Senate Concurrent Resolution 3 as adopted  
 2 by the Senate as follows:  
 3 1. Page 1, by inserting the following after line  
 4 15:  
 5 "Debate of an amendment which has been ruled not  
 6 germane is prohibited unless suspension of the joint  
 7 rules is obtained."

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall amendment H-3016 be adopted?" (S.C.R. 3)

The ayes were, 39:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Mullins
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schnekloth
Shoning	Siegrist	Stromer	Stueland
Tyrrell	Van Camp	Van Maanen	

The nays were, 52:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Gruhn	Halvorson, R. N.
Hammond	Harper	Hatch	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 9:

Groninga	Hansen, S. D.	Haverland	Hester
Miller	Muhlbauer	Sherzan	Shoultz
Swearingen			

Amendment H-3016 lost.

Stromer of Hancock offered the following amendment H-3017 filed by him from the floor and moved its adoption:

H-3017

- 1 Amend Senate Concurrent Resolution 3 as adopted
- 2 by the Senate as follows:
- 3 1. Page 7, line 11, by inserting after the word
- 4 "with", the words "and approval by",

A non-record roll call was requested.

The ayes were 37, nays 48.

Amendment H-3017 lost.

Chapman of Linn moved the adoption of Senate Concurrent Resolution 3.

A non-record roll call was requested.

The ayes were 81, nays 5.

The motion prevailed and Senate Concurrent Resolution 3, as amended, was adopted.

**MOTION TO RECONSIDER**  
(Senate Concurrent Resolution 3)

I move to reconsider the vote by which Senate Concurrent Resolution 3 was adopted by the House on January 15, 1987.

STROMER of Hancock

**SPONSOR ADDED**  
(House File 25)

Schneklath of Scott requested to be added as a sponsor of House File 25.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 22 Human Resources**

Relating to donor requests.

**H.S.B. 23 Natural Resources and Outdoor Recreation**

Relating to the operation of motorboats.

**H.S.B. 24 Natural Resources and Outdoor Recreation**

Imposing a five percent fee on the gross sales of fur-bearing animals, fur-bearing animal skins, or hides to Iowa licensed fur dealers and prohibiting the sale of Iowa fur-bearing animals, fur-bearing animal skins,

or hides to persons other than Iowa licensed fur dealers and subjecting violators to a penalty.

**H.S.B. 25 Natural Resources and Outdoor Recreation**

Relating to park user permits and providing a penalty.

**H.S.B. 26 Natural Resources and Outdoor Recreation**

Relating to designation of hunting areas on state preserves.

**H.S.B. 27 Local Government**

Relating to the office of county sheriff by providing minimum qualifications and minimum salaries.

**H.S.B. 28 Human Resources**

Relating to dependent adult abuse.

**H.S.B. 29 Transportation**

Relating to road use tax fund allocations by increasing the allocation to the primary road fund for services provided by the department to counties and cities and striking a duplicative reversionary provision for the grade crossing surface repair fund.

**H.S.B. 30 Transportation**

Relating to the fees for and the duration of operators' and chauffeurs' licenses.

**H.S.B. 31 Small Business and Commerce**

To increase the required surplus of a reciprocal insurer.

**H.S.B. 32 State Government**

Relating to public financing of political campaigns, appropriating funds, and providing penalties.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 4**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Swearingen.

**House File 8**

Energy and Environmental Protection: Rosenberg, Chair; Mullins and Osterberg.

**House File 17**

State Government: Halvorson of Webster, Chair; Buhr, Hanson of Delaware, Running and Van Camp.

**House File 26**

Energy and Environmental Protection: Johnson, Chair; McKean, Mullins, Osterberg, Paulin, Schrader and Svoboda.

**House File 40**

Energy and Environmental Protection: Shoultz, Chair; Adams, Garman, Norrgard and Van Camp.

**Senate Concurrent Resolution 3**

Rules and Administration: Chapman, Chair; Halvorson of Webster and Harbor.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 2**

Energy and Environmental Protection: Schrader, Chair; Garman and May.

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**DEPARTMENT OF ECONOMIC DEVELOPMENT**

Two studies pertaining to a business license center and a vendor data base, pursuant to House File 392, Chapter 1170, 1986 Acts of the Seventy-first General Assembly.

On motion by Arnould of Scott, the House adjourned at 12:23 p.m., until 9:00 a.m., Friday, January 16, 1987 at Veterans Memorial Auditorium.

# JOURNAL OF THE HOUSE

Fifth Calendar Day — Fifth Session Day

North Gaskell Room  
Veterans Memorial Auditorium  
Des Moines, Iowa, Friday, January 16, 1987

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

Prayer was offered by the Honorable John Connors, Speaker pro tempore and state representative from Polk County.

The Journal of Thursday, January 15, 1987 was approved.

## 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 15, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 19, a bill for an act relating to the giving of gifts to public employees and officials and to candidates and subjecting violators to a penalty and providing an effective date.

JOHN F. DWYER, Secretary

## COMMITTEE TO NOTIFY THE SENATE

Pavich of Pottawattamie 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 Pavich of Pottawattamie, Knapp of Dubuque and Renken of Grundy.

## REPORT OF THE COMMITTEE TO NOTIFY THE SENATE

Pavich of Pottawattamie, 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 Assistant 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 with members of the House.

JOINT CONVENTION

The joint convention reconvened at the auditorium, North Gaskell Room, at 9:12 a.m., President Anderson presiding.

Senator Hutchins of Audubon 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 Anderson declared a majority of the General Assembly present at the joint convention.

The report of the canvass of the vote was read by the Secretary of the joint convention as follows:

MR. PRESIDENT AND GENTLEMEN AND LADIES OF THE JOINT CONVENTION:

Your tellers, appointed by the President of the Senate and the Speaker of the House of Representatives to canvass the vote cast for candidates for Governor and Lieutenant Governor at the election held November 4, 1986, beg leave to make the following report of the total vote cast for Governor:

Terry E. Branstad .....	472,712
Lowell L. Junkins .....	436,987
Scattering .....	924

And the total vote cast for Lieutenant Governor at the election, held November 4, 1986:

Jo Ann Zimmerman .....	436,999
Joan Lipsky .....	394,109
Dean Arbuckle .....	16,360
Scattering .....	147

All of which is most respectfully submitted.

THOMAS J. JOCHUM Teller of the House	EMIL J. HUSAK Teller of the Senate
MINNETTE DODERER Assistant Teller	MICHAEL E. GRONSTAL Assistant Teller
BILL D. ROYER Assistant Teller	JOHN N. NYSTROM Assistant Teller
JOSEPH O'HERN Secretary of the Joint Convention	

Senator Husak of Tama moved that the report be adopted.

The motion prevailed and the report was adopted.

President Anderson of the joint convention announced that the Honorable Terry E. Branstad, having received the highest number of

votes cast for Governor at the last general election, was duly elected to the Office of Governor of the State of Iowa for the ensuing term, or until a successor is duly elected and qualified, and that the Honorable Jo Ann Zimmerman, having received the highest number of votes cast for Lieutenant Governor at the last general election, was duly elected to the office of Lieutenant Governor of the State of Iowa for the ensuing term, or until a successor is duly elected and qualified.

The following certificates were signed in the presence of the joint convention.

**CERTIFICATE OF ELECTION  
STATE OF IOWA  
GENERAL ASSEMBLY  
HALL OF THE HOUSE OF REPRESENTATIVES**

**GREETING:**

This is to certify that upon a canvass in Joint Convention of the two Houses of the Seventy-second General Assembly of the State of Iowa, of all the votes cast at the general election held November 4, 1986, for the office of Governor of the State of Iowa, it appeared that Terry E. Branstad received the highest number of all votes cast for any candidate at said election for said office and was thereupon declared duly elected to said office for the term of four years and until a successor is duly elected and qualified.

Signed in the presence of the Joint Convention this Sixteenth day of January, A.D., 1987

**DONALD D. AVENSON**

Speaker of the House

**EMIL J. HUSAK**

Teller of the Senate

**THOMAS J. JOCHUM**

Teller of the House

**JOSEPH O'HERN**

Chief Clerk of the House and

Secretary of the Joint Convention

**ROBERT T. ANDERSON**

President of the Senate and

President of the Joint Convention

**CERTIFICATE OF ELECTION  
STATE OF IOWA  
GENERAL ASSEMBLY  
HALL OF THE HOUSE OF REPRESENTATIVES**

**GREETING:**

This is to certify that upon a canvass in Joint Convention of the two Houses of the Seventy-second General Assembly of the State of Iowa, of all the votes cast at the general election held November 4, 1986, for the office of Lieutenant Governor of the State of Iowa, it appeared that Jo Ann Zimmerman received the highest number of all votes cast for any candidate at said election for said office and was thereupon declared duly elected to said office for the term of four years and until a successor is duly elected and qualified.

Signed in the presence of the Joint Convention this Sixteenth day of January, A.D., 1987

DONALD D. AVENSON  
Speaker of the House  
EMIL J. HUSAK  
Teller of the Senate  
THOMAS J. JOCHUM  
Teller of the House  
JOSEPH O'HERN  
Chief Clerk of the House and  
Secretary of the Joint Convention

ROBERT T. ANDERSON  
President of the Senate and  
President of the Joint Convention

President Anderson then directed that the abstract of votes and certificates of election be filed with the Secretary of State.

Senator Hutchins of Audubon moved that a committee of six, consisting of three members from the Senate and three members from the House, be appointed to notify Governor Terry E. Branstad and Lieutenant Governor-elect Jo Ann Zimmerman of the official result of the canvass of votes.

The motion prevailed and the President named as such committee Senators Horn of Linn, Scott of Cerro Gordo and Hester of Potawattamie, on the part of the Senate, and Representatives Buhr of Polk, Koenigs of Mitchell and Harbor of Mills, on the part of the House.

The Joint Convention stood at ease at 9:17 a.m., until the fall of the gavel.

The Joint Convention reconvened at 9:24 a.m., Senator Coleman of Webster presiding.

### REPORT OF COMMITTEE

Senator Horn of Linn from the joint committee appointed to notify Terry E. Branstad and Jo Ann Zimmerman of their election to the office of Governor and Lieutenant Governor of Iowa, respectively, submitted the following report and moved its adoption:

MR. PRESIDENT: As a committee appointed at the joint convention to notify the Honorable Terry E. Branstad and the Honorable Jo Ann Zimmerman of their election to the office of Governor and Lieutenant Governor, respectively, we beg leave to report that we have performed the duty assigned to us and that they stand ready to assume the duties of the offices to which they were elected.

Respectfully submitted,

FLORENCE D. BUHR  
DEO KOENIGS  
WILLIAM H. HARBOR

WALLY E. HORN  
KENNETH D. SCOTT  
JACK W. HESTER

The motion prevailed and the report was adopted.

The Joint Convention stood at ease and proceeded to the floor of the auditorium for the inauguration of Governor Terry E. Branstad and Lieutenant Governor-elect Jo Ann Zimmerman.

The Joint Convention reconvened at 9:46 a.m., President Anderson presiding.

Musical accompaniment was provided by the Drake University Orchestra, Des Moines, Iowa.

The family of Lieutenant Governor-elect Zimmerman was escorted to their seats.

The family of Governor Terry E. Branstad was escorted to their seats.

Members of the Inaugural 1987 Committee were escorted to their seats.

Chief Justice W. W. Reynoldson was escorted to his seat.

Governor Terry E. Branstad and Lieutenant Governor-elect Jo Ann Zimmerman were escorted to the rostrum by the inaugural committee consisting of Senators Priebe of Kossuth, Miller of Cerro Gordo, Riordan of Dallas, Holden of Scott, Jensen of Bremer and Fuhrman of Buena Vista, on the part of the Senate; and Representatives Hammond of Story, May of Worth, McKinney of Dallas, Paulin of Plymouth, Schneklath of Scott and Metcalf of Polk, on the part of the House.

The colors were advanced by the University of Dubuque Army Reserve Officer Training Corps.

The National Anthem was sung by Donald Simonson, Iowa State University.

The invocation was delivered by the Reverend Daniel Kucera, Archbishop of the Dubuque Diocese of the Catholic Church.

The oath of office was administered to Lieutenant Governor-elect Jo Ann Zimmerman by Chief Justice W. W. Reynoldson of the Supreme Court of Iowa, assisted by Mr. Tom Zimmerman.

President Anderson presented Lieutenant Governor Jo Ann Zimmerman.

Lieutenant Governor Zimmerman, President of the Senate, presiding.

"The Song of Iowa" and "America the Beautiful" were sung by the Children's Choir of Greater Des Moines.

The oath of office was administered to Governor Terry E. Branstad by Chief Justice W. W. Reynoldson of the Supreme Court of Iowa, assisted by Mrs. Chris Branstad.

Lieutenant Governor Zimmerman presented Governor Terry E. Branstad, who delivered the following inaugural address:

Madam President, Mr. Speaker, Mr. Chief Justice, Justices and Judges, State Officials, Senators and Representatives, Distinguished Guests and Friends from throughout the state of Iowa.

I accept the challenge to serve as your Governor for the next four years. I do so in full recognition that the times demand more than the ordinary, more than the average, more than just a passing grade.

These times demand our best. Our challenge is to be the best, to commit ourselves to excellence. That is why today, I have decided to depart from tradition and to devote the entire Inaugural Address to the subject of education.

Today, I will outline for you a program of unprecedented scope and direction in education, a program designed to bring Iowa's educational policy to the head of the class. I offer a commitment to excellence that is truly extraordinary in these times.

Why the focus on education? The answer is simple: Jobs. If Iowa is going to attract the jobs of the future, we must make an extraordinary commitment to be the best in the nation in education. A sound, basic education will be the cornerstone of Iowa's economic development plan.

After visiting Japan, the Soviet Union, China and other foreign countries, it became clear to me that we must increase our emphasis on education, in order to compete in the world marketplace.

If we fail to take that action now, we will be placing our children at a severe disadvantage. In Japan, I saw young people who attended more days of school and studied more foreign languages than our American students.

In China, we saw children in villages and cities who were studying English as a second language. The children of Iowa must compete against these children for the jobs of the future. We must do everything possible now to provide our children with a competitive edge they need later.

Marc Tucker, who is the Executive Director of the Carnegie Forum on Education and the Economy, said recently:

"The United States will find itself in a position in which it must always be on the leading edge.

Inventing new materials, designing new products, and creating new services and markets.

America will find itself constantly inventing, designing and creating."

Marc Tucker is right. The traditional industrial and agricultural economy that has served our state so well over decades is being replaced by a new, knowledge-based economy.

The era of limited foreign competition, slow-moving technology, stable markets, and mass production has disappeared. This era has been replaced by intense international competition, rapidly-changing markets and dramatic changes in technology.

We must step out of the past and into the future. We must make the transition by educating our children to be part of an Iowa workforce that will compete successfully for the jobs of the future.

The Iowa children who are entering kindergarten this fall will be the graduates of the year 2000. A commitment to excellence in education is necessary now, if we are to provide these children with job opportunities that they need here in the state of Iowa in the 21st Century.

I'm proud to say that our commitment to education is not new. It is as old as the territory and it began with our first territorial Governor, Robert Lucas. During our early history, we placed a one-room schoolhouse within two miles of every child in this state and as a result of that commitment of access to education, Iowa went on to lead the nation in literacy from the turn of the century.

And then in the 1970's, we made a commitment to equity in education with the passage of the Iowa school aid formula. That formula made Iowa a model for others to follow in providing for equal opportunity for Iowa school children, whether they live in a property rich or poor district.

From access to equity, Iowa in the 1980's is devoted to excellence. During the recent flurry of reform activities that followed the President's report entitled, "Nation at Risk," Iowa has not stood still. With the help of the General Assembly, we put into place a number of carefully-designed plans to provide Iowa with long-range educational improvements.

Meaningful initiatives have been outlined by the State Board of Education and by local school boards in Iowa. We should continue our commitment to these long-range plans for providing excellence in Iowa education.

Our hard work in the past has not gone without reward. Last year, Iowa students scored number one in the country on the American College Test. A study of the Iowa Basic Skills Tests taken over fifty years shows that ninety-four percent of Iowa schools have their students scoring above the national average. The same information reveals that Iowa students on an average are one to one and a half years ahead of their peers in other states in educational achievement.

We can take pride in Iowa's education record and our commitment to excellence in education. I know of Governors in other states that have fought to achieve that kind of excellence and they look with envy at Iowa. Governors like Lamar Alexander of Tennessee or Bill Clinton of Arkansas would give their right arms for the kind of commitment to education that Iowans have given to the young people of this state throughout our history.

Our challenge today is to take that historical commitment to education and make it a springboard for new reform, reform designed to make Iowa's educational system the best in the nation.

After chairing a committee for educational reform in Texas, H. Ross Perot described the yearlong Texas education reform effort by saying:

"It was the hardest, meanest, bloodiest thing I have ever been in."

In many states, educational reform has divided the education community pitting teacher against school board, state government against local government, and governor against legislature.

In Iowa, I believe that our education reform does not have to be hard, mean or bloody. In fact, I believe that today we stand on the threshold of a great opportunity to forge a new consensus in education reform.

For the past several months, I have been working closely with the leaders of the education community. And, I have been impressed with the people I've been working with, people like Ted Davidson and Boyd Boehlje of the Iowa Association of School Boards; people like Fred Comer and Ken Tilp of the Iowa State Education Association; and Bob Benton and Luke DeKoster of the Iowa Department of Education and the State Board of Education. Each of these individuals and their staffs are dedicated to excellence in education. They are truly committed to providing a quality education for our children.

With their help, I am able to lay out to you today a program that will usher in a whole new era of education reform in Iowa. Its focus is excellence. Its goal is to be the best. Its commitment is to provide additional funding for education.

Let us take this step for educational excellence and show the world that we in Iowa, even during difficult times, have not lost sight of our priorities, we've not forgotten our strengths, we've not ignored our future.

We can and should make this commitment this year to serve notice on the world that Iowa plans to compete and compete successfully in a rapidly changing and highly competitive environment.

This program will provide an additional \$151 million to K through 12 public education in Iowa during the next school year. These additional funds will raise the average state school aid per pupil from the present \$1581 this year to \$1907 next year.

Now I know that there are those who would say that we cannot afford to make this commitment. But let us not forget that the one thing more expensive than education is ignorance.

However, I want to assure you that these dollars will not be scattered recklessly to the educational wind. Instead, they will be targeted to meet our most important goals: attracting qualified people into the teaching profession, keeping our best teachers and providing for their continuing development, and finding ways to enhance the quality and effectiveness of our schools.

To meet the first goal of attracting qualified people into the teaching profession, we must raise the salaries of our entry level teaching positions.

Last year, we graduated only nine teachers in all of the foreign languages and only thirty-three teachers in all areas of science. Yet, foreign language and science instruction are critical to our state's economic future.

We must take action to attract more top achievers into the education profession. That is why I am recommending that we establish an \$18 thousand minimum teaching salary to be funded by the state. This minimum salary should be funded into place by the beginning of the next school year.

Our second goal must be to keep our best teachers and provide for their development. I believe that we should strive to treat teachers as professionals, reward them for good work, penalize them for failures, and provide them with an opportunity for goal setting.

I plan to establish a task force on teacher preparation to develop ways Iowa can implement the recent reports of the Holmes Group and the Carnegie Foundation.

In addition to funds for general teacher salary increases, we must provide rewards to teachers based on their performance, additional work or specialized training.

I believe that Iowans have a right to expect that at least \$50 million of the additional commitment to education should be allocated on the basis of performance. Before school districts will receive these funds, local teachers, administrators, school board members and the public must arrive at a consensus of performance base pay.

If you adopt this plan, we will set in motion a whole flurry of educational reform activity in every school district of this state. We will use the best of Iowa's present education system: local control, commitment to quality and community support to make Iowa's education even better. Schools will be encouraged to break new ground, explore new territory and develop new ideas.

Indeed, Iowa will become a laboratory for educational innovation, an innovation born of a desire for excellence, nurtured by a process yielding consensus and matured by a continuing commitment to our future. Iowans will get results for their investment in education.

My third goal is to develop ways to enhance the quality and effectiveness of our schools. That is why we should use new technologies to provide for supplemental foreign language instruction for Iowa students and we should establish a Governor's Summer Institute for the Gifted and Talented students.

The entire proceeds from this inaugural will be dedicated to our new First In the Nation in Education (FINE) Foundation. It is an important and worthy cause and these funds will be used to provide recognition to our outstanding schools and programs here in Iowa.

Henry Adams once said, "Teachers affect eternity, they can never tell where their influence stops."

I know from personal experience that without the encouragement and support from some important teachers like Lura Sewick and Fred Smith, I would not be standing before you as Governor today. I am sure that each of you can cite similar experiences with teachers who touched and changed your lives. That is why I feel responsible to provide additional funds for teachers, outstanding teachers, all across the state to increase starting salaries, to provide general salary increases and to fund performance-based pay incentives.

Our commitment to education must not stop at the 12th grade. We have an outstanding system of higher education and need to maintain and strengthen it.

Our higher education program focuses on access and excellence. By providing four thousand more tuition grants over the next two years, more Iowans will have access to a higher education in this state. We need a work study program to help twelve hundred Iowans work their way through college.

Our plan for higher education should encourage our institutions to focus their resources on centers of excellence, educating tomorrow's experts and turning new ideas into new developments and jobs in Iowa.

I recommend that we provide incentives to our regent institutions to reallocate their funds to centers of excellence with academic challenge grants, that we establish an endowment for eminent scholars, and provide research challenge grants for both public and private higher education institutions.

Finally, we should be certain that the regents and the merged area schools will be able to provide appropriate salaries to keep their best faculty members. We should do that by funding the merged area school formula and by allowing the regents to use their additional tuition funds for merit-based faculty salary increases and student aid.

Today, we stand at an important crossroad in the history of education. We must be certain that our children have the best opportunities to compete in the rapidly-changing world economy. We have a chance this year to leave our mark on this state, a mark that signifies our commitment to excellence. It is my hope that for generations to come, Iowans will look back at 1987 and say, that was the year we decided to be the best in education.

Today, we have an opportunity to mold our future. If we seize the initiative, we will ensure a place for our state in the competitive global economy of the 21st Century. If we fail to act, the world could pass us by.

President Franklin D. Roosevelt once said, "There's a mysterious cycle in human events. To some generations, much is given. Of other generations, much is expected."

Ours is a generation of which much is expected. Our generation has a responsibility to the next. Our generation should build a better future for our children, a future that is better than today.

Let us each offer to this effort the best that is within us so that our children and grandchildren will someday point to us and say, "They understood, they cared and they made a difference."

Thank you and God bless you.

## **GOVERNOR'S LEGISLATIVE PRIORITIES**

Legislative priorities submitted to the Seventy-second General Assembly:

### **EXCELLENCE IN EDUCATION**

The Governor's program for Excellence in Education addresses three fundamental issues in public education today. These are:

- 1) Attracting the best qualified persons in the profession. This is done by increasing the minimum salary to provide an incentive for top quality individuals to enter the profession.

- 2) Keeping our best educators in the profession and providing for their development. This is done by providing salary increases and through rewarding outstanding teachers.
- 3) Enhancing the quality and effectiveness of schools. This goal is met by the development of incentive grants for innovative foreign language education programs and providing opportunities for local school districts to set up career ladder or teacher/mentor programs for new teachers.

Achieving these goals forms the basis of the Governor's commitment to educational excellence which is outlined below.

#### **I. K-12 EDUCATION – A COMMITMENT TO EXCELLENCE:**

A commitment to excellence requires funds, and Governor Branstad is making an extraordinary commitment of additional funding for K-12 public education in Iowa this year. He proposes to increase overall funding by \$150 million during the next school year. This funding increase should ensure that Iowa's average teachers' salaries will move from 37th in the country to 24th. It will also enable Iowa to usher in a new era of educational quality in the state with teacher payment schedules that emphasize performance, additional work, and specialized training.

These additional funds would be spent as follows:

##### **A. School Aid Formula**

Governor Branstad recommends full funding of the School Aid Formula which will provide an additional \$50 million to K-12 public education during the next school year. Of these funds, \$22.5 million will be utilized to reduce the reliance of schools on property taxes by going to the 81.5 percent level in the School Aid Formula.

##### **B. Excellence in Education Fund**

In addition to the commitment of additional funds to the School Aid Formula, Governor Branstad is recommending a \$100 million educational excellence fund. These funds would be allocated as follows:

**Phase One** would allocate \$9 million to allow each school district to bring the minimum salary for teachers to \$18,000 for the next school year. All certificated teachers would be eligible to receive this increase. This minimum salary is needed to attract highly qualified individuals into the teaching profession. An \$18,000 level will provide an entry level salary which is comparable to entry salaries in other professions with similar educational requirements.

These funds would be separated from the School Aid Formula so that no property tax impact would occur and would be provided to schools on a permanent basis.

**Phase Two** of the Governor's Educational Excellence Fund would provide \$38.5 million for teachers' salaries allocated to each district based on the actual number of students. These funds could then be allocated to the teachers based upon a mutual agreement reached within 45 days of May 1, 1987. If no agreement is reached, these funds would be equally

divided on a full-time enrollment basis among all eligible employees.

This general salary increase would not be required to be allocated through mediation or fact finding. The funds would be separated from the School Aid Formula in order to ensure no property tax impact. The funds would be provided permanently to each of the school districts.

These additional funds for general salary increases are necessary to help Iowa improve its competitive position and, in combination with the salary plans adopted as a result of the increase in School Aid Funding, will provide substantial salary boosts for teachers across the state.

**Phase Three** of the Governor's Excellence in Education program emphasizes performance. Fifty million dollars would be available to be allocated to school districts on the basis of actual head count. The funds would be used by these school districts in one of two ways:

1. A performance pay plan which provides salary increases earned by teachers demonstrating superior performance; or
2. A supplemental pay plan which is provided to teachers during any year in which they participated in either additional work assignments or specialized training.

Before the school districts receive an allocation of these funds, they must receive approval of a plan to be submitted by January 1, 1988, to the Department of Education. This plan must be developed through local input and participation by a special committee of school board members, teachers, and citizens. It cannot be used to hire additional staff and can be developed for multiple years. Approved plans will be retroactive to July 1, 1987. The plan will be developed by mutual agreement with no impact on Chapter 20 of the Iowa Code.

Funds can be carried over for one year. Districts without approved plans will revert their available funds. These funds, too, are separate from the School Aid Formula. Districts that adopt performance pay systems will receive the funds on a permanent basis.

This part of the Excellence in Education program will allow school districts all across the state to develop a consensus for performance-based pay. Each plan can be tailored to the individual district's needs, but must provide pay based upon performance.

This plan allows Iowa to retain its important tradition of local control while providing additional remuneration for outstanding teachers.

In addition to the above programs, additional funds would also be provided to K-12 public education in the following programs:

**C. Educational Quality Staff**

The Department of Education would receive additional funding to administer the Governor's Plan for Educational Excellence, as well as to hire accreditation staff to ensure the implementation of the standards adopted through the 1990 review process.

**D. Foreign Language Technical Innovations Program**

The Department of Education would receive \$500,000 for a grant program to spur the development of pilot projects to deliver additional foreign language services across the state. These programs would foster international education through the use of new communications technologies in school districts that are now not able to offer those courses.

**E. The Governor's Summer Institute for the Gifted and Talented**

One hundred fifty thousand dollars would be appropriated to provide a three-week summer residence program at one of the Regent Universities for 120 gifted and talented students in Iowa. This Governor's Summer Institute for the Gifted and Talented will provide appropriate recognition and additional challenges for our best and brightest.

**F. Tax Anticipation Notes**

Three million dollars of additional funds would be provided to ensure that the state will be able to issue Tax Anticipation Notes necessary to make state school aid payments on time. Federal tax reform changes limited the state's ability to issue these notes without paying additional costs. The State Treasurer has estimated that \$3 million is necessary to ensure that Iowa will continue to be able to issue these notes, the proceeds from which greatly ease cash flow problems for schools all across the state.

**G. Alternative Schooling**

Modification should be made in state law to permit alternative schooling while at the same time insure that every child in the state of Iowa receives a good education. The recommendations made by the Governor's Task Force on Compulsory Education should be adopted.

**II. TASK FORCES:**

In addition to the above funding proposals, Governor Branstad is embarking on establishing several task forces to foster educational excellence in our state. These include:

**A. Commission on Foreign Language Studies and International Education**

Foreign language study and international education are of fundamental importance to the economic future of our state. Governor Branstad has asked President James O. Freedman of the University of Iowa to chair a Commission on Foreign Language Studies and International Education to promote and coordinate statewide educational emphasis in these areas.

**B. Teacher Preparation/Participation Task Force**

The recent Holmes and Carnegie reports suggested increasing teacher involvement in classroom decision-making as well as increasing the standards for teacher preparation. Governor Branstad will be establishing a task force to review each of those issues with a goal of treating teachers as professionals.

**C. Pre-Kindergarten**

Governor Branstad has asked the Department of Education to form a task force to review ways to promote pre-kindergarten programs in Iowa. These programs have been deemed to be important to the later educational achievement of youngsters.

**D. Alliance for Science**

Governor Branstad will develop an Alliance for Science to encourage partnerships between business, government, and schools to promote the science and mathematics education so critical to the future economic development of our state.

**III. ACCESS TO EDUCATION:**

We must do more than simply improve the quality of Iowa education — we must also assure Iowans of access to our excellent educational institutions. As a result, the Governor is proposing the following programs to ensure that access.

**A. Assistance to Students****● College Work Study**

An appropriation of \$1 million is recommended to fund a work study program using the same guidelines as the Federal College Work Study Plan. This \$1 million will be matched by \$200,000 from private employers to provide financial assistance to over 1,200 Iowa students. College students in both public and private institutions will be eligible for this assistance.

**● State Scholar Program**

An increase of over \$200,000 in funding is recommended to ensure that all state scholars that qualify for needbased awards receive them. This will provide an additional 374 scholarships, for a total of 1,580 scholarship awards to Iowans each year.

**● Tuition Grant Program**

An additional \$4.1 million is recommended to increase by 2,000 the number of tuition grants provided to Iowans during the next fiscal year. The total number of grants available will be 12,150. These funds are essential to Iowans who attend our private colleges and universities.

**● Guaranteed Student Loan Repayment Program**

Additional funds are also recommended for the GSL Repayment Program which pays up to \$1,000 of a beginning teacher's Guaranteed Student Loan for each year the new teacher is employed and teaching an advanced science or math course in Iowa. This program has been successfully used to recruit new teachers in these essential subject areas.

**B. Public/Private Tuition Tax Deduction**

Governor Branstad's program includes a provision allowing parents of children in both public and private schools to deduct the cost of tuition and fees they have paid for their children in K-12 institutions. The total cost of this program is estimated at \$1.6 million.

**IV. EXCELLENCE IN HIGHER EDUCATION:****A. Merged Area Schools**

Merged area schools provide essential services to Iowa citizens by helping their job training and professional development. Governor Branstad's program provides for funding of the merged area schools funding formula for fiscal year 1988.

**B. Board of Regents****1. Salaries**

Final decisions on salaries for the Board of Regents Institutions will be made after the state completes its collective bargaining negotiations. However, the Governor will be proposing that the Regent Institutions be able to retain the \$13.8 million of additional funds that they will obtain through tuition increases and utilize those funds for merit based faculty salary adjustments. In addition to reallocation of funds and the appropriate share of any state salary increase, these funds will be utilized by the Regent Institutions to reward outstanding professors and researchers in order to focus on the institutions' areas of excellence.

**2. University of Northern Iowa**

An additional \$250,000 is being provided to UNI to add additional faculty for undergraduate education. UNI is experiencing real enrollment pressures and these funds are needed to ensure excellence and access at this institution.

**3. Challenge Grants****● Academic Challenge Grant Program**

Three and one-half million dollars are recommended as matching grants to the Regent Institutions to areas that are designated as Centers of Excellence. This will stimulate and complement the Regents current internal reallocation processes.

**● Research Challenge Grants**

Three and one-half million dollars will be provided through this program which is aimed at strengthening our ability to attract additional federal and private research funding at our public and private research institutions. These funds would be designed to help research ideas to be developed into commercial reality. The funds would be provided on a match base.

4. **Eminent Scholar Program**

An additional \$3.7 million is recommended to match endowment gifts and grants from non-state sources to provide for five endowments per year in programs of academic and research excellence at the Regent Institutions. This program will provide "academic capital" for long-term excellence at our institutions.

5. **Agriculture Research**

An additional \$1 million is recommended for two agricultural research initiatives at the Iowa State University Agricultural Experiment Station. This will include \$500,000 for the Meat Export and Technology and Policy Research Center and a similar amount to revitalize the Center for Agricultural Research and Development. In the short time since its establishment, the Meat Export Center has achieved international recognition for its research and technology transfer programs. The Center for Agricultural Research is internationally recognized and now seeks to expand its research into international trade policy and rural economic development.

6. **Regents Capital Projects**

Governor Branstad is recommending that the legislature authorize no more than \$62.6 million in academic revenue bonds to fund the laser research facility at the University of Iowa and the molecular biology facility at Iowa State University.

● **Laser Research**

The laser facility at the University of Iowa is projected to cost \$25.1 million, with the University providing the planning and equipment cost for the facility. The Governor has requested that construction on this facility begin as soon as possible in order to allow the state of Iowa to take advantage of the emerging laser technology. The University estimates that up to \$5 million per year of additional research dollars will be attracted to the University as a result of this investment. Over 12,000 jobs in Iowa will result from this emerging field of technology. Over 500 construction jobs are anticipated to be created by this project as well. The University has already endowed three chairs to attract laser researchers, and the construction of this facility should secure the future of Iowa as a leader in this technology.

● **Molecular Biology**

The \$37.5 million molecular biology facility at Iowa State University will allow that University to secure its place among the leaders in biotechnology research. This field offers tremendous opportunities in crop and livestock production and processing and should result in numerous new industries in the state of Iowa. The University has

already increased its internal commitment to biotechnology research, and this new facility will allow it to better focus its resources and attract up to \$120 million of additional federal research dollars over the next ten years.

Over 800 construction jobs are expected to be created as a result of this facility. The Governor has asked President Gordon Eaton to commence work on this facility as soon as possible, with the University expected to provide the planning and equipment money necessary for it.

These facilities will allow Iowa to become the leader in new technologies which are expected to revolutionize our economy. Lasers and biotechnology are likely to replace the computer chip and the digital computer as key technological elements affecting economic development in the 1990's.

The benediction was offered by The Reverend Patricia Adams Ryan of Des Moines, Iowa.

Governor Terry E. Branstad and Lieutenant Governor Jo Ann Zimmerman were escorted from the rostrum.

Arnould of Scott moved that the joint convention be now dissolved.

The motion prevailed.

The House reconvened at 10:47 a.m., Speaker Avenson in the chair.

Arnould of Scott moved that the House adjourn at 10:48 a.m., until 10:00 a.m., Monday, January 19, 1987, which motion prevailed.

## COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

### DEPARTMENT OF ECONOMIC DEVELOPMENT

The Annual Report of the Job Training Partnership Program in Iowa, pursuant to Chapter 7B.3(10), Code of Iowa.

### DEPARTMENT OF EDUCATION

A report on the findings of the Economy Task Force studies of local school districts and area education agencies, pursuant to House File 2462, 1986 Session of the Seventy-first General Assembly.

### HEALTH DATA COMMISSION

The Annual Report of the Iowa Health Data Commission pursuant to Chapter 145, Code of Iowa.

#### DEPARTMENT OF MANAGEMENT

The Standing Appropriations Report, pursuant to Section 2014, Chapter 1245, 1986 Acts of the Seventy-first General Assembly.

#### DEPARTMENT OF NATURAL RESOURCES

A report concerning the results of the Toxic Cleanup Days pilot program, pursuant to Chapter 1229.1, 1986 Acts of the Seventy-first General Assembly.

#### STATE BOARD OF REGENTS

A report of the Board of Regents' 1987-97 Ten-Year Building Program, pursuant to Chapter 262A.3, Code of Iowa.

#### DEPARTMENT OF TRANSPORTATION

A report on the State Aircraft Pool, pursuant to Chapter 328.56(5), Code of Iowa.

A report on the 1987-92 Transportation Improvement Program, pursuant to Chapter 307A.2(12), Code of Iowa.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 33 Judiciary and Law Enforcement**

Relating to the effective date of laws enacted by the general assembly; and providing an effective date.

##### **H.S.B. 34 Judiciary and Law Enforcement**

Relating to forms of acknowledgements.

##### **H.S.B. 35 Judiciary and Law Enforcement**

To prohibit a person who intentionally and unjustifiably causes or procures the death of another from receiving any property, benefit, or other interest by reason of the death.

##### **H.S.B. 36 Judiciary and Law Enforcement**

Relating to the notice required for forfeiture of real estate contracts.

##### **H.S.B. 37 Judiciary and Law Enforcement**

Relating to the final report of a personal representative in probate.

##### **H.S.B. 38 Judiciary and Law Enforcement**

Authorizing the use of release agreements and security deposits as a condition of bail.

##### **H.S.B. 39 Judiciary and Law Enforcement**

Relating to the lapse of stale mineral interests.

**H.S.B. 40 Judiciary and Law Enforcement**

Relating to the decisions of guardians regarding life-sustaining procedures.

**H.S.B. 41 Judiciary and Law Enforcement**

Relating to anatomical gifts and providing penalties.

**H.S.B. 42 Judiciary and Law Enforcement**

Relating to transfers to minors.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT**

**House Study Bill 33**

Judiciary and Law Enforcement: Rosenberg, Chair; Halvorson of Clayton and Jay.

On previous motion by Arnould of Scott, the House adjourned at 10:48 a.m., until 10:00 a.m., Monday, January 19, 1987.

# JOURNAL OF THE HOUSE

Eighth Calendar Day — Sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 19, 1987

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

Prayer was offered by the Honorable Sue Mullins, state representative from Kossuth County.

The Journal of Friday, January 16, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn, until his arrival, on request of Fey of Scott; Schnekloth of Scott on request of De Groot of Lyon.

## 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 will faithfully 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."

LOUIS J. MUHLBAUER

I do certify that the above oath of office was administered by me to Louis J. Muhlbauer on January 17, 1987, Manilla, Iowa.

EMIL S. PAVICH

I do certify that the above oath of office was administered to Louis J. Muhlbauer on January 17, 1987, Manilla, Iowa.

MIKE PETERSON

## INTRODUCTION OF BILLS

**House Joint Resolution 3**, by Harbor, a joint resolution ratifying a proposed amendment to the Constitution of the United States to provide for a delay in an increase in compensation to members of congress until an intervening election of representatives has occurred.

Read first time and referred to committee on state government.

**House File 41**, by Chapman, a bill for an act relating to the issuance of a preliminary injunction in actions for dissolution of marriage, annulment, or separate maintenance.

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

**House File 42**, by Schnekloth, a bill for an act relating to the display of registration plates on motor vehicles.

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

**House File 43**, by Schnekloth, a bill for an act relating to the inspection of rental housing.

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

**House File 44**, by Schnekloth, a bill for an act relating to the membership of a county compensation board, the adoption of a biennial compensation schedule, and the record of actions taken by the board.

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

**House File 45**, by Swearingen, a bill for an act relating to the classification of personal computers for property tax purposes and providing an effective date.

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

**House File 46**, by Pavich, a bill for an act relating to the marketing of dairy products, by repealing the regulation of discounts and rebates.

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

**House File 47**, by Pavich, a bill for an act relating to the appointment of township officers.

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

**House File 48**, by Diemer, a bill for an act relating to the disposal of used oil and providing a penalty for violations.

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

**House File 49**, by Rosenberg, a bill for an act relating to chemical tests for public intoxication.

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

**House File 50**, by Harbor, a bill for an act to prohibit roadside hunting.

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

### SENATE MESSAGE CONSIDERED

**Senate File 19**, by committee on ethics, a bill for an act relating to the giving of gifts to public employees and officials and to candidates and subjecting violators to a penalty and providing an effective date.

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

### 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 15, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 4, relating to the board of regents ten-year building program.

Also: That the Senate has on January 15, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 5, commemorating the life and work of Reverend Dr. Martin Luther King, Jr.

Also: That the Senate has on January 19, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 6, relating to the compensation of chaplains, officers and employees of the seventy-second general assembly.

JOHN F. DWYER, Secretary

### ASSIGNMENT OF SEATS IN PRESS GALLERY

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

#### WEST PRESS GALLERY

Cedar Rapids Gazette .....	Judy Daubenmier, Ken Sullivan
Lee Newspapers .....	Tom Davidson, Lindsey Borg
Iowa Newspaper Association .....	Harrison Weber
Waterloo Courier .....	Eric Woolson
United Press International .....	Scott Sonner, Cornell Fowler, Dennis Garrels
Des Moines Register .....	Jane Norman, Tom Fogarty David Yepsen

Associated Press ..... Mike Glover, Tom Seery,  
Mark Mittelstadt, John Gaps,  
Roger Burdette, Mark Veasley,  
Jeff Davis

#### EAST PRESS GALLERY

KCCI TV ..... Anne Hawkins, Steve Oswalt,  
Michael Ericson, Lon Johnson,  
John Houghton, Michelle Parker,  
Craig Parsons, David Warner,  
Todd Nagel, Kent Peterson, Mike  
Day  
IA Legislative News Service ..... Jo Von Stein, Gwynne Skinner,  
Nan Hagen  
WHO AM ..... Kevin Teale, Chris Riedel,  
Kim Plouhy, Bob Quinn  
WHO TV ..... Alison Gregory, Diane Roberts,  
Ralph Robinson, Jon Stone,  
Jim Strickland, Kelly Eckerman  
KWWL TV ..... Craig D. Hotvedt, Julie A. Kraft  
Iowa Radio Network ..... Brian Weber, C. Ross Martin,  
Sam Zelden  
KRNT Radio ..... Deb Ryan, Robin Shepard,  
Roger Summitt, Dale Woolery,  
Dana Gannon, Kristi Van Ekeren,  
Janet Whitters, Kevin Waetke  
WOI TV ..... Jo Ann Merrigan, Jeff Nowakowski,  
Jessica Szemler, Rick Fuller,  
Clyde Rail, Bruce Reeves  
WOI AM (and balcony) ..... Jim Wishner

#### GENERAL ASSIGNMENT

The following named persons are accredited members of the press and entitled to access to the House Chamber:

AFSCME ..... Larry Scarpino  
Telegraph Herald ..... Patt Johnson  
KASI ..... Rich Fellingham, Kara Fahnländer  
KDSM TV ..... Michelle Schwartz, Roger MacGregor,  
Mark Perkins  
KIOA/KDWZ Radio ..... Todd Kimm  
Tribune Radio Networks ..... Dave Braga

#### COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

#### CITIZENS' AIDE/OMBUDSMAN

Legislative recommendations requiring the attention and consideration of the General Assembly, pursuant to Section 601G.16, Code of Iowa.

## DEPARTMENT OF NATURAL RESOURCES

A report on the activities of the State Preserves Advisory Board, pursuant to Chapter 111B.8, Code of Iowa.

The Iowa Groundwater Protection Strategy — 1987, pursuant to Chapter 7, Section 3, 1985 Acts of the General Assembly.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 43 Judiciary and Law Enforcement**

Relating to interception of communications by electronic, mechanical, or other devices and providing a penalty.

**H.S.B. 44 Ways and Means**

Relating to the updating of references to the Internal Revenue Code and providing effective dates.

**H.S.B. 45 Ways and Means**

Relating to taxation in regard to the withholding on pari-mutuel winnings, application of a net operating loss, and due date of individual estimated tax payments and providing an effective date.

**H.S.B. 46 Energy and Environmental Protection**

Relating to the implementation of the federal Resource Conservation and Recovery Act permit program for hazardous waste facilities by the department of natural resources.

**H.S.B. 47 Education**

Relating to hearings and legal assistance for certain children requiring special education.

**H.S.B. 48, Education**

To strike the repeal of the tax for equipment replacement at the area schools.

**H.S.B. 49 Small Business and Commerce**

Establishing and financing a housing trust fund and appropriating its funds.

**H.S.B. 50 Small Business and Commerce**

Creating an Iowa life and health insurance guaranty association, protecting persons, within limits, against the failure of certain life, health, and annuity contracts because of impairment or insolvency, specifying the powers and duties of the association, and providing adminis-

trative procedures and methods for the operation and financing of the association, including but not limited to the assessment of member insurers and the provision of a partial premium tax liability credit.

**H.S.B. 51 State Government**

Relating to the definition of public accommodation for purposes of the state civil rights law.

**H.S.B. 52 State Government**

Relating to the operations of the state vehicle dispatcher.

**H.S.B. 53 State Government**

To establish a program for the coordination of media services at the capitol complex in the department of general services.

**H.S.B. 54 State Government**

Relating to the operations of the alcoholic beverages division of the department of commerce regarding class "E" liquor control licenses by allowing the division to assess a split case charge when alcoholic liquor is sold in quantities which require a case to be split, by allowing identifying markers to be placed on containers of alcoholic liquor in the manner prescribed by the division, by setting the bond for a class "E" license at no more than fifteen thousand dollars, by allowing the division to retain all the license fees collected from class "E" licensees, by providing that a corporation only placing alcoholic liquor in bailment with the division is not doing business in Iowa for the purpose of determining its tax liability and making the provision retroactive, by allowing the division to begin deliveries of alcoholic liquor to class "E" licensees on February 1, 1987, and to continue sales of wine to class "A" and "B" wine permittees until inventories are depleted.

**H.S.B. 55 Human Resources**

Relating to death certificates issued by the state department of public health.

**H.S.B. 56 Human Resources**

Relating to the survey of major medical equipment within certain medical facilities.

**H.S.B. 57 Transportation**

To permit employees of the department of human services to transport clients and patients of the department without a chauffeur's license.

**H.S.B. 58 Transportation**

Relating to handicapped parking spaces and providing a penalty and effective dates.

**H.S.B. 59 Transportation**

Creating a highway division building program for the department of transportation and making a standing appropriation for the program.

**H.S.B. 60 Natural Resources and Outdoor Recreation**

Providing for nonresident hunting licenses for deer and wild turkey.

**H.S.B. 61 Natural Resources and Outdoor Recreation**

Relating to lifetime fishing and combined hunting and fishing licenses.

**H.S.B. 62 Human Resources**

Relating to duties of the state board of health and the director of the Iowa department of public health.

**RESOLUTIONS FILED**

**SCR 4**, by committee on appropriations, a concurrent resolution relating to the board of regents ten-year building program.

Referred to committee on **appropriations**.

**SCR 5**, by Mann, Riordan and Hannon, a concurrent resolution commemorating the life and work of Reverend Dr. Martin Luther King, Jr.

Laid over under **Rule 25**.

**SCR 6**, by committee on rules and administration, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-second general assembly.

Referred to committee on **rules and administration**.

**SUBCOMMITTEE ASSIGNMENTS****House Joint Resolution 2**

State Government: Blanshan, Chair; Doderer and Shoning.

**House Joint Resolution 3**

State Government: Blanshan, Chair; Doderer and Shoning.

**House File 3**

Judiciary and Law Enforcement: Knapp, Chair; Haverland and Schnekloth.

**House File 6**

Transportation: Fey, Chair; Neuhauser and Platt.

**House File 10**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House File 12**

Transportation: Fey, Chair; Neuhauser and Platt.

**House File 15**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 18**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 22**

Transportation: Gruhn, Chair; Branstad, Fey, Jay and Royer.

**House File 28**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Haverland and Poncey.

**House File 32**

Education: Teaford, Chair; Adams and Daggett.

**House File 34**

Judiciary and Law Enforcement: Renaud, Chair; Carpenter and Poncey.

**House File 38**

Transportation: Cohoon, Chair; Branstad and Renaud.

**Senate Concurrent Resolution 6**

Rules and Administration: Connors, Chair; Carpenter and Chapman.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 1**

Local Government: Cooper, Chair; Beatty, Diemer, Norrgard, Platt and Royer.

**House Study Bill 14**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House Study Bill 15**

State Government: Peterson of Carroll, Chair; Beatty, Garman, Hanson of Delaware and Knapp.

**House Study Bill 16**

Education: Haverland, Chair; Adams and Corbett.

**House Study Bill 17**

Education: Shoultz, Chair; Beaman and Harper.

**House Study Bill 18**

State Government: Buhr, Chair; Beatty, Carpenter, Fuller and Lundby.

**House Study Bill 19**

State Government: Buhr, Chair; Beatty, Carpenter, Fuller and Lundby.

**House Study Bill 20**

State Government: Connors, Chair; Halvorson of Webster, Hammond, Hanson of Delaware and Shoning.

**House Study Bill 21**

State Government: Fuller, Chair; Beatty, Buhr, Carpenter and Lundby.

**House Study Bill 29**

Transportation: Cooper, Chair; Harbor and Pavich.

**House Study Bill 30**

Transportation: Fogarty, Chair; Beaman, Cohoon, Connolly and Lageschulte.

**House Study Bill 32**

State Government: Halvorson of Webster, Chair; Buhr, Hanson of Delaware, Running and Van Camp.

**House Study Bill 34**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House Study Bill 35**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House Study Bill 36**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House Study Bill 37**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House Study Bill 38**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 39**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House Study Bill 40**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House Study Bill 41**

Judiciary and Law Enforcement: Hammond, Chair; Clark and Hansen of Woodbury.

**House Study Bill 42**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House Study Bill 51**

State Government: Buhr, Chair; Beatty, Carpenter, Fuller and Lundby.

**House Study Bill 52**

State Government: Connors, Chair; Halvorson of Webster, Hammond, Hanson of Delaware and Shoning.

**House Study Bill 53**

State Government: Connors, Chair; Halvorson of Webster, Hammond, Hanson of Delaware and Shoning.

**House Study Bill 54**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

On motion by Arnould of Scott, the House adjourned at 10:15 a.m., until 9:00 a.m., Tuesday, January 20, 1987.

# JOURNAL OF THE HOUSE

Ninth Calendar Day — Seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 20, 1987

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

Prayer was offered by the Honorable C. Arthur Ollie, state representative from Clinton County.

The Journal of Monday, January 19, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Eddie of Buena Vista, from one hundred seventy-one constituents of District 10 opposing closing of the state liquor stores.

From thirty-six constituents of the 10th District favoring increased funding to the State Transit Assistance Fund.

By Halvorson of Webster and Halvorson of Clayton from twelve thousand nine hundred forty-two citizens of Iowa opposing the closing of the state liquor stores.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Garman of Story, until her arrival, on request of Corbett of Linn.

## INTRODUCTION OF BILLS

**House Joint Resolution 4**, by De Groot, a joint resolution to nullify an administrative rule regarding dismissal of petitions for telephone companies to provide nontoll interexchange trunking service (EAS).

Read first time and referred to committee on **small business and commerce**.

**House File 51**, by Spear, Norrgard and Cohoon, a bill for an act to authorize the expenditure of funds appropriated to the historical division of the department of cultural affairs for the fiscal year beginning July 1, 1986 and ending June 30, 1987 for the restoration of the old territorial capitol in Burlington to be used for the renovation of the Port of Burlington building in Burlington; and providing an effective date.

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

**House File 52**, by Harbor, a bill for an act relating to suspension of certain employees of higher education institutions under the control of the state board of regents when a violation of recruiting rules occurs.

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

**House File 53**, by Schnekloth, a bill for an act creating an agricultural land productivity board and specifying its duties.

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

**House File 54**, by Chapman, a bill for an act relating to the personal liability of directors, officers, employees, and members of non-profit corporations.

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

**House File 55**, by Daggett, a bill for an act relating to deer licenses issued to the elderly and permanently disabled.

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

**House File 56**, by Hammond, Hanson of Delaware and Renken, a bill for an act relating to the determination of salaries or compensation of elected county officers.

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

**House File 57**, by Mullins, a bill for an act to resolve ties in election to local offices by a runoff election.

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

**House File 58**, by Rosenberg, a bill for an act authorizing the collection of witness fees on behalf of peace officers and public officials.

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

**House File 59**, by Hermann, a bill for an act to provide notice to property owners of unpaid sewer or solid waste charges.

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

**House File 60**, by Diemer, Corbett and Lundby, a bill for an act relating to the employment of inmates in public service.

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

**House File 61**, by Diemer and Lundby, a bill for an act increasing the penalty for impersonating a public official.

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

**House File 62**, by Diemer, Lundby and Spear, a bill for an act relating to the penalties for assault.

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

**House File 63**, by Rosenberg, a bill for an act to prohibit drug testing of employees and applicants for employment as a condition of employment and providing a penalty.

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

**House File 64**, by Haverland, a bill for an act relating to jury lists.

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

**House File 65**, by Halvorson of Webster, Halvorson of Clayton, Jay, Stromer, Osterberg, Harper, Fuller, Harbor, Svoboda, Brammer, Gruhn, Haverland, Cooper, Fogarty, Black, Koenigs, Poncy, Hanson of Delaware, Johnson, Norrgard, Tyrrell, Kremer, Renken, Corey, Clark, Garman, Hummel, Van Maanen, Miller, McKean, De Groot, Plasier, Shoning, Beaman, Lageschulte, Stueland, Eddie, Daggett, Bennett, Van Camp, Mullins, Maulsby, Pellett, Petersen of Muscatine, Paulin, Hermann, Royer, Schneklath, Diemer, Carpenter and Branstad, a bill for an act to repeal the private sale of alcoholic liquor for consumption off the licensed premises and providing penalties.

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

#### COMMITTEE RECOMMENDATION

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

**JOSEPH O'HERN**  
Chief Clerk of the House

#### COMMITTEE ON RULES AND ADMINISTRATION

**Senate Concurrent Resolution 6**, a concurrent resolution relating to the compensation of chaplains, officers and employees of the seventy-second general assembly.

Fiscal Note is not required.

Recommended **Do Pass and laid over under Rule 25.**

### COMMITTEE TO NOTIFY THE SENATE

Connolly 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: Connolly of Dubuque, chair; Cohoon of Des Moines and Lundby of Linn.

The House stood at ease at 9:15 a.m., until the fall of the gavel.

The House resumed session at 9:35 a.m., Speaker Avenson in the chair.

### REPORT OF COMMITTEE TO NOTIFY THE SENATE

Connolly of Dubuque, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that it 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 and House Concurrent Resolution 2, duly adopted, the joint convention was called to order at 9:36 a.m., President Zimmerman presiding.

Senator Hutchins of Audubon 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 Zimmerman announced a quorum present and the joint convention duly organized.

Senator Hutchins of Audubon moved that a committee of four, consisting of two members from the Senate and two members from the House, be appointed to escort Governor Terry E. Branstad to the House chamber for the Condition of the Judicial Department Message.

The motion prevailed and the President appointed as such committee: Senators Deluhery of Scott and Holt of Clay, on the part of the Senate; and Representatives Peterson of Carroll and Tyrrell of Iowa, on the part of the House.

Senator Hutchins of Audubon 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 W. W. Reynoldson that the joint convention was ready to receive him.

The motion prevailed and the President appointed as such committee: Senators Doyle of Woodbury, Mann of Polk, and Taylor of Hardin, on the part of the Senate; and Representatives Jay of Appanoose, McKinney of Dallas and Halvorson of Clayton, on the part of the House.

Secretary of State Baxter, Treasurer of State Fitzgerald, Auditor of State Johnson, Secretary of Agriculture Cochran and Attorney General Miller were escorted into the House chamber.

The Justices of the Supreme Court, the Chief Judge and Judges of the Court of Appeals and the Chief Judges of the eight Iowa Judicial Districts were escorted into the House chamber.

The family of Chief Justice Reynoldson was escorted into the House chamber.

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

The committee waited upon Chief Justice W. W. Reynoldson and escorted him to the Speaker's station.

President Zimmerman presented Chief Justice W. W. Reynoldson who delivered the following Condition of the Judicial Department message.

Ms. President, Mr. Speaker, Governor Branstad, Senators, Representatives, State Officials, Justices and Judges, my fellow Iowans:

Two hundred years ago the persons who had signed the Declaration of Independence had little cause for celebration. While many of those signers were gathering in Philadelphia for the constitutional convention the states were in disarray. Daniel Shays was mustering his rebels to attack the Springfield arsenal in Massachusetts. Spain was forcibly interfering with Mississippi River traffic. The British were inciting native Americans in the territories along the Ohio, and the postmaster was demanding "solid coin" to deliver a letter.

In the turbulent months that followed, those convention delegates framed a constitution that, with the amendments soon adopted, strengthened central government while still retaining the individual liberties and protections that lay at the heart of the Declaration of Independence. Now, two hundred years later, let us explore the role Iowa has played in implementing the aspirations and dreams of those framers. My focus is on two concepts that undergird the charter they devised: federalism and an independent judiciary.

Just as the federal constitution borrowed the principles of the rule of law and the protection of individual liberties from state constitutions, so too the framers contemplated that state courts should carry the burden of enforcing those constitutional provisions. As provided in the Supremacy Clause, state judges to this day swear to uphold and support the Constitution of the United States, and over 95% of the litigation in this country still takes place in state courts.

At the same time, the doctrine of federalism that pervades the United States Constitution leaves wide latitude for the states, serving as social laboratories, to utilize innovative investments of energy and resources to fulfill the national and state constitutional promises of freedom.

It is here that the legislative and executive branches of Iowa's government, by modernizing and streamlining the judicial branch, have attracted (and rightly deserve) national acclaim. Among other reforms, in 1962 you submitted to the voters a constitutional amendment that removed judges from the partisan political process and provided merit selection and tenure. In 1973 you transformed Iowa's hodgepodge of overlapping and inefficient municipal courts, superior courts, mayors' courts, police courts, justice of peace courts, and state courts into one unified, integrated state trial court system. In 1976 you created the Iowa Court of Appeals to expedite case flow.

Finally, in 1983, you set in motion that massive reorganization of the judicial branch, phasing in state funding of the Iowa court system and the transfer of court support personnel from county and judicial districts to the state judicial system. The wisdom of that reform already is apparent. Projected through fiscal year 87/88, you will have achieved equality and better judicial services for all Iowans, while at the same time providing \$28,437,000 in net property tax relief.

Leaders from other states have visited Iowa to explore how you have accomplished these reforms. Our judicial personnel have been invited to other states to explain Iowa's progress in these areas. You indeed have fulfilled the trust the Constitution's framers, two hundred years ago, left to your keeping.

The \$61,000,000 judicial branch budget we submit today targets the goal you have pursued so consistently: an effective and responsive court system. At the same time, it must be noted this budget will comprise only about 2.4% of the total state budget, and the impact on state finances will be reduced by non-earmarked, court-generated revenues in the projected amount of \$32,763,000.

Our internal budgeting process included lengthy written and oral budget submissions by various components of the judicial branch. The hearings were attended by all members of the supreme court. Before we finalized our request, we painfully carved from this budget fully justifiable proposed expenditures totaling more than \$5,000,000. A few items in the budget deserve special mention.

We noted in last year's address that the clerks had become governmental orphans, that broken equipment had not been replaced and personnel vacancies had not been

funded. This budget does not propose any additional employees in clerks' offices even though some offices are three weeks behind in critical filings. The budget does, however, contain almost \$690,000 to place all persons in those offices on a 40-hour work week, eliminating 35 and 37-hour work weeks.

Parenthetically, one of the exciting benefits of your judicial reorganization act is the collective, enthusiastic response of the clerks of court and their employees. With the cooperation of the district chief judges and court administrators, clerks meet in their districts and exchange ideas for improving their operations. They are working to streamline forms and office procedures. They have found new flexibility in moving workers from county to county to meet emergencies. We should consider a new title for these clerks that more accurately reflects their ever-expanding responsibilities.

We also ask you to remove by amendment the statutory cap on the salaries of clerks and deputy clerks. By way of explanation, another provision of the reorganization act made us the first branch of Iowa government to complete comparable worth classifications of then current employees. Classification for the clerks' offices is now underway, affecting about 900 people. We confront the situation in which clerks' office workers, paid on a comparable worth basis, may earn more than the clerks and deputies whose salaries are frozen in place by the statutory cap. The removal of this restraint will permit us to do what you have required us to do in comparable worth for the 99 clerks and their deputies.

The court's special concern for young people is ongoing. Last year we obtained a one-year federal grant for a program designed to link volunteer lay person advocates with children under the jurisdiction of our juvenile courts. In just seven months since the director was appointed, this program is now operational in two judicial districts with 39 volunteers. Each carefully-recruited volunteer has received fifteen hours of training and observed the juvenile court in action. Each represents and advocates the best interest of the affected children, many of whom have been displaced from their own homes for various reasons ranging from neglect to physical and sexual abuse. Most of the overworked caseworkers, juvenile court officers, teachers, and attorneys have expressed appreciation that these volunteers can provide continuity in time and attention to these children.

We need more time with the promising and exciting "CASA" (court-appointed special advocates) project to collect reliable cost-savings data. We therefore join the CASA advisory board in recommending \$92,931 in funding to continue and expand the program for another full fiscal year in the two districts before deciding whether to recommend it for the other six judicial districts.

We have been active in other child-related areas. We are consulting with the director of the Iowa State Foster Care Review Board on mutual problems. We are forming a joint committee with the Department of Human Services to study out-of-state placements of children by the juvenile court and by the department. We have sought to instill respect for the law and good citizenship by supporting law-related education in Iowa's schools. Speaking of good citizens, seated in the gallery today are students and faculty representatives of Goodrell Transitional School, our "partner" in the Des Moines Community School District's "Partners For Progress" program.

Another item in our budget addresses a need that legislators recognized before the judges did: that public administration today requires effective management of information and communications. You, along with the executive branch, have recognized the necessity of modern technology as a tool of efficient operations. Two years ago we

requested, and you provided, funds for a statewide study of judicial information retrieval and transmission, together with current and future computer needs in the Iowa court system.

The Iowa Judicial Department, with over 1900 employees, is the last major unit in state government to enter the computer age. In our budget we have asked for the management tools required to administer this unified court system.

In a separate budget we project it will cost the state \$10,300,000 to pay for the defense of indigents in criminal cases. This is, you will recall, the final proposed step in the five-year phase-in of state court funding and local property tax relief. A supreme court advisory committee chaired by Chief Judge Havercamp of Davenport has been working to formulate proposed policies, standards, and operating procedures for this step.

Appendices attached to the written message I leave this morning reflect the massive ten-year increase in case filings both in the Iowa district court and appellate courts. Other attached appendices reflect the 60% increase in case dispositions in the trial courts and a 71% increase in formal dispositions per appellate judge during the same ten-year period. This is a proud record of the dedicated efforts of Iowa's judges, and of your response in furnishing support personnel, including court administrators and legal assistants.

Since we began collecting case load statistics in 1956, the number of civil, criminal, juvenile, and probate filings have increased 131%, 630%, 291%, and 48%, respectively. This compares with a five percent increase in Iowa's population and only a 41% increase in the number of district judges.

Sometimes we sense a general impatient reaction that these burgeoning case loads are the fault of the courts. We plead not guilty. The same social, economic, and technological convulsions that have multiplied your problems have found their way to the courts.

The Acts of the Fifty-sixth General Assembly, published in 1955 (about the time we began keeping case statistics), comprised only 221 pages of general laws. The general laws of the Seventy-first General Assembly, published in 1985 and 1986, covered 1241 pages, a 462% increase. You as legislators and we as judges confront these issues in different ways. They arrive at our courtroom doors as cases that must be adjudicated, and sometimes we long for the option of adjourning and going home.

Thus far, we have looked at the ways you have fulfilled your role under our federal system. Under that system, the framers of the Constitution left to the states the major task of creating and supporting courts where the individual rights and liberties we prize would be preserved. There is a corollary concern that framers also considered: an independent judiciary.

Alexander Hamilton's essay in support of the adoption of the United States Constitution, reprinted as number 78 in *The Federalist*, underscored the importance of the independence of the judicial branch. He wrote:

Nothing can contribute so much to [the judiciary's] firmness and independence as permanency in office. This quality may therefore be justly regarded as an indispensable ingredient in its constitution, and, in a great measure, as the citadel of the public justice and the public security.

Decades later, Justice Benjamin Cardozo developed Hamilton's thought when he wrote:

The great ideals of liberty and equality are preserved against the assaults of opportunism, the expediency of the passing hour, the erosion of small encroachments, the scorn and derision of those who have no patience with general principles, by enshrining them in constitutions, and consecrating to the task of their protection a body of defenders.

How does this concept of independence through permanency in judicial office, embedded in the United States Constitution, translate to Iowa's situation? I suggest the principle is sound: Iowa does need to attract and keep highly qualified lawyers as judges, and insure that they can remain in office for so long as they meet your high expectations.

This goal requires, first of all, adequate judicial compensation. Here the General Assembly must face up to years of benign neglect. Iowa is able to attract bright young lawyers of limited legal experience to the bench, but the trend is for law firms to pick off the best after the public has provided them on-the-job training. This loss is a public loss.

In the last three years we have sworn in 33 new district and district associate judges. Fourteen were 35 years of age or younger; 8 more were 36 to 40 years of age; only two were over 50. Few of these people will maintain a long bench career unless overdue salary adjustments are made. Your concern must be that they are compensated sufficiently to assure that they feel a sense of permanency in position; that their minds are focused on the merits of the cause before them and not on which law firm will rescue them with an employment offer.

Responding to a request from the Statutory Compensation Commission, I recently wrote a letter detailing the deplorable history of judicial salaries in Iowa since 1977. A copy of that letter is attached as an appendix to my written message, which I leave with you, and I respectfully ask each of you to read it. The Iowa State Bar Association has become sufficiently alarmed to appoint a Blue Ribbon committee of citizens to study the problem of judicial compensation. That committee is holding hearings and we assume will furnish you with its findings.

I suggest that your decisions, with respect to judicial salaries, should not be controlled by your view of the qualifications or lack of qualifications of me or any present judge. A judicial position ought to be evaluated and a rate of compensation fixed that will attract the quality of person you want on the bench. It would be naive to imply our present system has produced perfect judges. I submit, however, that our present system's most obvious shortcoming is in not providing adequate financial incentives to attract and keep the brightest and the best.

We cannot close out a discussion of salaries without reference to compensation for the office of Iowa's state court administrator. Only three states pay their state court administrator less than Iowa. The average salary for state court administrators in our six bordering states exceeds the amount paid in Iowa for that position by over \$15,000. Nor does the salary of Iowa's state court administrator match the compensation given to the heads of several executive branch agencies who administer smaller budgets and fewer people than represented by the judicial department.

In Iowa permanency in judicial office has been enhanced by the 1962 constitutional amendment that removed judges from partisan politics and provided for merit nominations by nonpolitical nominating commissions. Judges, as you know, now run for retention in office on a nonpartisan ballot.

A key provision of the 1962 amendment was that nominating commissioners on both the state and district levels "shall be chosen without reference to political affiliation." Some members of the last General Assembly, asserting several Governors had violated this provision in making commission appointments, took the astonishing position this constitutional safeguard, therefore, should be deleted by amendment. The goal, it was stated, was to clear the way for a statute that would supposedly balance the commissions by political party, this in lieu of the option to call for compliance with Iowa's constitution. A resolution that would strip away this constitutional safeguard passed both Houses last year as SJR 2002. If it is introduced and passed this year, it will be submitted to the voters in a form that will not advise them of the deleted language.

As one who has followed these nominating commissions for 25 years, I can assure you the commissioners, however appointed, have been beholden to the citizens of Iowa and not to a particular political party. The proposed constitutional amendment would require nominating commissioners to change their allegiance. Adoption of the amendment would sensitize them that they were now representing their political party for the advancement of its interests, and the selection of judges would be based upon the applicant's political clout, organization, and funds, not necessarily his or her judicial qualifications.

Picking judges by dividing the commissioners with divisive political caucuses would turn back Iowa's clock to 1961. The process contemplated by the constitutional change will attract neither successful lawyers as candidates nor those who will add permanence to Iowa's judicial ranks. SJR 2002, by whatever designation it may arrive this year, is a bad idea and the time has come for its quiet interment.

Before closing, I want to express the Supreme court's gratitude to the leaders of the bar organizations, many of whom are in attendance today. They represent the high standards of professionalism and attention to duty that make our work easier. We also welcome to the State Capitol, the Chief Judges of the eight Judicial Districts. They are dedicated to the goal of streamlining procedures to meet the case processing time standards the supreme court adopted upon their recommendation. They meet this afternoon as members of the Judicial Council to take up administrative matter. The court also has asked me to express its appreciation for the work of the 318 persons — 50 of them public-spirited citizens who play no other role in the justice system — who serve on the 28 committees, boards, and commissions that make it possible for the court to fulfill its many constitutional and statutory duties.

We especially salute U.S. Magistrate Celeste Bremer, who chairs the new Supreme Court Council on Judicial Selection, and who, with other dedicated young lawyers, spearheaded the drive to commit hundreds of attorneys to provide pro bono services to the poor in civil matters. We commend all Iowa lawyers and the many financial institutions whose combined efforts in implementing the court's IOLTA program have provided hundreds of thousands of dollars to assure that disadvantaged Iowans have not lost access to legal advice, to the courts, and to justice.

Finally, the court thanks each of you legislators, in advance, for your consideration of the budget our branch has submitted, and the concerns we have expressed today. Together we have endured, and still experience, the pain and tensions of Iowa's severe

financial stress. At the same time, we hope that you derive the satisfaction that we feel in these joint efforts to secure our most priceless heritage—to give life and breath to the constitutional guarantees of freedom dreamed and envisioned by those framers two hundred years ago. A poet may have expressed it best when he wrote:

There are those who will say that the liberation of humanity, the freedom of man and mind are nothing but a dream. They are right. It is a dream. It is the American dream.

Thank you very much.

Chief Justice W. W. Reynoldson was escorted from the House chamber by the committee previously appointed.

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

Arnould of Scott moved that the joint convention be now dissolved at 10:26 a.m., which motion prevailed.

The House reconvened, Speaker Avenson in the chair.

On motion by Arnould of Scott, the House was recessed at 10:27 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate Concurrent Resolution 6.

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the filing of amendments, on Senate Concurrent Resolution 6.

Connors of Polk called up for consideration Senate Concurrent Resolution 6 as follows:

- 1 Senate Concurrent Resolution 6
- 2 By Committee On Rules And Administration
- 3 A Concurrent Resolution relating to the compensation
- 4 of chaplains, officers and employees of the
- 5 seventy-second general assembly.
- 6 *Whereas*, section 2.11 of the Code provides that
- 7 "The compensation of chaplains, officers and employees
- 8 of the general assembly shall be fixed by joint action
- 9 of the house and senate by resolution at the opening
- 10 of each session, or as soon thereafter as conveniently
- 11 can be done.", *Now Therefore*,

12 *Be It Resolved By The Senate, The House Concurring,*  
 13 That the compensation for the following officers for  
 14 the period commencing January 9, 1987 and ending  
 15 January 9, 1989, shall be within the following ranges:  
 16 Secretary of the Senate and Chief  
 17 Clerk of the House ..... \$30,700 to \$49,046  
 18 Within the indicated ranges the exact compensation  
 19 shall be set or adjusted for the senate officers by  
 20 the senate rules and administration committee and for  
 21 the house officers by the house rules and  
 22 administration committee. The committees shall report  
 23 the exact compensation assigned to each position on  
 24 the next legislative day, or, if such action is during  
 25 the interim, on the first day the senate or house  
 26 shall convene. Any action by the senate or house to  
 27 disapprove or amend the report shall be effective the  
 28 day after the action.  
 29 *Be It Further Resolved,* That the compensation of  
 30 the employees of the seventy-second general assembly

Page 2

1 is set, effective from January 9, 1987, until January  
 2 9, 1989, in accordance with the following salary  
 3 schedule:

4	#8	#9	#10	#11	#12
5	\$9,318.40	\$9,796.80	\$10,296.00	\$10,816.00	\$11,356.80
6	4.48	4.71	4.95	5.20	5.46
7					
8	#13	#14	#15	#16	#17
9	\$11,939.20	\$12,542.40	\$13,166.40	\$13,832.00	\$14,497.60
10	5.74	6.03	6.33	6.65	6.97
11					
12	#18	#19	#20	#21	#22
13	\$15,184.00	\$15,912.00	\$16,702.40	\$17,472.00	\$18,324.80
14	7.30	7.65	8.03	8.40	8.81
15					
16	#23	#24	#25	#26	#27
17	\$19,219.20	\$20,113.60	\$21,091.20	\$22,110.40	\$23,171.20
18	9.24	9.67	10.14	10.63	11.14
19					
20	#28	#29	#30	#31	#32
21	\$24,273.60	\$25,459.20	\$26,644.80	\$27,955.20	\$29,265.60
22	11.67	12.24	12.81	13.44	14.07
23					
24	#33	#34	#35	#36	#37
25	\$30,700.80	\$32,156.80	\$33,696.00	\$35,318.40	\$37,003.20
26	14.76	15.46	16.20	16.98	17.79
27					
28	#38	#39	#40	#41	#42
29	\$38,812.80	\$40,664.00	\$42,619.20	\$44,657.60	\$46,800.00
30	18.66	19.55	20.49	21.47	22.50

## Page 3

1 In this schedule, each numbered block shall be the  
 2 yearly and hourly compensation for the pay grade of  
 3 the number heading the block. Within each grade there  
 4 shall be six steps numbered "1" through "6". In the  
 5 above schedule the steps for all grades are determined  
 6 in the following manner. Each numbered block is  
 7 counted as the "1" step for that grade. The next  
 8 higher block is counted as the "2" step; the next  
 9 higher block is the "3" step; the next higher block is  
 10 the "4" step; the next higher block is the "5" step;  
 11 the next higher block is the "6" step.

12 All employees, other than those designated "part-  
 13 time" shall be compensated for 40 hours of work in a  
 14 one-week pay period. Except for the personnel  
 15 designated to the contrary in this resolution,  
 16 employees who are required to work in excess of 40  
 17 hours in a one-week pay period shall either be  
 18 compensated at a rate of pay equal to one and one-half  
 19 times the hourly pay provided in this resolution or  
 20 allowed compensatory time off at a rate of one and  
 21 one-half hours for each hour of overtime.

22 The following personnel shall not be paid an  
 23 overtime premium:

24 Secretary of the Senate  
 25 Chief Clerk of the House  
 26 Assistant Secretary of the Senate  
 27 Assistant Chief Clerk of the House  
 28 Senate Legal Counsel  
 29 House Legal Counsel  
 30 Finance Officer

## Page 4

1 All Administrative Assistants  
 2 All Research Analysts  
 3 All Secretaries to Senators and Representatives  
 4 All Caucus Staff Directors  
 5 Administrative, Executive, and Confidential  
 6 Secretaries to Speaker, Leader or  
 7 Secretary of Senate or Chief Clerk of House

8 All employees shall be available to work daily  
 9 until completion of the senate's and house of  
 10 representatives' business. The secretary of the  
 11 senate and chief clerk of the house shall schedule all  
 12 employees' working hours to, as far as possible,  
 13 maintain regular working hours.

14 *Be It Further Resolved*, That compensatory time off  
 15 shall be granted to employees not eligible for  
 16 overtime pay in a uniform manner for all legislative  
 17 employees as determined by the legislative council.

18 *Be It Further Resolved*, That in the event the

19 salary schedule for employees of the State of Iowa as  
 20 promulgated by the personnel commission pursuant to  
 21 section 19A.9, subsection 2, Code 1987, is revised  
 22 upward at any time during the seventy-second general  
 23 assembly, such revised schedule shall simultaneously  
 24 be adopted for the compensation of the employees of  
 25 the seventy-second general assembly assigned a grade  
 26 by this resolution. The pay ranges of those positions  
 27 specifically listed on page one of this resolution  
 28 shall be automatically adjusted to reflect any cost of  
 29 living increases granted to those employees not  
 30 included in the collective bargaining agreement made

**Page 5**

1	final under chapter 20 of the Code.	
2	<i>Be It Further Resolved</i> , That the employees of the	
3	seventy-second general assembly be placed in the	
4	following pay grades:	
5	Employees Of The House	
6	Assistant Chief Clerk of the House .....	Grade 33
7	Legal Counsel II .....	Grade 33
8	Legal Counsel I .....	Grade 29
9	Caucus Staff Director .....	Grade 34
10	Sr. Caucus Staff Director .....	Grade 36
11	Administrative Assistant to Leader	
12	or Speaker I .....	Grade 27
13	Administrative Assistant to Leader	
14	or Speaker II .....	Grade 30
15	Administrative Assistant to Leader	
16	or Speaker III .....	Grade 33
17	Sr. Administrative Assistant to	
18	Leader or Speaker .....	Grade 35
19	Legislative Research Analyst I .....	Grade 27
20	Legislative Research Analyst II .....	Grade 30
21	Legislative Research Analyst III .....	Grade 33
22	Sr. Legislative Research Analyst .....	Grade 35
23	Secretary to Leader .....	Grade 19
24	Caucus Secretary .....	Grade 21
25	Administrative Secretary to Leader,	
26	Speaker, or Chief Clerk .....	Grade 21
27	Executive Secretary to Leader,	
28	Speaker or Chief Clerk .....	Grade 23
29	Confidential Secretary to Leader,	
30	Speaker, or Chief Clerk .....	Grade 26

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1	Clerk to Chief Clerk .....	Grade 16
2	Supervisor of Secretaries .....	Grade 22
3	Journal Editor .....	Grade 25
4	Assistant Journal Editor .....	Grade 21
5	Compositor .....	Grade 20

6	Finance Officer .....	Grade 27
7	Assistant Finance Officer .....	Grade 21
8	Recording Clerk .....	Grade 20
9	Assistant Legal Counsel .....	Grade 26
10	Assistant to the Legal Counsel and	
11	Engrossing/Enrolling Clerk .....	Grade 24
12	Assistant to the Legal Counsel .....	Grade 16
13	Chief Indexer .....	Grade 21
14	Indexing Assistant .....	Grade 18
15	Supply Clerk .....	Grade 15
16	Switchboard Operator .....	Grade 13
17	Legislative Secretary .....	Grade 15
18	Legislative Committee Secretary .....	Grade 17
19	Bill Clerk .....	Grade 13
20	Assistant Bill Clerk .....	Grade 12
21	Postmaster .....	Grade 11
22	Sergeant-at-Arms .....	Grade 16
23	Assistant Sergeant-at-Arms .....	Grade 13
24	Doorkeepers .....	Grade 10
25	Pages .....	Minimum Wage
26	Employees Of The Senate	
27	Assistant Secretary of the Senate .....	Grade 33
28	Legal Counsel II .....	Grade 33
29	Legal Counsel I .....	Grade 29
30	Caucus Staff Director .....	Grade 34

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1	Sr. Caucus Staff Director .....	Grade 36
2	Administrative Assistant to Leader I .....	Grade 27
3	Administrative Assistant to Leader II .....	Grade 30
4	Administrative Assistant to Leader III .....	Grade 33
5	Sr. Administrative Assistant to Leader .....	Grade 35
6	Legislative Research Analyst I .....	Grade 27
7	Legislative Research Analyst II .....	Grade 30
8	Legislative Research Analyst III .....	Grade 33
9	Sr. Legislative Research Analyst .....	Grade 35
10	Caucus Secretary .....	Grade 21
11	Secretary to Leader .....	Grade 19
12	Administrative Secretary to Leader	
13	or Secretary of the Senate .....	Grade 21
14	Executive Secretary to Leader	
15	or Secretary of the Senate .....	Grade 23
16	Confidential Secretary to Leader	
17	or Secretary of the Senate .....	Grade 26
18	Journal Editor .....	Grade 25
19	Assistant Journal Editor/	
20	Assistant Finance Officer .....	Grade 23
21	Assistant Journal Editor .....	Grade 21
22	Compositor .....	Grade 20
23	Assistant Legal Counsel .....	Grade 26

24	Assistant to the Legal Counsel/	
25	Assistant Finance Officer .....	Grade 18
26	Assistant to the Legal Counsel .....	Grade 16
27	Finance Officer .....	Grade 27
28	Assistant Finance Officer .....	Grade 21
29	Recording Clerk .....	Grade 20
30	Chief Indexer .....	Grade 21

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1	Indexing Assistant .....	Grade 18
2	Records and Supply Clerk .....	Grade 17
3	Switchboard Operator .....	Grade 13
4	Legislative Secretary .....	Grade 15
5	Legislative Committee Secretary .....	Grade 17
6	Bill Clerk .....	Grade 13
7	Assistant Bill Clerk .....	Grade 12
8	Postmaster .....	Grade 11
9	Sergeant-at-Arms .....	Grade 16
10	Assistant Sergeant-at-Arms .....	Grade 13
11	Chief Doorkeeper .....	Grade 11
12	Doorkeepers .....	Grade 10
13	Porter .....	Grade 9
14	Pages .....	Minimum Wage

15 *Be It Further Resolved*, That there shall be four  
 16 classes of appointments as employees of the general  
 17 assembly:

18 A "permanent full-time" or "permanent part-time"  
 19 employee is one who is employed the year around and  
 20 eligible to receive state benefits.

21 An "exempt full-time" employee is one who is  
 22 employed for the period of the sessions with  
 23 extensions post-session and pre-session as scheduled.  
 24 This class is eligible to receive state benefits with  
 25 the cost of benefits to the state to be paid by the  
 26 employee when not on the payroll.

27 A "session-only" employee is one who is employed  
 28 for only a portion of the year, usually the  
 29 legislative session. This class is not eligible for  
 30 state benefits, except IPERS.

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1 A "part-time" employee is one who is employed to  
 2 work less than 40 hours per week. This class is not  
 3 eligible for state benefits, except IPERS if eligible.

4 *Be It Further Resolved*, That the exact  
 5 classification for individuals in a job series created  
 6 by this resolution shall be set or changed for senate  
 7 employees by the senate rules and administration  
 8 committee and for the house employees by the house  
 9 rules and administration committee. The committees

10 shall base the classification upon the following  
11 factors:

12 1. The extent of formal education required of the  
13 position; and,

14 2. The extent of the responsibilities to be  
15 assigned to the position; and,

16 3. The amount of supervision placed over the  
17 position; and,

18 4. The number of persons the position is assigned  
19 to supervise and skill and responsibilities of those  
20 positions supervised.

21 The committees shall report the exact  
22 classifications assigned to each individual on the  
23 next legislative day, or, if such action is during the  
24 interim, on the first day the senate or house shall  
25 convene. Any action by the senate or house to  
26 disapprove a report or a portion of a report shall be  
27 effective the day after the action.

28 *Be It Further Resolved*, That positions, titles and  
29 grades assigned in this resolution may be adjusted by  
30 affirmative vote of the Comparable Worth Appeals

**Page 10**

1 Committee and the senate rules and administration  
2 committee and the house rules and administration  
3 committee.

4 *Be It Further Resolved*, That a senator or  
5 representative may employ a secretary who in the  
6 judgment of the senator or representative employing  
7 such person, possesses the necessary skills to perform  
8 the duties such senator or representative shall  
9 designate, under the administrative direction, as  
10 appropriate, of the secretary of the senate or the  
11 chief clerk of the house.

12 Each standing committee chairperson, ethics  
13 committee chairperson, and each appropriations  
14 subcommittee chairperson shall designate a secretary  
15 who has either: a) been certified by the personnel  
16 commission as having passed a typing and shorthand  
17 performance examination, or, b) has demonstrated  
18 competence in the use of the legislative computer  
19 system to be the Secretary to the Committee. Such  
20 Secretary shall prepare committee minutes, committee  
21 reports, type committee correspondence, maintain  
22 committee records, and otherwise assist the committee.  
23 Such duties shall be performed in accordance with  
24 standards which shall be provided by the secretary of  
25 the senate and chief clerk of the house. The  
26 chairperson of a senate or house committee may  
27 designate any secretary who has been certified by the  
28 personnel commission or who has demonstrated

29 competence in the use of the legislative computer  
30 system to be the committee secretary. In making the.

**Page 11**

1 designation, chairpersons shall consider persons for  
2 possible designation as the secretary to the committee  
3 in the following order:

4 First: The secretary to the chairperson.

5 Second: The secretary to the committee's vice-  
6 chairperson.

7 Third: The secretary to any other member of the  
8 committee.

9 Fourth: The secretary to any other member in the  
10 same house as the committee.

11 A designated committee secretary must be a person  
12 who has been certified by the personnel commission as  
13 having passed a typing performance examination of at  
14 least 40 words per minute, and a stenographic  
15 performance examination of 80 words per minute using  
16 either manual or machine dictation which will be  
17 transcribed with 80% or 95% accuracy respectively, or  
18 who has demonstrated competency in the use of the  
19 legislative computer system.

20 *Be It Further Resolved*, That a Legal Counsel II  
21 shall be a person who has graduated from an accredited  
22 school of law and is admitted to practice in Iowa as  
23 an Attorney and Counselor at Law and possesses either  
24 a Masters of Law degree or has at least two years of  
25 legal experience after admission to practice.

26 A Legal Counsel I shall be a person who has  
27 graduated from an accredited school of law and is  
28 admitted to practice in Iowa as an Attorney and  
29 Counselor at Law.

30 *Be It Further Resolved*, That part-time employees

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1 shall be compensated at the scheduled hourly rate for  
2 their pay grade and step.

3 *Be It Further Resolved*, That employees of the  
4 general assembly may be eligible for either:

5 a) increases in salary grade or step based on  
6 evaluation of their job performance and  
7 recommendations of their administrative officers,  
8 subject to approval of the senate committee on rules  
9 and administration or the house committee on rules and  
10 administration, as appropriate; or

11 b) mobility within pay steps at the discretion of  
12 the chief clerk of the house and the secretary of the  
13 senate, subject to the approval of the house committee  
14 on rules and administration or the senate committee on  
15 rules and administration, as appropriate — in accord

16 with the following schedule:

17 (1) Progression from step "1" to "2" — twelve  
18 months of actual employment.

19 (2) Progression from step "2" to "3", and step "3"  
20 to "4", and step "4" to "5" — twelve months of actual  
21 employment.

22 (3) Progression from step "5" to "6" — twenty-  
23 four months of actual employment.

24 Notwithstanding the provisions of the above  
25 paragraph, any employees of the general assembly, who,  
26 prior to the date of final passage of this resolution,  
27 were granted meritorious-based steps in their position  
28 which raised them beyond step six are subject to the  
29 following process in determining pay level:

30 a. as of the effective date of this resolution,

**Page 13**

1 the rate of the employees' compensation is to be set  
2 at the grade level assigned under this resolution, and  
3 the step level is to be set at the same level as that  
4 employee was assigned as of the date of final passage  
5 of this resolution;

6 b. the employees covered under this paragraph  
7 shall not be eligible for further compensation  
8 increases until such time as the actual compensation  
9 level for step six of their assigned grade exceeds  
10 their current compensation, at which time the employee  
11 shall move to step six of their assigned grade.

12 *Be It Further Resolved*, that in addition to the  
13 steps provided in the preceding paragraph, that  
14 secretaries to senators and representatives shall be  
15 eligible for two additional steps upon certification  
16 by the personnel commission that the secretary has  
17 passed the typing and shorthand performance  
18 examinations.

19 *Be It Further Resolved*, That in addition to the  
20 steps provided in the preceding paragraph, that  
21 secretaries to senators and representatives shall be  
22 eligible for a maximum of three additional grades  
23 beyond grade 15, in any combination, as provided in  
24 this paragraph:

25 1. One additional grade for a secretary to a  
26 standing committee chair, ethics committee chair or  
27 appropriations subcommittee chair who is not the  
28 designated committee secretary.

29 2. One additional grade for a secretary to a vice-  
30 chairperson or ranking member of a standing committee.

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1 3. One additional grade for a secretary to the  
2 chairperson of the chaplain's committee.

3 4. Two additional grades for a secretary to an

4 assistant floor leader or speaker pro tempore or  
5 president pro tempore.

6 *Be It Further Resolved*, That the entrance salary  
7 for employees of the general assembly shall be at step  
8 1 in the grade of the position held. Such employee  
9 may be hired above the entrance step if possessing  
10 outstanding and unusual experience for the position,  
11 provided that the entrance is not beyond step 3. Such  
12 employee who is hired above the entrance step shall be  
13 mobile above that step in the same period of time as  
14 other employees in that same step. An officer or  
15 employee who is moved to another position may be  
16 considered for partial or full credit for their  
17 experience in the former position in determining the  
18 step in the new grade.

19 The entry level for the position of research  
20 analyst shall be Legislative Research Analyst I,  
21 unless extraordinary conditions justify increasing  
22 that entry level; however, that entry level may not be  
23 increased beyond Legislative Research Analyst II. A  
24 research analyst must have shown knowledge of  
25 legislative rules and procedures as well as the Code  
26 of Iowa to be considered at any level above a  
27 Legislative Research Analyst I.

28 *Be It Further Resolved*, That a pay increase for  
29 employees of one step within the pay grade for the  
30 position may be made for exceptionally meritorious

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1 service in addition to step increases provided for in  
2 this resolution, upon recommendation of the secretary  
3 of the senate or chief clerk of the house and the  
4 approval of the senate committee on rules and  
5 administration or the house committee on rules and  
6 administration. Exceptionally meritorious service pay  
7 increases shall be governed by the following:

8 a. The employee must have served in the position  
9 for at least twelve months;

10 b. Written justification, setting forth in detail  
11 the nature of the exceptionally meritorious service  
12 rendered, must be submitted to the senate, rules and  
13 administration committee or house rules and  
14 administration committee and approved in advance of  
15 granting the pay increase;

16 c. No more than one exceptionally meritorious  
17 service pay increase may be granted in any twelve-  
18 month period.

19 d. Such meritorious service pay increase shall not  
20 be granted beyond the six-step maximum for that  
21 position.

22 *Be It Further Resolved*, That the secretary of the

23 senate and chief clerk of the house shall receive  
24 applications for employment, arrange for any necessary  
25 examinations, contact references and make  
26 recommendations for hiring. The senate rules and  
27 administration committee and the house rules and  
28 administration committee shall both hire officers and  
29 employees for their respective bodies and fill any  
30 vacancies which may occur, to be effective at such

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1 time as they shall set. The committee shall report  
2 the names of those it has hired for the positions  
3 specified in this resolution or the filling of any  
4 vacancies on the next legislative day or, if such  
5 action is during the interim, on the first day the  
6 senate or house shall convene. Any action by the  
7 senate or house to amend or disapprove a report or a  
8 portion of a report shall be effective the day after  
9 the action.

10 The chief clerk of the house shall submit to the  
11 house committee on rules and administration and the  
12 secretary of the senate shall submit to the senate  
13 committee on rules and administration the list of  
14 names, or amendments thereto, of employee  
15 classifications and recommended pay step for each  
16 officer and employee. Such list shall include  
17 recommendations for the pay step for all employees.  
18 Each respective committee shall approve or amend the  
19 list of recommended classifications and pay steps and  
20 publish said list in the journal. The secretary of  
21 the senate and the chief clerk of the house shall set  
22 the period of employment of intermittent employees  
23 under such direction as the senate rules and  
24 administration committee and the house rules and  
25 administration committee may provide.

26 *Be It Further Resolved*, That permanent employees of  
27 the general assembly shall receive vacation  
28 allowances, sick leave, health and accident insurance,  
29 life insurance, and disability income insurance as are  
30 provided for full-time permanent state employees. The

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1 computations shall be maintained by the finance  
2 officers in each house and coordinated with the  
3 department of management.

4 *Be It Further Resolved*, That should any employee  
5 have a grievance concerning their compensation, hours  
6 of work, performance of work, or other matter, the  
7 grievance shall be resolved as provided in this  
8 paragraph or by procedures determined by the senate  
9 rules and administration committee or the house rules

10 and administration committee.

11 The grievance shall first be brought to the  
12 attention of the secretary of the senate or chief  
13 clerk of the house. The procedure may be informal and  
14 oral except that the secretary or chief clerk shall  
15 give his or her final conclusion in writing.

16 An employee may appeal in writing an adverse ruling  
17 of the secretary or chief clerk to the senate rules  
18 and administration committee or the house rules and  
19 administration committee which shall consider the  
20 grievance. The committee's consideration shall be  
21 informal except that accurate minutes shall be kept  
22 and the final conclusion shall be in writing.

23 Any employee having a grievance shall have access  
24 to all relevant house or senate records, may have the  
25 assistance of counsel, and, if the grievance involves  
26 a disciplinary action, shall have a written statement  
27 of the grounds for the disciplinary action.

28 *Be It Further Resolved*, That the compensation of  
29 chaplains officiating at the opening of the daily  
30 sessions of the house of representatives and the

**Page 18**

1 senate of the seventy-second general assembly be fixed  
2 at ten dollars for each house of the general assembly,  
3 and that mileage for chaplains be fixed at the rate of  
4 twenty-one cents per mile to and from the State  
5 Capitol.

The House stood at ease at 1:22 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate Concurrent Resolution 6 at 2:48 p.m., Speaker Avenson in the chair.

Carpenter of Polk offered the following amendment H—3018 filed by her from the floor and moved its adoption:

**H—3018**

1 Amend Senate Concurrent Resolution 6 as follows:

2 1. Page 2, by striking lines 4 through 30 and  
3 inserting the following:

4	"	8	9	10	11	12
5		\$9,609.60	\$10,025.60	\$10,483.20	\$10,982.40	\$11,460.80
6		4.62	4.82	5.04	5.28	5.51
7		13	14	15	16	17
8		\$12,022.40	\$12,563.20	\$13,062.40	\$13,624.00	\$14,206.40
9		5.78	6.04	6.28	6.55	6.83
10		18	19	20	21	22
11		\$14,830.40	\$15,496.00	\$16,224.00	\$17,118.40	\$17,971.20
12		7.13	7.45	7.80	8.23	8.64
13		23	24	25	26	27

14	\$18,824.00	\$19,593.60	\$20,425.60	\$21,257.60	\$22,214.40
15	9.05	9.42	9.82	10.22	10.68
16	28	29	30	31	32
17	\$23,192.00	\$24,148.80	\$25,084.80	\$26,270.40	\$27,435.20
18	11.15	11.61	12.06	12.63	13.19
19	33	34	35	36	37
20	\$28,766.40	\$30,180.80	\$31,574.40	\$33,134.40	\$34,736.00
21	13.83	14.51	15.18	15.93	16.70
22	38	39	40	41	42
23	\$36,441.60	\$38,272.00	\$40,164.80	\$42,140.80	\$44,304.00
24	17.52	18.40	19.31	20.26	21.30"

A non-record roll call was requested.

The ayes were 36, nays 47.

Amendment H—3018 lost.

Carpenter of Polk offered the following amendment H—3019 filed by her from the floor and moved its adoption:

H—3019

1	Amend Senate Concurrent Resolution 6 as passed by	
2	the Senate, as follows:	
3	1. By striking page 5, line 6, through page 8,	
4	line 14, and inserting the following:	
5	"Assistant Chief Clerk of the House . . . . .	Grade 31
6	Legal Counsel . . . . .	Grade 32
7	Caucus Staff Director . . . . .	Grade 31
8	Administrative Assistant to Majority Leader . . . . .	Grade 30
9	Administrative Assistant to Speaker . . . . .	Grade 29
10	Administrative Assistant to Minority Leader . . . . .	Grade 28
11	Legislative Research Analyst I . . . . .	Grade 26
12	Legislative Research Analyst II . . . . .	Grade 27
13	Secretary to Leader . . . . .	Grade 20
14	Caucus Secretary . . . . .	Grade 19
15	Administrative Secretary to Leader,	
16	Speaker, or Chief Clerk . . . . .	Grade 19
17	Executive Secretary to Leader,	
18	Speaker, or Chief Clerk . . . . .	Grade 22
19	Confidential Secretary to Leader,	
20	Speaker, or Chief Clerk . . . . .	Grade 22
21	Clerk to Chief Clerk . . . . .	Grade 14
22	Supervisor of Secretaries . . . . .	Grade 20
23	Journal Editor . . . . .	Grade 26
24	Assistant Journal Editor . . . . .	Grade 20
25	Compositor . . . . .	Grade 18
26	Finance Officer . . . . .	Grade 25
27	Assistant Finance Officer . . . . .	Grade 18
28	Recording Clerk . . . . .	Grade 18
29	Assistant Legal Counsel . . . . .	Grade 24
30	Assistant to the Legal Counsel and	

31	Engrossing/Enrolling Clerk	Grade 24
32	Assistant to the Legal Counsel	Grade 22
33	Chief Indexer	Grade 20
34	Indexing Assistant	Grade 18
35	Supply Clerk	Grade 15
36	Switchboard Operator	Grade 13
37	Legislative Secretary	Grade 14
38	Legislative Committee Secretary	Grade 16
39	Bill Clerk	Grade 15
40	Assistant Bill Clerk	Grade 13
41	Postmaster	Grade 12
42	Sergeant-at-Arms	Grade 16
43	Assistant Sergeant-at-Arms	Grade 13
44	Doorkeepers	Grade 10
45	Pages	Minimum Wage
46	<b>EMPLOYEES OF THE SENATE</b>	
47	Assistant Secretary of the Senate	Grade 29
48	Legal Counsel	Grade 32
49	Caucus Staff Director	Grade 31
50	Administrative Assistant to Majority	

**Page 2**

1	Leader	Grade 30
2	Administrative Assistant to Minority	
3	Leader	Grade 28
4	Administrative Assistant to President	Grade 29
5	Legislative Research Analyst I	Grade 26
6	Legislative Research Analyst II	Grade 27
7	Caucus Secretary	Grade 19
8	Secretary to Leader	Grade 20
9	Administrative Secretary to Leader	
10	or Secretary of the Senate	Grade 19
11	Executive Secretary to Leader	
12	or Secretary of the Senate	Grade 22
13	Confidential Secretary to Leader	
14	or Secretary of the Senate	Grade 22
15	Journal Editor	Grade 26
16	Assistant Journal Editor/	
17	Assistant Finance Officer	Grade 21
18	Assistant Journal Editor	Grade 20
19	Compositor	Grade 18
20	Assistant Legal Counsel	Grade 24
21	Assistant to the Legal Counsel/	
22	Assistant Finance Officer	Grade 15
23	Assistant to the Legal Counsel	Grade 22
24	Finance Officer	Grade 25
25	Assistant Finance Officer	Grade 18
26	Recording Clerk	Grade 18
27	Chief Indexer	Grade 20
28	Indexing Assistant	Grade 18
29	Records and Supply Clerk	Grade 15
30	Switchboard Operator	Grade 13

31	Legislative Secretary .....	Grade 14
32	Legislative Committee Secretary .....	Grade 16
33	Bill Clerk .....	Grade 15
34	Assistant Bill Clerk .....	Grade 13
35	Postmaster .....	Grade 12
36	Sergeant-at-Arms .....	Grade 16
37	Assistant Sergeant-at-Arms .....	Grade 13
38	Chief Doorkeeper .....	Grade 13
39	Doorkeepers .....	Grade 10
40	Porter .....	Grade 8
41	Pages .....	Minimum Wage".

Roll call was requested by Carpenter of Polk and Stromer of Hancock.

On the question "Shall amendment H—3019 be adopted?"  
(S.C.R. 6)

The ayes were, 41:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schneklath	Shoning	Siegrist
Stromer	Stueland	Tyrrell	Van Camp
Van Maanen			

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Shoultz	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 4:

Blanshan	Muhlbauer	Sherzan	Swearingen
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Amendment H—3019 lost.

Tyrrell of Iowa offered the following amendment H—3020 filed by him from the floor and moved its adoption:

H—3020

- 1 Amend Senate Concurrent Resolution 6 as passed by
- 2 the Senate as follows:
- 3 1. By striking page 1, line 13, through page 18,
- 4 line 5, and inserting the following: "That the
- 5 compensation of the chaplains, officers, and employees
- 6 of the Seventy-second General Assembly for the period
- 7 beginning January 9, 1987 and ending January 9, 1989
- 8 shall be as provided in Senate Concurrent Resolution 2
- 9 as adopted by the Seventy-first General Assembly."

Roll call was requested by Tyrrell of Iowa and Harbor of Mills.

On the question "Shall amendment H—3020 be adopted?" (S.C.R. 6)

The ayes were, 41:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maunby	McKean	Metcalf
Miller	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Svoboda	Tyrrell	Van Camp
Van Maanen			

The nays were, 52:

Adams	Arnould	Beatty	Bisignano
Black	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Pony	Renaud	Rosenberg	Running
Schrader	Shoultz	Skow	Spear
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 7:

Blanshan	Haverland	Muhlbauer	Mullins
Sherzan	Swartz	Swearingen	

Amendment H—3020 lost.

Connors of Polk moved the adoption of Senate Concurrent Resolution 6.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall the resolution be adopted?" (S.C.R. 6)

The ayes were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Shoultz
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

The nays were, 41:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schneklath	Shoning	Siegrist
Stromer	Stueland	Tyrrell	Van Camp
Van Maanen			

Absent or not voting, 3:

Muhlbauer	Sherzan	Swearingen
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The motion prevailed and the resolution was adopted.

### IMMEDIATE MESSAGE (Senate Concurrent Resolution 6)

Arnould of Scott asked and received unanimous consent to immediately message Senate Concurrent Resolution 6 to the Senate.

**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
Philip E. Brammer .....	266

Respectfully submitted,  
LINDA L. BEATTY, Chair  
RUSSELL J. EDDIE  
ROBERT D. FULLER

**TEMPORARY COMMITTEE ASSIGNMENT**

Speaker Avenson announced the following temporary committee assignment:

Shoning of Woodbury, acting ranking member, committee on state government, temporarily replacing Swearingen of Keokuk.

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**TREASURER OF STATE**

A report listing all South Africa related investments administered by the Treasurer and their value on December 31, 1986, pursuant to Chapter 12A.4(2)a, Code of Iowa.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 1 (CORRECTED)**

Local Government: Hatch, Chair; Beatty, Cooper, Diemer, Norrgard, Platt and Royer.

**House Study Bill 44**

Ways and Means: Doderer, Chair; De Groot, Hanson of Delaware, Koenigs, Schnekloth and Teaford.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Committee Bill** (Formerly House Study Bill 33, as amended), relating to the effective dates of laws and resolutions passed by the general assembly, providing for the applicability of the Act, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** January 19, 1987.

On motion by Arnould of Scott, the House adjourned at 4:33 p.m., until 9:00 a.m., Wednesday, January 21, 1987.

# JOURNAL OF THE HOUSE

Tenth Calendar Day — Eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 21, 1987

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

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

The Journal of Tuesday, January 20, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file favoring increased funding to the State Transit Assistance Fund:

De Groot of Lyon from one hundred eighty-six constituents.  
Hester of Pottawattamie from twenty-eight constituents.

The following petitions were received and placed on file opposing the closing of state liquor stores:

De Groot of Lyon from eighty-three constituents  
Hester of Pottawattamie from one hundred thirty-nine constituents.

## INTRODUCTION OF BILLS

**House File 66**, by Peters, Hansen of Woodbury and Fuller, a bill for an act relating to the budget certification date for county budgets.

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

**House File 67**, by Halvorson of Clayton, a bill for an act relating to the use of property for recreational activities.

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

**House File 68**, by Schnekloth, a bill for an act to allow a stockholder of a family farm corporation to claim a homestead tax credit on a homestead owned by the corporation and occupied by the stockholder and providing an effective date.

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

**House File 69**, by Rosenberg, a bill for an act relating to the department of human rights by creating a commission of Asian-Pacific

persons within the department of human rights and delaying the repeal of the department of human rights to July 1, 1989.

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

**House File 70**, by Harbor, a bill for an act relating to the appointment of the secretary of the state fair board.

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

**House File 71**, by Diemer, a bill for an act relating to meetings and records of public hospitals.

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

**House File 72**, by Clark, a bill for an act relating to the public status of certain records of government bodies relating to the hiring of and negotiations with public employees.

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

**House File 73**, by Swartz, a bill for an act relating to private security agencies by revising license fees, bond requirements, and financial responsibility requirements for agencies consisting of only one individual.

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

**House File 74**, by Mullins and Beaman, a bill for an act requiring motor vehicle licenses and nonoperator's identification cards issued to persons under 21 years of age to contain a profile photograph and providing an effective date and sunset provision.

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

**House File 75**, by Clark, a bill for an act to require the boards of directors of school corporations to report their cost effective actions to the state.

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

**House File 76**, by Ollie, a bill for an act relating to grandchild visitation rights in certain stepparent adoption cases.

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

**House File 77**, by committee on judiciary and law enforcement, a bill for an act relating to the effective dates of laws and resolutions passed by the general assembly, providing for the applicability of the Act, and providing an effective date.

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

**House File 78**, by Halvorson of Clayton, a bill for an act to establish a wildlife damage claim program.

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

**House File 79**, by Hammond, Holveck and Carpenter, a bill for an act prohibiting smoking in certain public places and providing a penalty.

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

On motion by Arnould of Scott, the House was recessed at 9:13 a.m., until 2:30 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

The House stood at ease at 2:45 p.m., until the fall of the gavel.

The House reconvened at 4:20 p.m., Speaker Avenson in the chair.

#### SPONSOR ADDED (House File 65)

Neuhauser of Johnson requested to be added as a sponsor of House File 65.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 63 Judiciary and Law Enforcement**

Relating to relief under bankruptcy for a judgment debtor from suspension of license, registration, or nonresident operating privilege under the motor vehicle financial responsibility requirements.

##### **H.S.B. 64 Ways and Means**

Relating to the exemption from the state sales, services and use tax of the gross receipts from the sale of foods purchased with federal food stamps and providing an effective date.

##### **H.S.B. 65 Human Resources**

Relating to the detention of juveniles in adult detention facilities.

##### **H.S.B. 66 Human Resources**

Relating to state reimbursements for certain juvenile justice costs.

**H.S.B. 67 Human Resources**

Providing for public grants and public education relating to adolescent pregnancy prevention and services by establishing a task force on adolescent pregnancy prevention and services, providing for pilot project grants relating to adolescent pregnancy prevention and services, and establishing a local advisory committee to public school boards regarding the inclusion or exclusion of human growth and development instruction in the school curriculum.

**H.S.B. 68 State Government**

Relating to the extension of the period allowed for public response to proposed rules.

**H.S.B. 69 State Government**

Relating to the administration of the campaign finance disclosure laws.

**SUBCOMMITTEE ASSIGNMENTS****House Joint Resolution 4**

Small Business and Commerce: Blanshan, Chair; Chapman, Groninga, Harbor and Schnekloth.

**House File 1**

Natural Resources and Outdoor Recreation: Cooper, Chair; Diemer, Gruhn, Johnson and Platt.

**House File 14**

Small Business and Commerce: Skow, Chair; Hansen of Woodbury, Hanson of Delaware, Hatch and Metcalf.

**House File 19**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 29**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**House File 30**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 31**

Natural Resources and Outdoor Recreation: Koenigs, Chair; Diemer and Johnson.

**House File 35**

Natural Resources and Outdoor Recreation: Koenigs, Chair; Cooper and Royer.

**House File 39**

Human Resources: Buhr, Chair; Haverland, Hermann, Miller and Peters.

**House File 50**

Natural Resources and Outdoor Recreation: Schrader, Chair; Branstad and Knapp.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 5**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 6**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 7**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 8**

Human Resources: Haverland, Chair; Adams, Corey, Eddie and Spear.

**House Study Bill 9**

Human Resources: Haverland, Chair; Adams, Corey, Eddie and Spear.

**House Study Bill 10**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 11**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 12**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 13**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 22**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 23**

Natural Resources and Outdoor Recreation: Schrader, Chair; Dvorsky and Tyrrell.

**House Study Bill 24**

Natural Resources and Outdoor Recreation: Koenigs, Chair; Fogarty and Pellett.

**House Study Bill 25**

Natural Resources and Outdoor Recreation: Cooper, Chair; Diemer, Gruhn, Johnson and Platt.

**House Study Bill 26**

Natural Resources and Outdoor Recreation: Johnson, Chair; Diemer and Fuller.

**House Study Bill 28**

Human Resources: Fey, Chair; Harper, Hester, Peters and Swearingen.

**House Study Bill 31**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Claytoh, Schneklath and Shoultz.

**House Study Bill 49**

Small Business and Commerce: Shoultz, Chair; Garman, Neuhauser, Parker, Sherzan and Shoning.

**House Study Bill 55**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 56**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 60**

Natural Resources and Outdoor Recreation: Black, Chair; Poney and Stueland.

**House Study Bill 61**

Natural Resources and Outdoor Recreation: Knapp, Chair; Dvorsky and Paulin.

**House Study Bill 62**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

### REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER; Pursuant to Senate Concurrent Resolution 6, duly adopted, your committee on rules and administration submits the following names of officers and employees of the House and their respective classification, grades and steps:

Chief Clerk	Joseph O'Hern	\$46,800.00	Annual Salary
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<u>*Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Assistant Chief Clerk of the House	Elizabeth A. Isaacson	33-5	P-FT
Senior Caucus Staff Director	Sharon Robinson	36-4	P-FT
Administrative Assistant II to Speaker	Mark W. Brandsgard	30-5	P-FT
Administrative Assistant II to Leader	William C. Maloney	30-5	P-FT
Administrative Assistant to Leader I	Bruce G. Brandt	27-1	P-FT
Legislative Research Analyst II	Edward J. Conlow	30-1	P-FT
Legislative Research Analyst I	Timothy C. Dunbar	27-2	P-FT
Legislative Research Analyst III	Mary E. O. Fleckenstein	33-2	P-FT
Legislative Research Analyst I	James W. O'Brien	27-1	P-FT
Legislative Research Analyst III	Thomas R. Patterson	33-2	P-FT
Legislative Research Analyst II	Allen J. Welsh	30-1	P-FT
Legislative Research Analyst II	David Werning	30-1	P-FT
Caucus Secretary	Kathi G. Woods	21-1	P-FT
Caucus Staff Director	Gary W. Steinke	34-1	P-FT
Legislative Research Analyst I	Stephen F. Moore	27-1	P-FT
Legislative Research Analyst I	Gina M. Angelici	27-1	P-FT
Legislative Research Analyst I	Stuart D. Hadley	27-1	P-FT
Legislative Research Analyst I	Margaret Ann Thomson	27-1	P-FT
Legislative Research Analyst II	Maryjo F. Welch	30-3	P-FT
Caucus Secretary	Colleen Dillon	21-6	P-FT
Confidential Secretary to Speaker	Catherine A. Sears	26-5	P-FT
Executive Secretary to Chief Clerk	Deanna J. Templeton	23-4	P-FT
Clerk to Chief Clerk	Susan Bruckshaw	16-1	S-O
Supervisor of Secretaries	Virginia Rowen	22-4	P-FT
Assistant Journal Editor	Vivian M. Anders	21-6*	P-FT
Assistant Journal Editor	Carol S. Edwards	21-6*	P-FT
Compositor	C. Elaine Schoonover	20-4	P-FT
Finance Officer	Billie Jean Walling	27-6*	P-FT
Assistant Finance Officer	Debra K. Rex	21-6	P-FT
Recording Clerk	Laura J. Ward	20-2	S-O
Assistant Legal Counsel	E. Jane Fowler	26-1	P-FT

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>
Assistant to the Legal Counsel & Engrossing/Enrolling Clerk	Pauline E. Kephart	24-6	P-FT
Assistant to the Legal Counsel	Peter J. Dubec	16-1	S-O
Chief Indexer	Juanita F. Swackhammer	21-6*	P-FT
Indexing Assistant	Wilma F. Zika	18-6*	P-FT
Supply Clerk	Joanne Wengert	15-1	S-O
Switchboard Operator	Madeline E. James	13-5	S-O
Switchboard Operator	Virginia Semple	13-2	S-O
Bill Clerk	Joanne B. Quade	13-2	S-O
Postmaster	Max D. Perdue	11-1	S-O
Sergeant-at-Arms	Roseanne McCargar	16-1	S-O
Assistant Sergeant-at-Arms	Jim Cunningham	13-2	S-O
Doorkeeper	Arthur E. Borwick	10-1	S-O
Doorkeeper	Dwight H. Dugan	10-1	S-O
Doorkeeper	Alfred H. Edwards	10-1	S-O
Doorkeeper	Marvin Hollingshead	10-1	S-O
Doorkeeper	Anthony F. King	10-1	S-O
Doorkeeper	John R. Quinn	10-1	S-O
GROUP I			
Speaker's Page	Todd Kolbe	\$3.35 Per.Hr.	S-O
Chief Clerk's Page	Janelle S. Rohlena	\$3.35 Per.Hr.	S-O
Page	Amy Lynn Blouin	\$3.35 Per.Hr.	S-O
Page	Cindy Boland	\$3.35 Per.Hr.	S-O
Page	Keith R. Bonnstetter	\$3.35 Per.Hr.	S-O
Page	Paul Bukta	\$3.35 Per.Hr.	S-O
Page	Dulcey Caltrider	\$3.35 Per.Hr.	S-O
Page	David A. Caraway	\$3.35 Per.Hr.	S-O
Page	Jacqueline L. Church	\$3.35 Per.Hr.	S-O
Page	Kyle W. Drefke	\$3.35 Per.Hr.	S-O
Page	Christopher E. Ellis	\$3.35 Per.Hr.	S-O
Page	Jill M. Hemphill	\$3.35 Per.Hr.	S-O
Page	Michael J. Malloy	\$3.35 Per.Hr.	S-O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Page	Nancy Ann Maroushek	\$3.35 Per.Hr.	S-O
Page	Wendy Ogier	\$3.35 Per.Hr.	S-O
Page	Stephanie M. Powell	\$3.35 Per.Hr.	S-O
Page	Kristen J. Schantz	\$3.35 Per.Hr.	S-O
Page	Sarah E. Stotts	\$3.35 Per.Hr.	S-O
Page	Julie M. Taiber	\$3.35 Per.Hr.	S-O
Page	Lisa M. Waldon	\$3.35 Per.Hr.	S-O
Page	Owen T. Winder	\$3.35 Per.Hr.	S-O
Page	Valerie Lynn Young	\$3.35 Per.Hr.	S-O
GROUP II			
Page	Robb M. Anderson	\$3.35 Per.Hr.	S-O
Page	Lorie Sue Baldwin	\$3.35 Per.Hr.	S-O
Page	Paula J. Bloemendaal	\$3.35 Per.Hr.	S-O
Page	Susan Choate	\$3.35 Per.Hr.	S-O
Page	Patricia S. Groven	\$3.35 Per.Hr.	S-O
Page	Dawn R. Hansen	\$3.35 Per.Hr.	S-O
Page	Mindy L. Mathews	\$3.35 Per.Hr.	S-O
Page	Natalie J. Neill	\$3.35 Per.Hr.	S-O
Page	Amy K. Peterson	\$3.35 Per.Hr.	S-O
Page	David F. Quirk	\$3.35 Per.Hr.	S-O
Page	Amy Ruth	\$3.35 Per.Hr.	S-O
Page	Kristi L. Santi	\$3.35 Per.Hr.	S-O
Page	Susan K. Sears	\$3.35 Per.Hr.	S-O
Page	Teresa Ann Tasler	\$3.35 Per.Hr.	S-O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Page	Kelly R. Workman	\$3.35	S-0
Page	Renee K. Wurzer	Per.Hr. \$3.35	S-0
Legislative Committee Secretary	Dorothy L. Anderson	Per.Hr. 17-1 + 2	S-0
Legislative Secretary	Mishelle L. Anderson	16-1	S-0
Legislative Secretary	Norma L. Bakros	16-1 + 2	S-0
Legislative Secretary	Alisa K. Battern	16-1	S-0
Legislative Secretary	Barbara Bennett	17-1	S-0
Legislative Secretary	Edith L. Berlovich	15-1 + 2	S-0
Legislative Secretary	Monty R. Bertelli	15-1	S-0
Legislative Secretary	Grace R. Branstad	16-1	S-0
Legislative Secretary	Joan K. Brauer	17-1	S-0
Legislative Secretary	Mary C. Braun	16-1	S-0
Legislative Secretary	Catherine S. Burchell	16-1	S-0
Legislative Secretary	Doris M. Burford	17-1	S-0
Legislative Secretary	R. Lugene Burns	16-5 + 2	S-0
Legislative Secretary	Benjamin J. Campney	17-1	S-0
Legislative Secretary	Gretchen M. Cardamon	16-1 + 2	S-0
Legislative Secretary	Teresa K. Cashman	16-1	S-0
Legislative Secretary	Wanda J. Cavins	15-1	S-0
Legislative Committee Secretary	R. Jeannene Cochran	17-4 + 2	S-0
Legislative Secretary	Elsie L. Corey	16-1	S-0
Legislative Secretary	Phyllis R. Cowles	15-4 + 2	S-0
Legislative Committee Secretary	LuAnn K. Creek	17-1 + 2	S-0
Legislative Committee Secretary	JoAnn Critelli	17-1 + 2	S-0
Legislative Secretary	Ruth A. Daggett	16-1 + 2	S-0
Legislative Secretary	Clarretta J. De Groot	15-1 + 2	S-0
Legislative Secretary	Joan R. Eggen	16-3 + 2	S-0
Legislative Secretary	Theresa M. Ferin	15-1	S-0
Secretary to Leader	Robert J. Fleming	19-1	P-FT
Legislative Secretary	Gertrude E. Fogarty	16-1	S-0
Legislative Committee Secretary	Carolyn Gaukel	17-1 + 2	S-0
Legislative Secretary	Jay F. Gertsema	16-1	S-0
Legislative Committee Secretary	Audrey J. Gibson	17-2 + 2	S-0
Legislative Secretary	Valerie L. Goodwin	16-1	S-0
Legislative Secretary	Jean I. Goudy	16-1	S-0
Legislative Secretary	Doris E. Guess	17-1	S-0
Legislative Secretary	Margaret R. Hagarty	16-1	S-0
Legislative Secretary	Joan Hansen	16-1 + 2	S-0
Legislative Secretary	Ann W. Herberger	15-1	S-0
Legislative Secretary	Dariene J. Higginbottom	18-1 + 2	S-0
Legislative Secretary	Betty J. Hirschauer	16-1 + 2	S-0

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Legislative Secretary	Dolores M. Horton	17-1	S-O
Legislative Secretary	Jo Ellen Huss	16-1	S-O
Legislative Secretary	Maureen A. Kennedy	15-1	S-O
Legislative Secretary	Shirley A. Kent	15-1	S-O
Legislative Secretary	Joan A. Kiernan	18-1 + 2	S-O
Legislative Secretary	Steven G. Klesner	16-1	S-O
Legislative Secretary	Janice L. Knapp	16-1	S-O
Legislative Committee Secretary	Joan M. Koenigs	17-2 + 2	S-O
Legislative Secretary	Allen L. Kruger	15-1	S-O
Legislative Secretary	Betty J. LaCava	18-1 + 2	S-O
Legislative Committee Secretary	Marilyn L. Lagios	17-1 + 2	S-O
Legislative Secretary	Mary Belle Lawless	16-1	S-O
Legislative Secretary	JoAnn M. Leachman	16-1 + 2	S-O
Legislative Secretary	Prudence A. Leachman	17-1 + 2	S-O
Legislative Secretary	Gay P. Leverich	16-2 + 2	S-O
Legislative Secretary	Mary L. Liljegren	15-1	S-O
Legislative Committee Secretary	Betty Lou Lundy	17-1 + 2	S-O
Legislative Committee Secretary	M. Maxine Mann	18-5 + 2	S-O
Legislative Committee Secretary	Shirley L. Marty	17-1 + 2	S-O
Legislative Committee Secretary	Dolores R. Matson	17-1 + 2	S-O
Legislative Secretary	Mary E. Maulsby	16-1 + 2	S-O
Legislative Committee Secretary	Dorothy M. Mauro	17-1 + 2	S-O
Legislative Secretary	Constance A. McKean	16-1	S-O
Legislative Secretary	Betty C. Millen	16-3	S-O
Legislative Secretary	Twyla L. Miller	17-1	S-O
Legislative Secretary	Phyllis F. Muhlbauer	17-1	S-O
Legislative Secretary	Cathryn W. Norrgard	15-1	S-O
Legislative Committee Secretary	M. Anne B. O'Connell	18-1 + 2	S-O
Legislative Secretary	Randy L. Parker	15-1	S-O
Legislative Committee Secretary	Jenifer L. Parsons	17-1 + 2	S-O
Legislative Secretary	Haleen E. Pellett	16-3 + 2	S-O
Legislative Secretary	Kathleen L. Peterson	15-2 + 2	S-O
Legislative Secretary	Julie Kay Pierce	15-1	S-O
Legislative Secretary	Diane L. Pollock	16-1 + 2	S-O
Legislative Committee Secretary	Naomi L. Poncy	17-1 + 2	S-O
Legislative Secretary	Linda R. Powers	16-1	S-O
Legislative Secretary	Mary R. Rawls	16-1 + 2	S-O
Legislative Secretary	Mary A. Rhoads	15-1 + 2	S-O
Legislative Secretary	Sara J. Rickert	16-1	S-O

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>
Legislative Secretary	Giovanna K. Ries	16-1 + 2	S-0
Legislative Secretary	Cleo C. Royer	16-1	S-0
Legislative Secretary	LaVena M. Rucker	15-4 + 2	S-0
Legislative Secretary	Christine M. Sand	16-1	S-0
Legislative Secretary	Lilith J. Sanders	16-1	S-0
Legislative Secretary	Mildred L. Schneklath	16-1 + 2	S-0
Legislative Secretary	Mary Ann Scott	16-4 + 2	S-0
Legislative Secretary	Mary M. Shandley	16-1 + 2	S-0
Legislative Secretary	Mildred E. Stewart	17-4 + 2	S-0
Secretary to Leader	Harriet J. Stromer	19-5 + 2	S-0
Legislative Secretary	Marian S. Swearingen	15-1 + 2	S-0
Legislative Committee Secretary	Paula J. Sweeney	17-1 + 2	S-0
Legislative Secretary	Charlotte F. Turner	15-1 + 2	S-0
Legislative Secretary	Luella R. Van Maanen	16-1 + 2	S-0
Legislative Secretary	Jane M. Wallerstedt	16-1 + 2	S-0
Legislative Secretary	Karen D. Waltz	16-1 + 2	S-0
Legislative Secretary	Cheryl A. Weld	16-1	S-0
Legislative Secretary	Barbara B. Wennerstrum	15-2 + 2	S-0
Legislative Secretary	Bettie J. Wentz	16-3 + 2	S-0
Legislative Committee Secretary	Jo Ann West	17-2 + 2	S-0
Legislative Secretary	Amanda E. Wishman	16-1	S-0

\*Current step beyond maximum. No increases until step 6 exceeds current status.

CHAPMAN of Linn, Chair

On motion by Arnould of Scott, the House adjourned at 4:22 p.m., until 9:00 a.m., Thursday, January 22, 1987.

# JOURNAL OF THE HOUSE

Eleventh Calendar Day — Ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 22, 1987

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

Prayer was offered by the Honorable Paul Johnson, state representative from Winneshiek County.

The Journal of Wednesday, January 21, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hester of Pottawattamie on request of Stromer of Hancock.

## INTRODUCTION OF BILLS

**House Joint Resolution 5**, by Blanshan, a joint resolution to nullify an administrative rule defining confidential employees under the merit classification plan.

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

**House File 80**, by Mullins, Clark and Chapman, a bill for an act relating to the investigation of certain direct citizen complaints by the investigations division of the department of inspections and appeals and the required rescission of administrative rules to the contrary.

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

**House File 81**, by Hester, a bill for an act relating to payments in lieu of property taxes on land acquired by the department of natural resources.

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

**House File 82**, by Tyrrell, a bill for an act relating to the employment and duties of secretaries for standing committees of the general assembly.

Read first time and referred to committee on **rules and administration**.

**House File 83**, by Skow, a bill for an act relating to the mobile home reduced tax rate and property tax credit and rent reimbursement for elderly and disabled persons, making certain provisions retroactive, and providing an effective date.

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

**House File 84**, by Muhlbauer, a bill for an act relating to the security interest in farm products, changing the required method of notice.

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

The House stood at ease at 9:08 a.m., until the fall of the gavel.

The House resumed session at 9:32 a.m., Speaker Avenson in the chair.

#### COMMITTEE TO NOTIFY THE SENATE

Poncy of Wapello 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 Poncy of Wapello, Johnson of Winneshiek and Beaman of Clarke.

#### ADOPTION OF SUPPLEMENTAL REPORT OF THE COMMITTEE ON MILEAGE

Beatty of Warren called up for consideration the supplemental report of the committee on mileage found on page 169 of the House Journal and moved its adoption.

The motion prevailed and the report was adopted.

The House stood at ease at 9:35 a.m. until the fall of the gavel.

The House resumed session at 9:41 a.m., Speaker Avenson in the chair.

#### REPORT OF COMMITTEE TO NOTIFY THE SENATE

Poncy of Wapello, chair of the committee appointed to notify the Senate that the House was ready to receive it in joint convention reported that it 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 and House Concurrent Resolution 3, duly adopted, the joint convention was called to order, President Zimmerman presiding.

Senator Hutchins of Audubon 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 Zimmerman announced a quorum present and the joint convention duly organized.

Senator Hutchins of Audubon moved that a committee of six, consisting of three members from the Senate and three members from the House, 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 Dieleman of Marion, Bruner of Story and Rensink of Sioux, on the part of the Senate; and Representatives Cooper of Lucas, Renaud of Polk and Van Maanen of Mahaska, on the part of the House.

Secretary of State Baxter, Treasurer of State Fitzgerald, Secretary of Agriculture Cochran, Auditor of State Johnson and Attorney General Miller were escorted into the House chamber.

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

Mrs. Chris Branstad was escorted into the House chamber.

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

President Zimmerman presented Governor Terry E. Branstad who delivered the following address:

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

I'm pleased to be invited back for this, my third address to the General Assembly in ten days.

I have laid out for you a new direction for Iowa, a direction that uses the best of our past, a direction that recognizes the realities of today, and a direction that seizes the opportunities of tomorrow.

I have discussed with you a plan to improve our chances for economic levels meant to move Iowa's education system to the head of the class and to clean up our groundwater.

With a positive attitude, hard work and a commitment to work together, I believe that we can usher in a whole new era of opportunity for Iowans.

Opportunities based upon an Iowa that is diversified in agriculture; an Iowa on the cutting edge of technological change; an Iowa with an economic climate that fosters growth, entrepreneurs and job creation; an Iowa with a comprehensive transportation system that serves our needs for the 21st Century; and an Iowa education system unmatched in the world.

This General Assembly has the opportunity to make that vision for the future a reality. Let us commit ourselves to the task of setting Iowa on a new course, a direction filled with opportunities for our future.

Today, I am giving you a blueprint to get that job done. It is the state budget for fiscal year 1988.

This budget is more than a set of numbers, programs and decision packages. It is more than just a set of revenues and expenditures. It is more than a simple ledger sheet for our state.

This budget reflects the basic principles that guide our state. Before you get bogged down in the minutiae of numbers in this budget, let me spell out the principles.

First, this budget recognizes the limits of what government can do. President Abraham Lincoln once said,

"The legitimate object of government is to do for the people, what needs to be done, which they cannot, by individual effort, do at all, or do so well, for themselves."

This budget does what needs to be done. It does not overreach or inject government into places where it has no business being. It is designed to help move our state forward, without imposing excessive burdens or restrictions on the private sector that would limit our opportunities for growth.

Second, this budget recognizes that today the states are where the action is. In Washington, D.C., the President and the Congress argue about national defense, social security and the national debt. But here in the states, we are concerned about more jobs, better schools, clean water, wholesome communities, a healthy environment, good roads and quality health care.

Washington wrestles with the big issues, often to no avail. In Iowa, we fashion solutions to the problems that Iowans face everyday. This budget reflects the fact that we must act in Iowa to help build a better future for our state.

Third, this budget is driven by priorities. It is not business as usual. It does not spread the butter wide and thin. If we are to set this state in a new direction, we must target our resources. Education, economic development, property tax replacement and human services are priorities in this budget and the dollars follow those priorities. Education gets a 16 percent increase. We provide for a substantial increase in human services as well. Economic development receives a 12 percent increase. We provide an additional eighty million dollars in state aid to local governments. In contrast, the cost of the administration of state government and the control of state government, those costs are cut by 8.4 percent. We are using tools of the reorganized state government that you approved last year to make the choices necessary to fund our priorities.

Fourth, this budget is reform-minded. You will see that we have looked at new ways to meet the needs of Iowans. Just because things have always been done a certain way in the past is no reason they should always be done that way. Instead, we scrutinized every program and we developed innovative methods to meet our needs.

This budget includes modernizing our property tax replacement system, dramatically simplifying the state income tax and reforming our welfare programs.

Finally, this budget is tough but fair. We cut \$158 million from departmental requests. We did not use a meat axe. Instead, we spent hundreds of hours analyzing every program, looking at ways to cut unnecessary costs.

This budget is based on a modest three percent growth rate, even though revenue is currently running over six percent. This budget is balanced with forty million dollars to spare.

This is, in fact, a budget which is both aggressive and recognizes the limits of reasonable government activity. It is priority driven, yet reform minded. It is tough, yet fair. It is balanced, yet it does not rely on any increase in the rates of our general state taxes.

Each of you over the course of the next several months likely will turn your attention to parts of the budget that most interest you. Before you do that, let me discuss with you some areas that deserve attention — tax reform, property tax reductions, human needs and public safety.

Today, I am proposing to you the most extensive reform of the Iowa tax structure in our state's history. By coupling with the federal government's definitions of what is taxable and what is not, we'll be able to finance our plans for property tax reductions and education reform. At the same time, we'll be able to reduce the overall tax burden for Iowans.

The plan that I am laying out for you today will make the Iowa income tax simpler, more equitable and more competitive.

Therefore, I am recommending today that you take action to cut the number of state income tax rates from thirteen to just two. The top rate would fall from thirteen percent to six percent with the lower rate at two percent.

This income tax reform plan means that fifty thousand low income Iowans will no longer be required to pay state income tax. It reduces the total state and federal income tax burden for individual Iowans by one hundred forty-six million dollars. It eliminates one-third of the lines on the Iowa income tax return. It makes our state more attractive for job creators and for entrepreneurs with a top tax rate that will drop from the fourth highest in the nation to 27th.

You guys aren't too fired up about the biggest tax change in the history of this state. I want you to know, we're talking about major, massive reforms that will make this state competitive. I think it's important that you get with it. I'm glad you woke up.

This income tax reform program recognizes the desires of both political parties for a simple, equitable and competitive state income tax structure. This plan takes the unprecedented action of eliminating federal deductibility. Now that the Democrats are awake, I want you Republicans to listen to the rest of this. In return, we can reduce

our top rate to six percent, from 13 to 6% — that's a rate that cannot be exceeded. This combination makes sense for Iowa's future.

We must take action to reduce property taxes for Iowans. I am recommending an additional \$41 million dollars in state aid to replace local property taxes.

I am calling for legislation which could result in the reduction of property tax levies by as much as \$100 million to \$150 million dollars next year. If counties and cities reduce their \$1.3 billion cash balances to a more reasonable level, we could provide some significant property tax reductions for Iowa property taxpayers.

Our next challenge in this budget is to be certain that we meet the essential human needs of Iowans. This decade has been a time of economic turmoil and has been hard on many of our people. Iowans have and will continue to respond to those needs.

Hugh Sidey, a native of Greenfield, who still considers Iowa home, has said,

"Iowa is the hollow of God's hand that is strong and tender at once. Iowans see that one's obligations are just as heavy and numerous as one's blessings."

Hugh Sidey said it well. Iowans have always recognized that they have a responsibility to help their neighbors in need.

This budget does likewise. It provides a substantial increase in state funding for human services programs, ranging from medical assistance to the poor to foster care for children in need. We have added social workers so that caseloads can be reduced to targeted levels.

I propose a welfare reform plan to help Iowans climb the ladder out of poverty. We know that many Iowa families don't like being on welfare. They want to participate fully in their community, state and nation. By expanding the WIN Program, by strengthening our job training and search requirements, we can reduce the welfare rolls in Iowa. We should start today to get that job done.

Iowa's senior citizens deserve our attention. Our efforts should be directed to help our elderly to stay in their homes. That is why I am recommending increased funding for adult day care and respite care to help families to care for their parents and grandparents at home. I'm recommending an elderly assessment and case management system to make certain that older Iowans receive the appropriate care that they need, and for expansion of well-elderly clinics in all parts of the state.

These actions, in addition to proposals to expand the Green Thumb program and Elderly Transit programs, show our commitment to those Iowans who built this state.

Government has a responsibility for the public safety of our people. That is why I am again recommending to you that we eliminate the prison population cap. That arbitrary lid forces dangerous people out of our prisons and onto the streets. We should not let that continue. We should stop it once and for all.

In addition, we should act now to crack down on drug dealers and to protect our children from drug abuse.

A budget is a book of choices. It reflects the priorities of our state and the direction that we want to go. This budget is no different. It reflects a set of choices. It says "yes" to education, economic development, property tax reductions and human services. It says "no" to higher government administrative costs, increases in the rates of major taxes and built-in costs that must be paid by the next generation of Iowans.

John F. Kennedy once said,

"Our task now is not to fix the blame for the past, but to fix the course for the future."

That is our challenge today. We have an opportunity to set Iowa in a new direction. I have spelled out for you our goals for the future and the route to achieve them. But, I cannot travel that road alone. I need the help of all Iowans, Republicans and Democrats, rural and urban, young and old, to help Iowa realize its full potential.

Let us not shrink from this task. Let us not be deterred by the special interests. Let us not lose sight of our goals.

Recently I received a letter from Paul Smith of Floyd, Iowa. In that letter, he told me that he had lived in California for over seventeen years, but he came back to Iowa with his six children, because he wanted them to get a better education. Paul Smith ended his letter with this postscript,

"I like California, but Iowa is my home."

Iowa is the home for all of us. It is the home we love. It is the America we grew up believing in.

Our challenge is to make the grim statistics of the past ancient history, to make Iowa the land of opportunities, to ensure that when Paul Smith's children grow up they too will call Iowa home.

Thank you and God bless you all.

## **GOVERNOR'S LEGISLATIVE BUDGET PRIORITIES**

Legislative budget priorities submitted to the Seventy-second General Assembly:

### **ELDERLY AND NEEDY**

Iowa's elders represent a significant percentage of the state's total population. The services to our elders cannot be overemphasized. The state must meet these needs through ongoing development of new programs and the enhancement of existing services. The state should direct its efforts at maintaining the independence of its elder population in the community as long as possible. When nursing home care is necessary, the state must ensure that elders receive quality services.

#### **I. HELPING ELDER IOWANS STAY AT HOME:**

##### **A. Adult Day Care**

Many families would care for elders within the home if a means were available to do so while family members are at work. Adult day care programs provide supportive care of older persons in a group environment. The state should develop adult day care programs to assist family caregivers in keeping elders in the community. To assure the availability of adult day care services throughout the state, a total of \$250,000 is being recommended. The funds would be distributed to thirteen (13) areas throughout the state based on an elder population formula.

**B. Respite Care**

Rest and relief for the families of dependent elders is critical to sustaining adequate caregiving activities in the home over a long period of time. A program should be developed which utilizes volunteers to provide temporary in-home assistance and permit family members to take "time out" from the ongoing demands of caregiving. A total of \$200,000 is being recommended to fund one project in each of the thirteen (13) Area Agencies on Aging to provide trained volunteers to care for older dependent family members in the home on a short-term basis.

**C. "Well-Elderly" Clinics**

Currently, the state supports "well-elderly" clinics in 24 counties. These clinics provide services which both identify the health needs of the elderly and help them obtain the care needed to improve their health and well being. Over \$200,000 is being recommended to provide clinics in 18 additional counties, serving approximately 2,300 additional Iowans. This would be the first step in a three-year plan to provide clinics in all 99 counties.

**II. PROVIDING SERVICES FOR THOSE UNABLE TO REMAIN AT HOME:****A. Assessment/Case Management**

The top priority of the "Older Iowan's Legislature" and the Task Force on Long Term Care is the development of an inter-agency assessment/case management program as the foundation for a comprehensive community based system of long-term care. Such a program would identify client needs and coordinate service providers in meeting those needs. The state should develop such a program. The Governor is recommending that \$232,000 be utilized to fund and establish two to four community-based pilot projects.

**B. Health Care Facility Complaint Investigations**

We must reduce the backlog of health care center complaints which are filed with the Department of Inspections and Appeals. To do this, the Governor is recommending that the Department's ability to respond to complaints with timely investigations and dispositions be enhanced. Four additional investigators are recommended.

**C. Intermediate Care Facilities**

Intermediate Care Facilities (ICF) provide nursing care for Iowans, generally elderly, who are unable to care for themselves on an independent basis. Currently, 32,000 people are cared for by these facilities. Of this total, fifty percent are assisted by the Medical Assistance (Title XIX) Program. The Governor is recommending that we increase the maximum daily reimbursement rate from \$31.65 to \$32.92 so that we can remain at the 55th percentile of reimbursement rates for all ICF providers.

**III. PROGRAMS FOR ELDERS:****A. "Green Thumb"**

The Iowa "Green Thumb" Program provides meaningful employment opportunities for senior citizens in projects which beautify conservation areas and facilities. In addition, our parks receive benefits from this

popular program. The state should support further growth of this effort. An additional \$62,000 is recommended so that 129 elders can be employed in the "Green Thumb" Program.

**B. Transportation**

A continued appropriation of \$1.7 million of oil overcharge funds is recommended for the elderly transit program. These can be critical to mobility for the elderly, particularly in rural areas.

**C. Geriatric Medical Education**

Medical professionals must be kept abreast of new developments and techniques which can assist Iowa's elder population. To do this, an educational capability has been established within the University of Iowa Medical School to provide ongoing training to those within the medical health care community.

**IV. BILL OF RIGHTS:**

Iowa enacted legislation which created a Bill of Rights for persons with mental retardation, developmental disabilities or chronic mental illness. Implementation of this legislation will require reallocation and redistribution of existing resources to fund necessary changes in the service delivery system.

- The Governor recommends that the Department of Human Services be allowed to establish a revolving loan fund to make loans to established community-based providers. These funds would be derived from the reduction in institutional population made possible by the availability of community-based centers. Initial loans would NOT exceed \$600,000.
- Funds will initially be used for facility conversions (on a loan basis). The funds would be targeted to achieve the maximum relocation of clients into a less restrictive setting. Upon completion of modifications to community-based facilities, appropriate clients of the hospital-schools would be moved into those settings.
- As clients leave the hospital-schools, an appropriate number of units would be closed, generating a savings of approximately \$450,000 per unit, which would be reappropriated for continued upgrading of more community-based facilities, thus facilitating the return of more clients to a community setting. This will result in savings to Iowa counties.

This approach to institutional downsizing, if proven successful with the hospital-schools, could in the future be applied to the mental health institutions.

**V. WELFARE REFORM:**

The state should pursue a comprehensive effort to coordinate and enhance programs, incentives, and efficiencies which encourage recipients under the Aid to Dependent Children (ADC) — Unemployed Parent Program to secure employment.

- Require applicants for the ADC-Unemployed Parent Program (UP) to be registered with Job Service and actively seeking employment (including intensive job search).

- Expand the Work Incentive Program (WIN) to other major areas of the state to assist welfare clients in training and seeking jobs. Additional cost is \$350,000. This should result in placing an additional 1,400 individuals.
- Establish an interagency council of the directors of the Department of Human Services, the Department of Education, the Department of Employment Services, the Department of Economic Development, and the Department of Management to target welfare reform as a high priority and provide revisions to existing policies and implement an overall frame work for welfare reform in the state.
- Provide incentive awards to local Job Training Partnership Act (JTPA) service delivery areas for serving more ADC clients.
- Require all incapacitated welfare recipients to register with Vocational Rehabilitation for possible service eligibility.
- Expected result of the above is a 8.3 percent reduction (400 cases) in the number of family units on the ADC-UP caseload. This is expected to generate savings of \$3.5 million. Other states have experienced from 15-20 percent reductions as a result of these reforms.
- Resulting savings are used to increase staff in the Community Services Division (344 positions) and reduce the currently high weighted caseloads for social workers from 176 to 130 and income maintenance workloads from 167 to 145.
- Additional benefits from reducing the social work caseload would be a reduction in Foster Care of \$573,000 through the ability to keep children with their natural parents, with in-home training and monitoring provided by the social workers.
- Provide for a grant diversion pilot project, which will allow the Department of Human Services to divert the ADC check to an employer (for up to nine months) who would hire the welfare recipient and pay the incremental amount above the ADC payment, to make up the salary for the job performed. The employer would be required to provide on-going employment.
- Redirect \$750,000 in child care for public assistance recipients.

#### VI. UNIVERSITY OF IOWA HOSPITAL FINANCING/INDIGENT CARE

The Governor's Blue Ribbon Commission on the Future Financing of the University of Iowa Hospitals and Clinics thoroughly reviewed the complex issues involving hospital financing, medical education, and indigent care. The Commission recommended a reasonable compromise which will decentralize 90 counties from the obstetrics/gynecology indigent care program while protecting the financial and educational integrity of the Hospitals and Clinics. That recommendation should be adopted.

#### TAX REFORM/SIMPLIFICATION

##### I. PERSONAL INCOME TAX:

Simplicity, equity and competitiveness were the three guiding principles in developing this proposal to reform Iowa's income tax structure. The proposal

eliminates eleven rates, reduces the top rate from thirteen percent to six percent, eliminates the requirement for 50,000 low income individuals to pay tax, and results in Iowans paying \$83 million less in federal and state personal income taxes for the 1987 tax year and \$146.4 million less in the 1988 tax year.

- **Simplicity**

- Eleven tax rates are eliminated in favor of two low rates.
- Eliminates "bracket creep".
- One-third of the lines (25) are eliminated from current Iowa tax return.
- Complexity of a two-column return is eliminated.
- Eliminates complexity associated with federal tax deduction.
- Retains ease of compliance and administration associated with conformity with federal tax structure.

- **Equity**

- Tax structure remains progressive.
- Iowans will experience a reduction in total state and federal taxes of \$83 million in tax year 1987 and \$146.4 million in tax year 1988.
- Inequity between two and one income families is reduced. However, for most two income families, the tax burden will remain less than the burden imposed on a similar one income family.
- State tax revenues are reduced by \$25 million compared to what would have occurred with simple conformance with federal tax law change.
- 50,000 low income Iowans will not be required to pay state income tax.

- **Competitiveness With Other States**

- Iowa will move from having the fourth highest marginal tax rate nationally to 27th.
- Eliminating the federal tax deduction makes Iowa's tax structure conform with 36 other states.
- Reforms will eliminate barriers to entrepreneurs and those who would create jobs in Iowa.
- Two rates will reduce "bracket creep", where taxpayers experience an increase in marginal tax rates simply as a result of an increase in taxable income.

- **Changes**

- Married Separate Filing and Two Earner Wage Credit**

Two income families will no longer separately report income and deductions. Married couples will file a joint state return whenever a joint federal return is required. A credit will be allowed equal to one percent of the first \$5,000 of earned income of the lower income spouse. The maximum credit allowed will be \$50 in fiscal year 1988. Thereafter, the credit will be 1.5 percent up to \$75 maximum credit.

- Major simplification will result in the design of the tax return. One entire column of the return will be eliminated.
- The need for two income couples to separately compute and report income and various deductions will be eliminated.
- Along with reduction in tax rates, the credit reduces the potential negative effects of elimination of married separate filing and provides real tax relief to middle income Iowans.

#### **Elimination of Federal Tax Deduction for Individual Income Tax**

With the exception of the transitional period, federal income taxes will no longer be deductible on state returns. During the transition period, adjustments will be permitted for certain tax payments made for prior years.

- Eliminating the federal tax deduction will significantly reduce the complexity of the current tax system. Taxpayers will no longer be required to add back federal refunds from prior years while deducting federal tax payments made for the current tax year.
- Administration of the new tax system will be improved by eliminating a major area of contention between taxpayers and tax officials.
- The tax return will be simplified by eliminating the need for seven lines.
- All of the savings will be plowed back into the tax system to reduce income tax rates.

#### **Individual Income Tax Itemized Deduction for Education Costs**

For each Iowa child attending a public or private elementary or secondary school in Iowa or a contiguous state, an itemized deduction will be allowed for tuition, textbooks and transportation expenses. The deduction would be limited to \$650 for grades K-6 and \$1,000 for grades 7-12.

Five states have provided some form of education income tax benefit since 1984. The program is patterned after a similar program which withstood court challenge in Minnesota. Based on current enrollment patterns, the proposal would result in an estimated \$1.5 million reduction in state income tax revenues. About 50,000 children would be affected and there will be no limit on the number of children affected in each household.

## **II. PROPERTY TAX:**

### **● Modernization**

A number of state payments are made each year to local governments for various programs. To increase administrative efficiency at both the state and local levels, the programs of municipal assistance, county assistance, livestock replacements, personal property replacements, monies and credit replacements, and the cities' share of liquor profits shall be combined into consolidated property tax relief programs for cities, counties, local schools, merged area schools, hospitals, conference boards, and agricultural extension councils. This recommendation has no significant financial impact at either the state or local level.

This proposal will create a number of efficiencies. Although virtually the same amount of money will be sent to local governments, fewer state warrants will be mailed. County auditors will no longer have to apportion personal property tax replacement payments to the various local governments. It will be easier for local governments to identify the purpose of the state payments. Further, there will be greater awareness of the state's participation in the funding of local government finance.

- **County Restructuring Committees**

County governments should be allowed to restructure in order to reduce costs and increase efficiencies. A county, through local referendum, should be permitted to adopt an alternative form of county government.

- **Levy Reductions**

Statewide property tax levies could be reduced by as much as \$100-150 million, without impairing the ability of local governments to provide needed services, by limiting the ending fund-balances of counties and cities to 25 percent of expenditures, with appropriate exceptions. Financial data from cities and counties show more than \$1.26 billion in ending balances and \$2.4 billion in expenditures for fiscal year 1986. These balances and expenditures include amounts attributable to police and fire pensions, various municipal utilities, tax increment financing projects, bond proceeds, sinking funds, and reserves dedicated to economic development, self-insurance funds, and capital projects; which would be excluded from the 25 per cent limitation. Remaining balances in excess of 25 percent of expenditures would be used to reduce property taxes.

### III. CIGARETTE TAX:

Consistent with United States Surgeon General reports on the risks of smoking, it is proposed that the cigarette tax rate be increased by a dime per pack on July 1, 1987. According to the Lung Association of Iowa, an employee who smokes costs an employer \$624 per year more than a non-smoker. In Iowa, this means a potential increase in costs to employers of \$278 million annually. Nationally, smokers cost society \$53 billion each year.

The cigarette tax increase would promote the health of the citizens of Iowa by discouraging tobacco consumption and generate \$25 million during the first year and approximately \$29-30 million each year thereafter. The present Iowa rate of \$.26 was enacted on October 1, 1985.

Based on estimated consumption figures, a \$.10 increase in Iowa's current tax rate would result in \$29-30 million annually. However, due to expected stockpiling and timing considerations, the revenue would be only \$25 million during the first fiscal year. It is also expected that declining consumption will impact revenue. The retailer's discount will remain at two percent.

### PUBLIC SAFETY

Iowa continues to be one of the safest states in which to live, as only thirteen other states have a lower crime rate. Only eight states have a lower violent crime rate than Iowa. Since any crime threatens our citizens, there are a number of steps we can take to achieve yet a higher level of safety for Iowans.

## I. CURBING SUBSTANCE ABUSE:

Illegal drug use is of major concern nationally. Of special concern is drug abuse by young people in school. Iowa is not insulated from this drug problem.

Last October, Governor Branstad announced an aggressive program of education, treatment, prevention, and tougher law enforcement initiatives. These measures should be adopted. Specifically, the Governor's program:

- Established the Governor's Alliance for Drug Abuse, composed of a number of volunteer and governmental agencies that will plan the structure for substance abuse prevention and provide advice on prevention and treatment policies to community groups.
- Initiates a state employee assistance program.
- Increases the undercover drug buy fund to \$350,000 by increasing appropriations and by using funds gained from converting seized property.
- Adding six agents to the Division of Criminal Investigation, Department of Public Safety.
- Acquire additional specialized surveillance and communications equipment.
- Provides tougher penalties for those who deal in drugs; a mandatory minimum of five years before parole for convictions for drug-dealing within 1,000 feet of an elementary, junior or senior high school.
- Calls for the adoption of uniform nationally recognized standards to curb drunk driving. Actions to be taken should include:
  - thirty day loss of license for first offense of drunk driving, and
  - prohibit deferred sentences for convictions of drunk driving.

These actions coupled with an anticipated increase in federal funding in the education, prevention, treatment, and law enforcement areas will impact on the drug problem in Iowa.

## II. PROTECTING IOWANS:

Measures must be taken to insure the safety of our citizens. We must be certain that our justice system makes the victim and the citizen our top concern. Areas which should be acted upon include:

- Eliminate the arbitrary prison population cap. This ceiling on the number of prisoners which can be confined in the state's penal system is jeopardizing safety. Staying under the cap, rather than public safety, has become the driving force in making parole decisions.
- Allow the waiver of existing time limits for applications to the Crime Victim Reparations Program when emotional or physical injuries become apparent well after the occurrence of the crime.

## III. APPREHENDING CRIMINALS:

To assist law enforcement in apprehending criminals, the state of Iowa should continue implementation of an Automated Fingerprint Identification System

(AFIS). This system utilizes computer technology to enable rapid fingerprint identification. This will significantly increase the apprehension of criminals, which will serve as a powerful deterrent against crime.

#### IOWA STATE FAIR AUTHORITY

The Iowa State Fair has become a major part of Iowa's culture and heritage. The thousands of Iowans and others from across the world who visit it each August not only enjoy the midway and amusements, but have an opportunity to see and showcase the products of their efforts.

By making the State Fair an independent free-standing quasi-corporation with some limited governmental powers, the economic development potential for the event can be fully realized. While basic state services can still be provided to undergird the Fair and to protect the public's fundamental interest in its maintenance, the proposed Iowa State Fair Authority would be able to run the Fair as the large, profitable business it is and reduce the need for broad state subsidization.

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

Arnould of Scott moved that the joint convention be now dissolved.

The motion prevailed and the joint convention was dissolved at 10:25 a.m.

The House reconvened at 10:26 a.m., Speaker Avenson in the chair.

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on January 19, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 18, a bill for an act to repeal the prohibition relating to price discrimination in the sale or lease of motor vehicles by a motor vehicle manufacturer, distributor, or wholesaler and providing an effective date.

JOHN F. DWYER, Secretary

#### COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

##### COMMISSION ON CHILDREN, YOUTH AND FAMILIES

The 1986 Annual Report of the Iowa Commission on Children, Youth and Families, pursuant to Chapter 237B.4, Code of Iowa.

##### DEPARTMENT OF PERSONNEL

A report which summarizes the South Africa related investments held within the IPERS portfolio, as of December 31, 1986, pursuant to Chapter 12A.4(2)(a), Code of Iowa.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 70 State Government**

Relating to temporary certificates issued by the board of medical examiners.

**H.S.B. 71 State Government**

Relating to reinstatement to state employment by removing the statutory limit on the period of eligibility for reinstatement.

**H.S.B. 72 State Government**

Relating to grievances and discipline resolution in the state personnel system.

**H.S.B. 73 State Government**

Relating to the state merit system and the exemption of positions from that system.

**H.S.B. 74 State Government**

Relating to reprisals against state employees for certain disclosures of information.

**H.S.B. 75 State Government**

Relating to the division of deaf services of the department of human rights.

**H.S.B. 76 State Government**

Repealing the prohibition of use of toxic halogenated fire extinguishers in public buildings.

**H.S.B. 77 Judiciary and Law Enforcement**

Relating to the impersonation of department of public safety officers and employees or imitation or unauthorized use of departmental logos or insignias, and providing penalties.

**H.S.B. 78 Judiciary and Law Enforcement**

Relating to the minimum penalties for the distribution of schedule I or II narcotic drugs or cocaine.

**H.S.B. 79 Judiciary and Law Enforcement**

Relating to the time within which an application for crime victim reparation may be filed.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 23**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 26 (Reassigned)**

Energy and Environmental Protection: Shultz, Chair; Adams, Garman, Norrgard and Van Camp.

**House File 40 (Reassigned)**

Energy and Environmental Protection: Johnson, Chair; McKean, Mullins, Osterberg, Paulin and Shultz.

**House File 51**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 52**

Education: Black, Chair; Cohoon and Plasier.

**Senate Concurrent Resolution 4**

Appropriations: Hatch, Chair; Harbor, Maulsby, Poncey and Schrader.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 44 (Reassigned)**

Ways and Means: Doderer, Chair; De Groot, Hanson of Delaware, Koenigs, Rosenberg, Schneklath and Teaford.

**House Study Bill 48**

Education: Swartz, Chair; Miller and Wise.

**House Study Bill 50**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schneklath and Shultz.

**House Study Bill 64**

Ways and Means: Johnson, Chair; Bisignano and Petersen of Muscatine.

**AMENDMENT FILED**

H—3021            S.C.R.    3            Stromer of Hancock

On motion by Arnould of Scott, the House adjourned at 10:26 a.m., until 10:00 a.m., Monday, January 26, 1987.

# JOURNAL OF THE HOUSE

Fifteenth Calendar Day — Tenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, January 26, 1987

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

Prayer was offered by the Honorable Teresa Garman, state representative from Story County.

The Journal of Thursday, January 22, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Hermann of Scott, from twenty-nine constituents favoring increased funding to State Transit Assistance Fund.

The following petitions were received and placed on file favoring House File 65, an act to repeal the private sale of alcoholic liquor for consumption off the premises:

By Johnson of Winneshiek, from nine hundred fifteen constituents;

By Connors of Polk, from nine hundred eighteen citizens.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKean of Jones on request of Knapp of Dubuque; Corey of Louisa on request of Spear of Lee; Daggett of Adams, until his arrival, on request of Bennett of Ida.

## INTRODUCTION OF BILLS

**House File 85**, by Halvorson of Clayton, a bill for an act to establish the Iowa plane coordinate system.

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

**House File 86**, by Chapman, a bill for an act relating to the collection of the state sales, services and use tax with respect to the sales of tangible personal property by nonresidents who solicit such sales and providing an effective date.

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

**House File 87**, by Pavich, a bill for an act relating to tuition rates set by the state board of regents for certain nonresident students.

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

**House File 88**, by Clark, a bill for an act relating to the voluntary admission of mentally ill persons to a public or private hospital.

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

**House File 89**, by Hammond, a bill for an act relating to requirements by the board of cosmetology examiners for continuing education.

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

**House File 90**, by Chapman, a bill for an act relating to investigations of the cause and manner of death for patients enrolled in a hospice program.

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

**House File 91**, by Beatty, a bill for an act relating to changes in voter registration on election day.

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

**House File 92**, by Pavich, a bill for an act relating to the council-manager-ward form of city government.

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

#### MOTION TO RECONSIDER LOST (Senate Concurrent Resolution 3)

Stromer of Hancock called up for consideration the motion to reconsider Senate Concurrent Resolution 3, filed on January 15, 1987, and moved to reconsider the vote by which Senate Concurrent Resolution 3 (found on pages 97 through 108 of the House Journal), a resolution relating to joint rules of the senate and house for the seventy-second general assembly, was amended and adopted by the House on January 15, 1987.

A non-record roll call was requested.

The ayes were 37, nays 51.

The motion to reconsider lost, placing out of order amendment H-3021 filed by Stromer of Hancock on January 22, 1987.

#### IMMEDIATE MESSAGE (Senate Concurrent Resolution 3)

Arnould of Scott asked and received unanimous consent to immediately message Senate Concurrent Resolution 3 to the Senate.

#### COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on December 31, 1986 and is on file in the office of the Chief Clerk.

December 29, 1986

Joseph O'Hern  
 Chief Clerk  
 House of Representatives  
 Statehouse  
 L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House.

These include 92 claims of a general nature that have been denied by the State Appeal Board during May — December, 1986.

Index is attached showing number of claim, name and address of claimant, amount of claim and action taken.

Sincerely,  
 Richard D. Johnson  
 Chairman  
 STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN  
 Chief Clerk of the House

**DENIED GENERAL CLAIMS BY STATE APPEAL BOARD  
 SUBMITTED TO THE 72ND GENERAL ASSEMBLY — 1986**

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
2115-71-25	Val D. Koch Cherokee, Iowa (Motor Fuel Refund)	208.00	DENIED
G85-0007	Charles Joseph Bielefeld Osage, Iowa (License Fee Refund)	270.84	DENIED
G85-0328	Richard D. Rudolph Atlantic, Iowa (Unknown Refund)	26.00	DENIED
G86-0076	Gordon or Karla Sherwood Fort Madison, Iowa (License Fee Refund)	33.75	DENIED
G86-0081	Thomas Fountain Iowa City, Iowa (License Fee Refund)	35.00	DENIED
G86-0082	Sterling James Pushor Mason City, Iowa (License Fee Refund)	42.00	DENIED
G86-0144	Russell Meyer Peterson Gowrie, Iowa (Liquor License Fee Refund)	125.00	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G86-0155	Iseman Corporation DBA Sharlo Holmes Sioux Falls, South Dakota (License Fee Refund)	35.00	DENIED
G86-0173	Floyd Kinney Bondurant, Iowa (License Fee Refund)	Undetermined	DENIED
G86-0184	Apollo Oil Company Peoria, Illinois (Motor Fuel Tax Refund)	2,795.48	DENIED
G86-0196	Daniel G. Heim Dubuque, Iowa (License Fee Refund)	25.00	DENIED
G86-0208	Ted Amen Council Bluffs, Iowa (Use Tax Refund)	168.00	DENIED
G85-0220	Tyrone D. Weston Des Moines, Iowa (License Fee Refund)	110.00	DENIED
G86-0224	James E. Crouse, M.D. Waterloo, Iowa (Outdated Invoice)	20.00	DENIED
G86-0246	Richard Dean Larson Red Oak, Iowa (License Fee Refund)	90.00	DENIED
G86-0262	Loren D. Anderson Marathon, Iowa (License Fee Refund)	52.00	DENIED
G86-0263	Marlow Jones Davenport, Iowa (License Fee Refund)	100.00	DENIED
G86-0279	Pam Stumbo Rock Falls, Iowa (License Fee Refund)	Undetermined	DENIED
G86-0280	Woodrow Boggess Estherville, Iowa (License Fee Refund)	16.00	DENIED
G86-0294	Eugene Cummings Missouri Valley, Iowa (License Fee Refund)	105.00	DENIED
G86-0299	Iva B. Moore Council Bluffs, Iowa (License Fee Refund)	19.00	DENIED
G86-0304	Lennon-Hill, Inc. Tama, Iowa (License Fee Refund)	45.00	DENIED
G86-0305	Hanifen Body & Paint Co., Inc. Des Moines, Iowa (Refund of Ticket)	33.00	DENIED

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
G86-0313	Robert O. Rieks Alden, Iowa (License Fee Refund)	49.00	DENIED
G86-0314	John E. Quinn Cedar Rapids, Iowa (License Fee Refund)	96.28	DENIED
G86-0316	P. D. S. Trucking, Inc. Des Moines, Iowa (Refund on Fines)	66.00	DENIED
G86-0318	Timothy L. Lemrick Sidney, Iowa (License Fee Refund)	23.00	DENIED
G86-0341	Lawrence J. Kenkel Earling, Iowa (License Fee Refund)	19.00	DENIED
G86-0342	Albert Sparks Newton, Iowa (License Fee Refund)	69.16	DENIED
G86-0373	Thomas Franksain Colo, Iowa (Back Pay)	482.05	DENIED
G86-0389	Hazel King Mondamin, Iowa (License Fee Refund)	166.00	DENIED
G86-0395	Jose Amorin Bouton, Iowa (License Fee Refund)	87.00	DENIED
G86-0409	Gwen Oliver Williamsburg, Iowa (License Fee Refund)	Undetermined	DENIED
G86-0437	Evelynn Dunlap-Iliff Glenwood, Iowa (Back Pay)	936.00	DENIED
G86-0438	Bekins Van Lines Hillside, Illinois (Outdated Invoice)	3,079.22	DENIED
G86-0453	Debra A. Cobb North Liberty, Iowa (License Fee Refund)	23.00	DENIED
G86-0468	Steven Glenn Limke Des Moines, Iowa (License Fee Refund)	81.50	DENIED
G86-0482	Marilyn Young Des Moines, Iowa (Insurance Refund)	Undetermined	DENIED
G86-0486	Randel G. Plate Oskaloosa, Iowa (License Fee Refund)	Undetermined	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G86-0494	Waukon Equity Co-op Waukon, Iowa (License Fee Refund)	Undetermined	DENIED
G86-0497	Michael William Hack Logan, Iowa (License Fee Refund)	107.50	DENIED
G86-0527	Stanley C. Kuch Oelwein, Iowa (License Fee Refund)	50.00	DENIED
G86-0542	Glen Gadke Stanwood, Iowa (License Fee Refund)	10.00	DENIED
G86-0545	Omaha Cold Storage Fort Dodge, Iowa (License Fee Refund)	18.00	DENIED
G86-0549	Walter Tapper Buffalo Center, Iowa (License Fee Refund)	80.00	DENIED
G86-0557	Association of Boards of Certification Ames, Iowa (Outdated Invoice)	1,000.00	DENIED
G86-0581	AT & T Information Systems Des Moines, Iowa (Outdated Invoice)	116.40	DENIED
G86-0582	Anthony J. Ligouri Des Moines, Iowa (Homestead Tax Refund)	361.16	DENIED
G86-0593	John Miller Dubuque, Iowa (License Fee Refund)	150.00	DENIED
G86-0610	Randall K. Hadley Des Moines, Iowa (Homestead Tax Refund)	165.00	DENIED
G86-0652	Steve Bruck Storm Lake, Iowa (License Fee Refund)	90.00	DENIED
G86-0676	Shirley Walker Des Moines, Iowa (Back Pay)	Undetermined	DENIED
G86-0679	Yarmouth Feed & Grain, Inc. Yarmouth, Iowa (Loss of Business)	Undetermined	DENIED
G86-0694	David W. Reece Alleman, Iowa (Homestead Exemption)	302.35	DENIED
G86-0695	Shirley R. Erickson Council Bluffs, Iowa (Sales Tax Refund)	343.38	DENIED

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
G86-0696	Nebraska Leasing Services, Inc. Omaha, Nebraska (Sales Tax Refund)	1,501.00	DENIED
G86-0697	Anna and/or James Cook Council Bluffs, Iowa (Sales Tax Refund)	536.80	DENIED
G86-0700	Everett & Glenda McKern Council Bluffs, Iowa (Sales Tax Refund)	442.00	DENIED
G86-0713	Shawn E. Heath Oelwein, Iowa (License Fee Refund)	17.50	DENIED
G86-0718	Tim & Michelle Olderog Council Bluffs, Iowa (Sales Tax Refund)	162.92	DENIED
G86-0731	Kathleen M. Faber Forest City, Iowa (Back Pay)	832.00	DENIED
G86-0733	Eric Goos Council Bluffs, Iowa (Sales Tax Refund)	329.80	DENIED
G86-0736	FBL Leasing Services, Inc. West Des Moines, Iowa (License Fee Refund)	101.00	DENIED
G86-0738	Odessa M. Carter Marshalltown, Iowa (License Fee Refund)	10.00	DENIED
G86-0739	Comprehensive Systems, Inc. Charles City, Iowa (Outdated Invoice)	745.50	DENIED
G86-0743	D & M Nationwide Distributing Portland, Oregon (Refund of Fine)	125.00	DENIED
G86-0745	Ronald & Jackie Nelson Harlan, Iowa (License Fee Refund)	62.00	DENIED
G86-0748	Hanson Concrete Company Washington, Iowa (License Fee Refund)	371.32	DENIED
G86-0761	Humboldt County Memorial Hosp. Humboldt, Iowa (Outdated Invoice)	520.99	DENIED
G86-0790	Shirley J. Roberts Evansdale, Iowa (License Fee Refund)	19.50	DENIED
G86-0830	Dorothy Neill Modale, Iowa (License Fee Refund)	90.00	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G86-0831	Dorothy Neill Modale, Iowa (Licensé Fee Refund)	90.00	DENIED
G86-0863	James Hopkins, M.D. Des Moines, Iowa (Outdated Invoice)	1,185.72	DENIED
G86-0871	Arnold H. Oltmann Hampton, Iowa (License Fee Refund)	80.00	DENIED
G86-0874	City of Tama Tama, Iowa (Bond Refund)	3,446.00	DENIED
G86-0875	Henry M. McMillan Elgin, Iowa (License Fee Refund)	Undetermined	DENIED
G86-0902	Silopress, Inc. Sioux City, Iowa (IRP Refund)	202.75	DENIED
G86-0908	Arnold R. Murray Harlan, Iowa (License Fee Refund)	41.00	DENIED
G86-0909	Dale Olson Harlan, Iowa (License Fee Refund)	Undetermined	DENIED
G86-0919	Stacy Ann Krengel LaGrange, Georgia (License Fee Refund)	38.00	DENIED
G86-0932	Theodore Buttel Ottumwa, Iowa (License Fee Refund)	35.00	DENIED
G86-0937	John A. Hemminger Harlan, Iowa (License Fee Refund)	Undetermined	DENIED
G86-0964	Michael Shubert Waterloo, Iowa (License Fee Refund)	25.00	DENIED
G86-0967	Benton County Auditor Vinton, Iowa (Personal Property Tax Credit)	130.00	DENIED
G86-0986	Don's Auto Sales Cedar Rapids, Iowa (License Fee Refund)	51.00	DENIED
G86-0992	Keith Johnson Harlan, Iowa (License Fee Refund)	Undetermined	DENIED
G86-1002	Gary Claussen Omaha, Nebraska (License Fee Refund)	13.68	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G86-1015	David Casey Treyvor, Iowa (License Fee Refund)	Undetermined	DENIED
G86-1026	Edwin McCollister Iowa City, Iowa (License Fee Refund)	24.00	DENIED
G86-1033	Ronald D. Hurd Des Moines, Iowa (License Fee Refund)	15.00	DENIED
G86-1039	Thomas D. Buis Hampton, Iowa (License Fee Refund)	21.00	DENIED
G86-1051	W. Eugene Sornson Harlan, Iowa (License Fee Refund)	445.00	DENIED

**COMMUNICATION FROM THE  
DEPARTMENT OF MANAGEMENT**

The following communication was received from the Department of Management on December 31, 1986 and is on file in the office of the Chief Clerk:

December 29, 1986

Mr. Joseph O'Hern  
Chief Clerk  
House of Representatives  
Statehouse  
L O C A L

Dear Mr. O'Hern:

In accordance with Section 25A.12, Code of Iowa, we are hereby submitting to the General Assembly all General Tort claims, Highway Tort claims, and Settlements & Judgments (general and highway) paid during 1986 by the State Appeal Board under Chapter 25A.

The attached report shows the name of each claimant, a brief description of each claim, the amount claimed and the amount approved.

Sincerely,  
Patrick D. Cavanaugh  
Director

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN  
Chief Clerk of the House

**CHAPTER 25A GENERAL TORT CLAIMS APPROVED  
BY STATE APPEAL BOARD, 1986**

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T-1575-70	Iona F. Halterman Injuries suffered when claimant tripped over raised spot in sidewalk in front of Lucas Bldg.	\$ 93.00	\$ 93.00
TE-281-70	Marian Kemp Injuries suffered during surgery at U of I hospitals.	Undetermined	4,500.00
T-2538-71	Vivian Brobst Injuries suffered in fall on sidewalk due to greasy spot in front of Lucas Bldg.	Undetermined	124.73
TE85-0085	Romelle L. Markley U of I Hospitals & Clinics failed and refused to perform recommended surgery.	93,000.00	7,500.00
TE85-0100	Wanda Smith Sponge was left in claimant during surgery.	10,000.00	5,000.00
TE85-0113	William J. Dunlap	5,000.00	1,000.00
T85-0114	Claimant was wrongfully arrested for delinquent child support payments.	5,000.00	
T85-0183	Jane Elizabeth Greufe Car was damaged when a sign in U of I parking lot fell.	182.42	182.42
T85-0215	Timothy Goforth Portion of ceiling fell onto his desk and destroyed property at North Central Correctional Facility.	25.00	12.00
TE85-0249	Alice R. Culley Claimant was forced to throw away personal items against her wishes at Vets Home.	239.57	175.00
TE85-0291	Todd Bensen Property damaged at North Central Correctional Facility.	2.99	1.50
T85-0301	Dan Aschenbrenner Lost hobby items while being transferred internally.	240.00	23.80
T85-0310	Karen Lynn Mullinix Car was damaged when trench claimant drove over caved in on U of I campus.	76.20	76.20
T85-0328	Blanche E. Dyer Property was damaged while at Iowa Correctional Institution.	45.20	45.20

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T85-0355	Bonnie Jean Paine State Fair employee ran into claimant's car.	758.31	225.00
T85-0377	Auto Club Inter-Insurance Exchange as Subrogee for Bonnie J. Paine See T85-0355	557.51	457.51
T85-0402	Otto Hacker and State Farm Insurance Vehicle damaged by paint overspray at Oakdale.	710.56	710.56
T85-0403	Mark Fettkether Vehicle damaged by paint overspray at Oakdale.	184.72	184.72
T85-0404	Muscatine Flying Service Individual performing community service ran into side of hangar.	1,531.67	1,531.67
T85-0447	Teresa Lynn Cline Personal property damaged while at Iowa Correctional Institution.	36.00	36.00
T85-0450	Reagan Yoder Artwork was damaged while being transferred to Iowa State Fair.	100.00	100.00
T85-0462	Ralph W. Feith Car window broken by state employee while using a weed eater.	45.59	45.59
T85-0473	Insurance Company of North America as Subrogee of Guy Goughnour Car damaged by rock thrown by Conservation Commission mower.	156.86	156.86
T85-0474	William Robert Pasquarelli Personal property lost at State Penitentiary.	137.59	50.00
T85-0484	Doris L. McClure Injuries suffered when she fell on damaged sidewalk at Fairgrounds.	1,333.29	1,517.99
T85-0489	David W. Payne Personal property lost while being transferred to Clarinda.	1,200.00	10.00
T85-0491	Kevin Elwood Property damaged by resident of Glenwood State Hospital-School.	20.80	20.80
T85-0494	Karen K. Feakes Fell on steps at Hilton Coliseum.	1,733.30	1,000.00
T85-0500	Michael McVay Personal property lost while at State Penitentiary.	14.49	14.49

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T85-0521	Rodney Weight Watch was damaged by resident of Glenwood State Hospital-School.	28.32	28.32
T85-0529	Raymond Thomas Personal property lost at State Penitentiary.	19.50	19.50
T85-0532	Jake Sweeney Leasing c/o Postmaster Jim Matre State trooper backed into passenger car being leased by the U.S. Post Office from claimant.	145.35	145.35
T85-0544	David E. Jones Car damaged when struck by state truck clearing snow off parking lot.	429.88	429.88
T85-0545	Larry W. Belcher State trooper lost control of car on ice and snow and struck claimant's parked truck.	1,401.40	450.00
T85-0551	Loveda L. Slaninger, Guardian for Michael K. Hutchison Personal property lost while at Woodward State Hospital-School.	180.50	180.50
T85-0552	Terence B. McManus Untimely handling of requests for withdrawals from Deferred Compen- sation Program.	2,928.13	894.35
TE86-0003	Dale A. Foster Vehicle was struck by state vehicle.	109.33	109.33
T86-0004	Judy Diane Langill Car damaged by exit gate in state parking lot.	481.90	463.89
T86-0008	James A. Hyndman Car damaged by State Trooper.	361.00	343.79
T86-0009	Michael P. Gavin Personal property was lost at state penitentiary.	10.75	10.75
T86-0012	Ronald Kelsey Personal property was damaged in laundry at Riverview Release Center.	28.95	28.95
T86-0014	Iowa Electric Light & Power Company Meter was damaged when state truck backed into it.	154.60	154.60
T86-0015	Betty Williams Car damaged when state driver backed into claimant's car.	378.31	378.31

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T86-0016	John Luethye Injuries suffered when he slipped and fell on sidewalk in front of liquor store.	175.00	181.00
T86-0019	Montgomery Ward Insurance Co. as Subrogee of Joanne Hailey Car damaged when state driver rear ended insured's car.	519.72	519.72
T86-0022	Ida G. Kromrie State employee backed into claimant's car.	800.00	675.37
T86-0033	IMT Insurance Co. as Subrogee of Rebecca Scott Halton Car damaged when it collided with state car.	560.39	560.39
T86-0034	Kenneth A. Fulmer Car damaged while performing state work.	2,365.87	2,365.87
T86-0041	Gene R. Ackerman State trooper's car ran into claimant's car.	201.80	196.80
T86-0047	Roosevelt Smith Personal property was damaged at Men's Reformatory.	9.00	6.00
T86-0049	Jerry L. Miles Personal property destroyed at Mt. Pleasant Medium Security Unit.	398.00	198.00
T86-0050	Frances K. VanDyke Car damaged in accident involving state vehicle.	104.00	104.00
T86-0053	Randall J. Cottingham Eye glasses damaged in car accident involving state vehicle.	135.00	119.00
T86-0057	Sandra K. Miller Car damaged when state patrol car slid sideways on ice and struck claimant's car.	82.24	82.24
T86-0058	Howard Peck Claimant's vehicle damaged in collision involving state truck.	680.11	680.11
T86-0059	Robert Stivers, Sr. Personal property lost at state penitentiary.	3.99	3.99
T86-0060	JoAn S. Stegman Car damaged in collision with state vehicle.	145.12	121.72
T86-0061	Kelley Johnson Personal property lost while at Men's Reformatory.	29.94	15.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T86-0066	Jean Anne Flores Personal injuries suffered while swimming at Gull Point State Park.	118.70	118.70
T86-0068	John G. Coleman Injuries suffered when claimant fell on ice in U of I parking lot.	261.00	261.00
T86-0072	Red Wing Truck Rental Car was damaged by wheel trailer pulled by state employee.	422.87	422.87
T86-0077	Jackie B. Yoder State vehicle rolled backward striking claimant's car.	457.82	457.82
T86-0085	Robert Glen Cross Personal property lost when being transferred to Men's Reformatory.	33.60	33.60
T86-0087	Cynthia M. Schulenberg Car damaged due to collision with state vehicle.	1,579.88	1,075.00
T86-0088	Grinnell Mutual Reinsurance Company as Subrogee of Diane Parks Car damaged due to state employee's failure to yield the right of way.	1,250.73	1,250.73
T86-0089	Diane Elaine Parks See T86-0088.	86.48	100.00
T86-0090	Leslie D. Newton Clothing damaged in laundry at Riverview Release Center.	25.00	15.00
T86-0092	Angelo G. Jones, Jr. Clothing damaged in laundry at Riverview Release Center.	22.53	10.00
T86-0103	Laura M. Cigrand Car damaged when state driver backed tractor trailer from alley and struck claimant's car.	166.90	166.90
T86-0105	Thomas S. Cavanaugh Car damaged when state driver made improper left turn.	299.51	251.42
T86-0107	James Allen Morey Personal property lost while at Men's Reformatory.	18.05	10.00
TE86-0111	Anthony Caponigro Rear bumper license lamps damaged when state vehicle rear ended car.	15.98	15.98
TE86-0116	William F. Gilley Personal property lost by staff at North Central Correctional Facility.	114.00	35.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T86-0129	Lloyd Kearney	25,000.00	4,000.00
TE86-0130	Lloyd Kearney	25,000.00	
T86-0131	Estate of Anna Kearney	25,000.00	
TE86-0132	Estate of Anna Kearney Claimant's wife died at Cherokee Mental Health due to aspiration.	25,000.00	
T86-0136	Cheryl Rae Roland Car damaged when struck by bucket of state owned tractor.	55.44	55.44
T86-0137	Anastasia R. Viktora Car damaged when struck by state vehicle.	568.06	568.06
T86-0139	William E. Trampe DBA Trampe & Son Crops were damaged by cattle owned by State Training School.	850.00	212.50
T86-0140	Farmers Casualty Co. as Subrogee of Sheryl R. Harringa Car damaged when struck by state car.	1,609.69	1,589.69
T86-0144	Nebraska Psychiatric Institute Employee of claimant had glasses broken by resident of Glenwood.	130.00	130.00
T86-0149	Joseph H. Norton, Jr. Car damaged when struck by state vehicle.	10,580.80	4,902.17
TE86-0152	Eldred J. Stallman Car damaged and personal injuries suffered due to collision with state trooper.	2,509.83	2,509.83
T86-0166	Dale Minick Car damaged when state trooper struck left quarter panel of claimant's vehicle.	335.26	302.74
T86-0171	Sheila K. Broome Car was damaged when cart which claimant was unloading boxes for state meeting rolled forward.	158.00	158.00
T86-0176	Willie Nevels Personal property lost at Riverview Release Center.	103.00	103.00
T86-0177	Dean A. Lerner Car was damaged when state wor- kers cleaned off sidewalks near clai- mant's parked car.	422.00	293.80
T86-0190	Daniel James Greathouse Due to erroneous information on emergency treatment center patient instruction by U of I hospitals, claimant lost his job.	825.40	825.40

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T86-0193	Edward J. Polzin State employee backed into claimant's vehicle.	287.36	254.80
T86-0196	William R. Marshall Clothing damaged in laundry at Riverview Release Center.	5.40	5.40
T86-0197	Jane B. Fero Car damaged by upright steel rod projecting up out of cement strip located in UNI parking lot.	122.48	122.48
T86-0198	Iowa Kemper Insurance Co. as Subrogee of Jean Marie Lemon State driver collided with claimant.	321.31	321.31
T86-0199	Wendy Jo Isley State driver struck rear of claimant's vehicle.	500.00	500.00
T86-0202	Cam Ent State trooper backed into claimant's vehicle.	116.50	116.50
T86-0205	Connie Neese State driver backed into claimant's vehicle.	487.05	467.05
T86-0206	David W. Payne Clothing damaged in laundry at Riverview Release Center.	50.00	5.00
T86-0209	Linda Leiting Billfold containing money was lost at Clarinda Mental Health Institute.	132.85	132.85
T86-0213	Tony Steward State driver sideswiped claimant's vehicle.	949.84	837.91
TE86-0220	Betty Sterkel Claimant's vehicle was struck by state driver.	707.68	763.68
T86-0226	Emmett L. Smith State car, which was parked, came out of park, rolled back across parking lot and struck claimant's car.	220.00	65.00
T86-0229	Jerry Lee Berry, Sr. Personal property was misplaced at Men's Reformatory.	6.95	6.95
T86-0230	Phillip Crockett Personal property was lost at Clarinda Treatment Center.	3.05	3.05
T86-0232	Farm Bureau Insurance as Subrogee for Robert Lawthers Claimant's insured was struck by state trooper.	723.55	524.66

Claim Number	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
T86-0245	Henry Rattie Personal property was lost while being stored at state penitentiary.	2.51	2.51
T86-0260	Allen R. Hockemeyer Personal injuries suffered when bull owned by claimant pinned him against gate. Claimant had taken two bulls to state vet clinic and asked that both bulls be unloaded at same time; however, state vet unloaded only one bull at a time.	400.70	300.00
T86-0263	State Farm Mutual Auto Insurance as Subrogee of Margaret Thompson Claimant's insured vehicle was struck by state driver.	383.68	383.68
T86-0264	Farm & City Insurance Co. as Subrogee for Mark Maurice Thomas Claimant's insured vehicle was struck by state driver.	1,909.81	1,909.81
T86-0265	Ralph A. Kingsbury Travel trailer was damaged while parked at Marble Beach State Park by rock thrown by state mower.	75.40	75.40
T86-0268	Margaret A. Howe Car damaged by state parking lot gate.	50.00	61.20
T86-0270	Judy Fox Car damaged when state driver backed into claimant's car.	130.54	90.01
T86-0274	Marilyn Cappello Car was damaged while parked in state lot as a result of mowing.	350.00	350.00
T86-0277	Dallas J. Lundvall Car was damaged by state wheelcar bus.	Undetermined	322.58
T86-0278	Mahaska Farm Service State driver drove out of shed when the boom on the truck caught the shed door.	85.53	85.53
T86-0285	Raymond Peterson Car damaged by wet paint when Highway Patrol was painting airplane zones on highway.	859.64	773.53
T86-0289	Paul Leroy Sleeper State driver backed into claimant's vehicle.	140.40	99.84
T86-0291	Randy Davis State driver backed into claimant's vehicle.	217.56	217.56

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
TE86-0292	Franklin Berry State driver was pulling into parking space when he clipped the right rear of claimant's car.	Undetermined	190.85
T86-0294	LaVerne J. Forney State driver pulled out into path of claimant.	Undetermined	450.10
T86-0295	Paul Sealman Car damaged by rocks thrown by power mower at State Training School.	144.00	93.24
T86-0296	All Makes Office Equipment Delivery truck damaged at Beer and Liquor warehouse by forklift.	1,533.84	800.00
T86-0297	Chris O. Boyles Property damaged by resident of Woodward State Hospital-School.	512.67	512.67
TE86-0298	Farmers Insurance Group as Subrogee of Marlene De Boer Car damaged when state driver backed into claimant's car.	1,339.78	1,339.78
T86-0303	Paul E. Tuttle State driver backed into claimant's parked car.	Undetermined	505.92
T86-0307	Irvin Beenken Conservatorship Personal property lost while at Cherokee Mental Health Institute.	410.00	410.00
T86-0309	Evelyn E. Briggie Injuries sustained when claimant fell off damaged sidewalk at Fair Grounds.	7,541.96	3,000.00
T86-0310	Russell Kross State driver struck claimant's parked vehicle.	321.68	321.68
T86-0311	American Family Insurance Group as Subrogee of Thomas L. Sherrard State driver collided with claimant's insured vehicle.	1,010.50	1,010.50
T86-0317	Mary Holz-Clause State driver was backing dump truck, failed to observe claimant's parked car and struck the front of it.	172.48	172.48
T86-0319	Lila T. Henricks State driver rear ended claimant's vehicle.	567.34	567.34
T86-0321	Laverne Worthington Car was damaged by pole protruding two inches above ground at fair grounds.	50.00	50.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T86-0322	Rosemary Reagan-Gavin State driver struck front of claimant's parked vehicle.	182.34	141.21
T86-0323	Robert Gene McNeese Personal property was lost while at North Central Correctional Facility.	300.00	15.00
T86-0325	Barbara L. Ettleson State driver struck the claimant's parked vehicle.	132.00	132.00
T86-0328	Michael Dougherty Clothing was torn by resident of Glenwood State Hospital-School.	12.88	12.88
T86-0332	Dennis J. Luster Due to failure of emergency brake, state vehicle struck claimant's parked car.	527.72	527.72
T86-0333	Robyn L. Henderson State driver collided with claimant's car.	371.09	371.09
T86-0356	Allen Greb State driver collided with claimant's car.	890.00	890.00
T86-0371	Larry Aldridge A long board protruding from rear of state vehicle struck claimant's vehicle.	Undetermined	842.35
T86-0380	Richard Ratliff State driver backed into claimant's car.	134.08	134.08
T86-0318	Allen E. Greb and Auto Owners Insurance See T86-0356	3,914.09	3,914.09
T85-0384	William Runyan State driver struck claimant's vehicle.	98.64	98.64
T86-0385	Andrew James Gifford State driver backed into and knocked over claimant's motorcycle.	603.88	603.88
T86-0386	Kevin James Close Clothing was damaged in laundry at Riverview Release Center.	28.00	21.00
T86-0387	David Michael Hird Personal property damaged during search at state penitentiary.	3.99	3.99
T86-0391	Bruce Bentley State driver backed into claimant's parked vehicle.	855.26	780.24
T86-0392	George R. Moore State driver backed into claimant's vehicle at fair grounds.	254.84	254.84

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
T86-0396	David Oliver State trooper pulled in front of claimant and struck vehicle.	1,532.93	1,532.93
T86-0405	Elaine M. Kloberdanz State driver struck claimant's vehicle.	270.00	264.64
T86-0415	Norris J. Hayes State driver struck claimant's parked vehicle.	601.59	601.59
T86-0417	Harvey Sickels State driver struck claimant's parked car.	362.96	362.96
TE86-0418	Julia Colette Burkhalter (Whitney) State driver struck claimant's vehicle.	573.73	556.57
T86-0419	Junior Lee Klein State driver struck claimant's parked vehicle.	601.23	601.23
T86-0421	C. Gene Paxton State driver struck claimant's parked vehicle.	Undetermined	265.03
T86-0428	Glen H. Shima State driver struck claimant's vehicle.	166.40	166.40
T86-0430	Iowa Electric Light & Power Co. State driver struck one of claimant's transformers.	102.49	102.49
T86-0437	Peter A. Peterson State driver struck claimant's parked vehicle.	450.00	313.60
T86-0443	Brian D. Meng State driver struck claimant's parked vehicle.	Undetermined	494.20
T86-0446	Mark A. Tague State driver struck claimant's vehicle.	1,157.30	1,057.30
T86-0200*	Various Claimants *Denotes 932 claims filed as of 12/22/86 Damage to vehicles caused by emissions from the University of Iowa's power plant.	694,721.42	628,544.00

**CHAPTER 25A HIGHWAY TORT CLAIMS  
APPROVED BY STATE APPEAL BOARD, 1986**

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H85-0115	Richard A. Bunn Property is subject to continual drainage of spring water due to construction of U.S. 61 bypass.	\$ 1,277.70	\$ 1,735.00

Claim Number	Name of Claimant Nature of Claim	Amount Claimed	Amount Approved
H85-0124	Dr. Richard B. Nemmers Damage caused by fresh tar.	98.00	98.00
H85-0130	Stan Deardeuff Use of tordon 10K killed two tons of soybeans.	800.00	110.00
H85-0134	Mrs. Edwin Arends & Aid Insurance Company Sign used by survey crew blew into vehicle.	310.00	310.00
H85-0143	Clarence P. Kruse Soybeans were destroyed by herbicide spread by DOT.	39.00	26.00
H85-0147	Steven M. Teisinger Fence was cut in two places by DOT while mowing ditches.	50.00	50.00
H85-0150	Northwestern Bell Telephone Co. 16 pair cable was severed while repairing a water intake.	353.74	353.74
H85-0154	Marvin W. Fink Soybean crop was damaged by DOT while spraying ditches.	250.00	250.00
H85-0204	Nancy Sue Bruns Damage to front rim and tire by loose manhole cover.	155.27	155.27
H85-0206	Norma Diane Wyllie Garden crop was damaged as a result of DOT spraying for weeds.	600.00	300.00
H85-0214	Carroll R. Witmer Damage resulted when claimant proceeded through maintenance work area.	451.36	451.36
H85-0215	Fireman's Fund Insurance Co., as Subrogee for Gladys Utterback Damage caused by fresh road.	104.00	104.00
H85-0222	Charles J. Netherton Damage caused by "chuck hole".	155.75	155.75
H85-0227	Latham Seed Company co Willard C. Latham Windshield damaged by rock which fell off DOT truck.	186.47	186.47
H85-0228	William Edward Kindred Fruit trees and garden damaged by herbicides.	285.00	285.00
H85-0229	State Farm Insurance as Subrogee for Michael J. Tiemeier Damages caused by paint overspray.	208.00	208.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H85-0234	Jacqueline Ronnfeldt, as Mother & Next Friend of Michella R. Palas Daughter's knee was injured when counting cable broke, throwing a piece of cable into knee.	99.08	99.08
H85-0235	Robert E. Walker Windshield was damaged by a DOT crew blowing rocks out of the cracks on edge of road.	225.42	225.42
H85-0243	Tony Nelson Damage caused by the negligence of DOT driver during snowplow operations.	1,631.68	1,056.68
H85-0246	David L. Ryan Windshield damaged by rocks thrown by DOT sanding truck.	158.70	158.70
H85-0248	Creative Enterprises Vehicle damaged by snowplow.	1,000.00	1,295.91
H85-0249	James Dunnahoo Side window damaged by snowplow.	140.61	140.61
H85-0250	Theresa Ann Foy Windshield damaged by rock thrown by DOT truck.	187.24	187.24
H85-0251	Richard Dean Ashburn, Jr. Windshield damaged by rock thrown by DOT sanding truck.	221.44	221.44
H85-0253	Mark R. Goulson Windshield damaged by sand and salt from DOT truck.	242.16	242.16
H85-0255 T88-0076	Richard Krob & Western Insurance Company as Subrogee of Richard Krob DOT snowplow struck gasoline pump on island of station.	2,272.11	2,272.11
H85-0258	Leona Bellon DOT crew damaged field drainage tiles.	265.99	265.99
H85-0259	Floyd A. Graesch Car was damaged by DOT snowplow that was driving through parking lot.	526.75	526.75
H85-0260	Jan P. Koloc Snowplow damaged two mailboxes.	41.00	15.00
H85-0264	Kris Poush Vehicle damaged by snowplow.	346.63	242.64
H85-0268	James D. Galvin Vehicle damaged by DOT truck.	928.19	875.00

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H85-0270	Northwestern Bell Telephone Co. Telephone cable was damaged during installation of sign post.	263.22	263.22
H85-0271	Wendell Carlson DOT backed into vehicle in store parking lot.	302.56	302.56
H85-0273	Judy K. Smith Vehicle damaged when DOT truck slid on ice and hit rear of claimant's car.	722.87	722.87
H85-0274	W.N. Morehouse Truck Line, Inc. Vehicle damaged when DOT truck slid on ice and hit rear of claimant's trucks.	29.30	29.30
H85-0279	Angela M. Van Auken Windshield damaged by rock thrown from DOT truck.	163.00	163.00
H85-0281	Gangadhar Rao Vemuganti Collision between claimant's vehicle and DOT vehicle.	384.01	307.36
H85-0283	Jeffery Lee Gorsh Vehicle damaged by snowplow.	471.60	400.00
H85-0286	Richard L. Hagans Vehicle damaged by snowplow.	1,200.00	800.00
H85-0288	Clifford V. Vorbeck Tire was damaged by surveying spike.	300.00	300.00
H86-0002	Andrea Z. Rochman Vehicle damaged by sand and gravel by DOT sand truck.	794.49	794.49
H86-0003	Donald L. Jagger Windshield damaged by sand and rocks thrown from sand truck.	214.28	206.13
H86-0004	Earnest E. Beck Windshield damaged by sand thrown from sand truck.	192.12	192.12
H86-0005	Steven Ray Chance Elevator drag chute damaged by DOT truck.	711.00	711.00
H86-0007	David A. Brown Crops damaged by spray.	200.00	77.50
H86-0010	Paul V. Schultz Parked vehicle was damaged by DOT vehicle.	500.00	422.13
H86-0011	William T. Bussey Windshield damaged by sand thrown from sand truck.	193.28	189.80

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H86-0014	State Farm Insurance as Subrogee for Gary and Jacqueline Baker Considerable snow was blown on house and garage.	5,874.27	4,473.40
H86-0015	William R. Cairnes Windshield was damaged by sand and salt thrown by sand truck.	169.52	163.75
H86-0016	Brenda K. Gibbs Windshield damaged by sand and gravel thrown by sand truck.	159.43	159.43
H86-0017	Dann Eugene Kemmann Windshield and front headlight damaged by rock thrown by DOT truck.	270.82	270.82
H86-0018	Mark J. Wilbur Windshield damaged by rock thrown by sand truck.	231.25	231.25
H86-0019	Warren W. Friederichs DOT truck backed into trailer.	280.28	280.28
H86-0020	Joseph P. Morgan DBA Joe's Conoco Gas pump was damaged by snowplow.	2,467.71	1,996.00
H86-0025	Paul L. Anton Damage caused by snow that was pushed over bridge onto I-80.	156.75	156.75
H86-0028	Harold L. Riley Car was damaged by sand thrown by DOT sand truck.	386.08	386.08
H86-0029	Deborah Syfert Vehicle damaged by sand thrown by DOT sand trucks.	889.86	761.53
H86-0030	Larry M. Hansen Windshield damaged by sand thrown by DOT sand truck.	194.79	194.79
H86-0031	Linn County Health Dept. Vehicle damaged by snow plow.	1,714.45	1,714.45
H86-0032	Kenneth D. Fitzgerald Windshield damaged by sand and gravel thrown by DOT sand truck.	162.03	162.03
H86-0033	Arlene C. Kirkbride Vehicle damaged due to collision between claimant and DOT vehicle.	308.72	308.72
H86-0034	Edwin E. Twedt Damage caused when DOT vehicle backed into claimant's vehicle.	381.38	381.38
H86-0037	Kuba Distributing Co. Vehicle damaged by snow plow.	266.64	259.74

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H86-0039	Russell Gardner Vehicle damaged by collision involving DOT vehicle.	1,250.00	1,250.00
H86-0040	Northwestern Bell Telephone Co. Cable damaged while replacing a driveway culvert.	263.59	263.59
H86-0043	Bobbie Ray Head Windshield was damaged by rocks thrown from sand truck.	255.53	255.53
H86-0044	National Medical Homecare Windshield damaged by sand and gravel thrown by sand truck.	342.67	243.97
H86-0047	Virginia Marie Wendel Windshield damaged by rock thrown by DOT truck.	177.15	176.64
H86-0048	David A. Waigland Vehicle damaged by snow plow.	2,529.37	2,000.00
H86-0054	State Farm Insurance, as Subrogee for Mary Mischel Vehicle damaged when DOT driver made improper turn.	199.26	199.26
H86-0055	Judith Kilpatrick Vehicle damaged when snow plow pushed third vehicle into claimant's vehicle.	1,720.04	1,520.04
H86-0059	Richard Allen Voss DOT truck backed up and damaged claimant's truck.	1,173.33	1,173.33
H86-0060	James Roger Young Windshield damaged by rocks thrown by DOT truck.	217.19	217.19
H86-0065 HE86-0078 HE86-0245	Aid Insurance Company Mutual as Subrogee of Kelly Dougherty DOT truck backed into claimant's vehicle.	1,770.28 585.18	1,770.28 187.54
H86-0066	Eugene L. Geary Sand truck slid sideways and struck claimant's vehicle.	353.63	336.79
H86-0067	Tommy L. Welcher Windshield was damaged by rock thrown by DOT truck.	195.22	141.36
H86-0068	Mark K. Craig Windshield was damaged by sand and rocks thrown from DOT sand truck.	191.90	191.90
H86-0069	Sterling Beef Co., Inc. Windshield was damaged by snow which fell from overhead when DOT was clearing roads.	119.20	119.20

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H86-0070	Annie D. Wyant and Grinnell Mutual Reinsurance Co. DOT truck collided with claimant's vehicle.	406.68	406.68
H86-0071	Gregory D. Blatchford Grill damaged by ice or snow thrown from DOT snow plow.	81.38	81.38
H86-0074	Jona J. Mann & Liberty Mutual Insurance Windshield damaged by sand and gravel thrown by sand truck.	156.21	156.21
H86-0075	Dale Edward Jones Windshield was damaged by snow which fell from overhead when DOT was clearing snow.	183.02	183.02
H86-0077	Rhonda L. Walker Vehicle was damaged by loose man- hole cover.	200.00	203.59
H86-0080	Lucille M. Kardel Mailbox was damaged by snow plow.	15.95	15.95
H86-0081	Janet I. Haeffner Windshield damaged by rocks thrown by DOT truck.	219.23	219.23
H86-0082	Joe R. Gamble Vehicle was damaged by chunks of ice thrown by snow plow.	63.20	63.20
H86-0083	Robert William Weber, Jr. Windshield damaged by rock thrown by DOT sand truck.	161.62	161.62
H86-0084	Richard L. Knutsen Vehicle damaged by snow or ice pushed from overhead by snow plow.	60.66	60.66
H86-0085	Leonard or Ruth Juhl Vehicle damaged by trash container which fell from DOT truck.	Undetermined	286.50
H86-0086	Donald E. Johnson Windshield damaged by salt and ice thrown by sand truck.	251.89	251.89
H86-0088	Diane Linn Bean Vehicle damaged by sand and rocks thrown by sand truck.	149.22	149.22
H86-0089	Karen E. Bain Vehicle damaged when claimant col- lided with large piles of snow left by DOT snow plows.	323.16	323.16
H86-0090	Alvin E. Barten DOT dump truck slid into building.	460.00	460.00
H86-0091	Eugene Alton Stone Windshield damaged by sand truck.	94.07	94.07

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H86-0095	Donald Crimmins DBA C & M Refrigeration Vehicle damaged when snow plow slid into claimant's vehicle.	85.03	85.03
H86-0096	Michael W. Thomas DOT truck slid into claimant's vehicle.	259.43	259.43
H86-0098	Kay Johnna Turbett Boos Windshield damaged by sand and rocks thrown by sand trucks.	250.00	186.67
H86-0100	Thomas A. O'Brien Vehicle damaged when claimant hit tire which had fallen from DOT sander.	1,263.16	1,263.16
H86-0101	Dean H. Naven Vehicle damaged by loose manhole cover.	109.93	109.93
H86-0104	Jody Kay Bucklin Windshield damaged by sand thrown by DOT sand truck.	181.25	181.25
H86-0105	DeWayne A. Armbrecht Vehicle damaged by sign which had broken loose.	233.04	233.04
H86-0108	James Lee Clark	286.00	235.26
H86-0157	Windshield damaged by sand thrown by sand truck.	235.20	
H86-0109	Sandra L. Anderson & Robert Kelley, Jr. Windshield damaged by rock thrown by sand truck.	158.92	158.92
H86-0112	Duane Witt Mailboxes damaged by snow plow.	56.98	56.98
H86-0115	Carol J. Rutten Windshield damaged by rocks from surface material spread on road.	263.55	263.55
H86-0116	Smith Transfer Corp. Snow plow struck claimant's vehicle.	495.00	247.50
H86-0118	Julie Lundgren Windshield damaged by gravel thrown from sander.	Undetermined	161.98
H86-0119	Story County Sheriff DOT struck claimant's vehicle.	63.25	63.25
H86-0122	Raymond F. Lawson Windshield damaged by rocks thrown from filler machine.	199.75	199.75
H86-0127	Roger Lyle Quesenberry Windshield damaged by cold mix asphalt.	219.92	219.92

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H86-0128	Lyle C. Kjeinheksel Windshield was damaged by sand thrown by sand truck.	217.60	217.60
H86-0129	Larry D. Sangl Vehicle damaged by fresh tar.	248.56	248.56
H86-0131	Dinnis Merrill Holmes Damage caused by sand and debris thrown onto vehicle.	673.22	673.22
H86-0132	Barbara A. Paul Windshield damaged by rocks and dirt thrown by air compressor.	234.00	234.00
H86-0134	Susan K. Kruse Windshield damaged by rocks thrown by DOT truck.	207.30	207.30
H86-0136	James A. Rasmussen Windshield damaged by sand thrown by sand truck.	243.10	243.10
H86-0142	Mahlon Weller DBA Weller Construction DOT vehicle struck claimant's vehicle.	700.54	700.54
H86-0143	Northwestern Bell Telephone Co. Cable was severed by DOT crew.	414.45	414.45
H86-0156	Airport Baptist Church Mailbox damaged by snow plow.	300.00	25.00
H86-0161	Lowell D. Eltjes Mailbox damaged by snow plow.	19.10	19.10
H86-0162	Steven M. Durlinger Tile improperly laid by DOT and wouldn't function properly.	382.49	141.66
H86-0163	Ahna Lineback Steel belt of tire damaged when claimant drove into large hole.	57.15	57.15
H86-0165	State Farm Insurance As Subrogee to Charles Yunghans Snow plow struck claimant's vehicle.	698.00	748.00
H86-0168	Zwicky Spreading Service Vehicle damaged when traffic control sign was blown over by wind striking vehicle.	171.08	171.08
H86-0174	Dennis Miller Three Type II barricades were damaged due to negligence by DOT paint crew.	240.00	240.00
H86-0182	Amco Insurance Company DOT vehicle struck and tore down electrical wire service causing damage to wood siding and electrical service.	143.83	143.83

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount Claimed</u>	<u>Amount Approved</u>
H86-0210	Insurance Center As Subrogee of Terry D. Loeschen Windshield damaged by rocks thrown by tractor mower.	799.37	799.37
H86-0213	IMT Insurance Company As Subrogee for Joseph Scott DOT truck struck claimant's while making improper left turn.	1,500.00	1,601.83
H86-0214	Grinnell Mutual Reinsurance As Subrogee for Randy Youngman Vehicle damaged by rocks thrown by mower.	625.81	625.81
HE86-0249	Michelle Lynn Colwell Personal injuries suffered in collision with DOT vehicle and claimant's father's vehicle.	3,500.00	2,500.00

**CHAPTER 25A -- GENERAL TORT CLAIMS  
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL -- 1986**

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
T-3636-67	Matthew J. Eckerman Personal Injury (Settlement)	\$150,000.00	\$26,500.00
T-5540-68	Doris Maxine Decker Personal Injury (Settlement)	25,000.00	1,000.00
TE-10353-69	Jana Linn Lane Personal Injury	750,000.00	27,500.00
TE-10439-69	Timothy Dale Lane Personal Injury (Settlement)	500,000.00	
TE-210-70	Duane Bruce Vander Platts Property Damages	20,908.84	500.00
T-211-70	Duane Bruce Vander Platts Property Damages	20,908.84	
TE-212-70	Duane Bruce Vander Platts Property Damages	20,908.84	
T-213-70	Duane Bruce Vander Platts Property Damages (Settlement)	20,908.84	

Former Claim No.	Name of Claimant Nature of Claim	Amount of Original Claim	Amount Settled
T-354-70	Kay Lloyd Finch, Executor of Orlanda Constance Finch Estate Wrongful Death	500,000.00	
T-355-70	Kay L. Finch Personal Injury (Settlement)		
T-454-70	Mary J. Frease Property Damage	258.45	
T-455-70	Glenn E. Frease Property Damage	788.80	
T-509-70	Jeraldine B. Berry Property Damage	52.00	
T-510-70	Arnold H. Berry Property Damage	283.00	
T-511-70	Troy Berry, By Arnold H. Berry, His Father & Next Friend Personal Injury	25,000.00	
T-512-70	Travis Berry, By Arnold H. Berry, His Father & Next Friend Personal Injury (Settlement)	25,000.00	100,321.60
T-463-70	Franklin Delano Sprague Personal Injury (Settlement)	10,000.00	3,000.00
T-834-70	Gary R. Bear Personal Injury (Settlement)	500,000.00	4,500.00
T-870-70	Diane Berry Personal Injury	50,000.00	
TE-871-70	Diane Berry Personal Injury	50,000.00	
TE-872-70	Diane Berry Personal Injury	50,000.00	
TE-873-70	Diane Berry Personal Injury	50,000.00	
TE-866-70	Gary Berry Personal Injury	50,000.00	
T-867-70	Gary Berry Personal Injury	50,000.00	
TE-868-70	Gary Berry Personal Injury	50,000.00	
TE-869-70	Gary Berry Personal Injury (Settlement)	50,000.00	27,000.00
T-1052-70	Darrell L. Martin Personal Injury	2,500,000.00	
T-1053-70	Dianna Sue Hingorani Personal Injury (Settlement)	500,000.00	75,000.00
T-1385-70	Continental Western Insurance Co. Property Damage (Settlement)	4,820.19	400.00

Former Claim No.	Name of Claimant Nature of Claim	Amount of Original Claim	Amount Settled
TE-1388-70	Patricia M. Hokanson Personal Injury (Settlement)	15,000,000.00	25,000.00
T1458-70	Valerie Lou Salsberry Personal Injury (Settlement)	250,000.00	65,000.00
T1579-70	Suzanne N. Leavy Personal Injury (Settlement)	500,000.00	50,000.00
T1688-71	Charlotte Berry Property Damage (Settlement)	100,000.00	200.00
TE-1694-71	David Allen Craft Personal Injury (Settlement)	Undetermined	750.00
T1734-71	Barbara Nehman Wrongful Death (Settlement)	Undetermined	2,500.00
T1748-71	Diana J. & Bruce F. Bidwell Personal Injury (Settlement)	12,000,000.00	560,000.00
T2016-71	Melvin Mathias Personal Injury	500,000.00	30,000.00
T2017-71	Melinda L. Mathias Personal Injury	250,000.00	
T2045-71	Mark Mathias Personal Injury	250,000.00	
T2046-71	Connie S. Mathias Personal Injury (Settlement)	1,000,000.00	
T2069-71	Virginia Bailey Personal Injury Settlement	10,000.00	1,500.00
T2112-71	Garry R. Smith Personal Injury	5,000.00	3,750.00
T2113-71	Marjorie Ann Smith Personal Injury (Settlement)	30,000.00	
T2140-71	Barat Ali Mohamad Panahi Personal Injury (Settlement)	500,000.00	12,500.00
T2223-71	Teresa Kay Tharp Property Damage Personal Injury (Settlement)	7,542.71	1,600.00
T2288-71	Goldie Francis Personal Injury (Settlement)	30,000.00	5,500.00
T2574-71	Kevin Richard Johnson Personal Injury (Settlement)	50,000.00	300.00

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
TE-2597-71	Sam Agostino, Adm. of the Estate of Mark Agostino Wrongful Death (Settlement)	300,000.00	5,000.00
T-2779-71	Joan Gannon Personal Injury (Settlement)	1,000,000.00	40,000.00
T85-0055	Paul D. Clark Personal Injury (Settlement)	100,000.00	25,000.00
T85-0135	Ann Wood Personal Injury	5,000,000.00	750.00
T85-0136	Warren Wood Personal Injury (Settlement)	5,000,000.00	
T85-0169	William C. Johnson Property Damage (Settlement)	14.95	34.00
T85-0188	Douglas W. Hauan Personal Injury (Settlement)	75,000.00	500.00

**CHAPTER 25A -- HIGHWAY TORT CLAIMS  
JUDGMENTS & SETTLEMENTS AT OR BEFORE TRIAL -- 1986**

<u>Former Claim No.</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Original Claim</u>	<u>Amount Settled</u>
H-1051-69-T	Ann M. Moss Personal Injury	425,000.00	17,500.00
H-1052-69-T	Lester K. & Ann Moss Personal Injury (Settlement)	600,000.00	
H-1266-69-T	Donald P. Shanley Property Damage (Settlement)	2,700,000.00	5,012.51
H-1241-69-T	Michael C. Jones Wrongful Death	Undetermined	30,000.00
H-019-70-T	Korey Jones Personal Injury	Undetermined	
H-020-70-T	Quincey Jones Personal Injury	Undetermined	
H-021-70-T	Connie F. Jones Personal Injury	Undetermined	
H-022-70-T	Sonny Jones Personal Injury (Settlement)	Undetermined	
H-1257-69-T	Western Engineering Co., Inc. Property Damage (Settlement)	249,324.79	55,000.00
H-045-70-T	Luz M. Huffman Estate of Rodger L. Huffman Personal Injury (Settlement)	325,000.00	20,000.00

Former Claim No.	Name of Claimant Nature of Claim	Amount of Original Claim	Amount Settled
H-065-70-T	Holland Brothers Construction Co. Personal Injury (Settlement)	500,000.00	20,000.00
H-081-70-T	Daniel Nichols Personal Injury	5,000,000.00	65,000.00
H-082-70-T	Cynthia Nichols, Incompetent; First National Bank of Dubuque, Conservator Personal Injury	5,000,000.00	20,000.00 112,058.75
H-083-70-T	Jeremy Nichols, By & Through His Father & Next Friend, Daniel Nichols Personal Injury (Settlement)	1,000,000.00	35,000.00
H-114-70-T	Jerry L. & Virgie M. Carl Personal Injury	2,000,000.00	1,589,287.00
H-115-70-T	Cheryl E. Carl Personal Injury (Settlement)	4,000,000.00	
H-133-70-T	Estate of Damita Jolnetta McClinton Wrongful Death (Settlement)	4,000,000.00	135,000.00
H-157-70-T	Vern T. Danielson, Individually & As Executor of the Estate of Melva E. Danielson Personal Injury (Settlement)	500,000.00	50,000.00
H-183-70-T	Estate of Wayne Allen Thomann Wrongful Death (Settlement)	300,000.00	20,000.00
H-225-70-T	Shafer Tractor Co. Property Damages	60,000.00	18,500.00
H-226-70-T	Charles D. & Arlene L. Shafer Property Damages (Settlement)	35,000.00	
H-247-70-T	Roger L. Steffans Personal Injury	1,250,000.00	2,500.00
H-248-70-T	Donald E. & Wilma F. Steffans Personal Injury (Settlement)	250,000.00	
HE-421-70-T	Durwood L. Allen Personal Injury (Settlement)	225,000.00	5,000.00
H-473-71-T	Constance J. Dean Personal Injury	Undetermined	7,500.00
H-506-71-T	Property Damages (Settlement)		
H-559-71-T	Sharon L. Shinkle, Ind. and As Appointed Administrator of Estate of Donald W. Shinkle & Nicole R. Shinkle Personal Injury Wrongful Death	1,500,000.00	7,500.00

Former Claim No.	Name of Claimant Nature of Claim	Amount of Original Claim	Amount Settled
H-643-71T	Paul Danley Lorimor Property Damage (Settlement)	7,000.00	1,000.00
H85-0044	Michael D. McLeod Property Damage (Settlement)	2,047.80	1,500.00
H85-0060	Continental Western Insurance Company Property Damage (Settlement)	3,465.46	2,060.00
H85-0152	Sioux Electric Cooperative Assoc. Property Damage (Settlement)	264.66	264.66
H86-0013	Scott Andrew O'Neal Property Damage (Settlement)	897.82	900.69

### COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on January 22, 1987 and is on file in the office of the Chief Clerk:

January 16, 1987

Joseph O'Hern  
Chief Clerk  
House of Representatives  
Statehouse  
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House.

These include 13 claims of a general nature. This supplements our filing of December 29, 1986.

Index is attached showing number of claim, name and address of claimant, amount of claim, and action taken.

Very truly yours,  
Richard D. Johnson  
Chairman  
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN  
Chief Clerk of the House

DEPARTMENT OF MANAGEMENT  
STATE APPEAL BOARD

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G86-0915	Ron & Sons Havel, Inc. Washington, Iowa (Motor Vehicle Fuel Refund)	\$ 239.91	Denied
G86-0993	Feldman Grain George, Iowa (Motor Vehicle Fuel Refund)	160.25	Denied
G86-1041	Neil Mahr Trucking Lime Springs, Iowa (Motor Vehicle Fuel Refund)	511.70	Denied
G86-1114	Pediatric Surgery Omaha, Nebraska (Outdated Invoice)	9.00	Denied
G86-1119	Three Cees, Inc. Arcadia, Iowa (License Fee Refund)	94.00	Denied
G86-1125	Lawrence Lee Davenport, Iowa (License Fee Refund)	45.00	Denied
G86-1134	Vivian M. Jensen Ida Grove, Iowa (License Fee Refund)	85.00	Denied
G86-1160	Jerome P. Schroeder Dubuque, Iowa (License Fee Refund)	70.00	Denied
G86-1178	Albert B. Lee Lime Springs, Iowa (License Fee Refund)	7.00	Denied
G86-1179	Alfred C. Meidlinger Council Bluffs, Iowa (License Fee Refund)	88.00	Denied
G86-1207	Owen J. Langenfeld Harlan, Iowa (License Fee Refund)	9.00	Denied
G86-1216	Donald Kneuppel Estate, Orval Kneuppel, Executor Hampton, Iowa (License Fee Refund)	36.12	Denied
G86-1219	Vernon H. Bushbaum Hampton, Iowa (License Fee Refund)	11.00	Denied

**APPOINTMENTS BY THE SPEAKER**

The Speaker announced the following appointments:

1987-1988 Legislative Council  
(Section 2.41, Code of Iowa)

**Representative Bob Arnould  
Representative Don Avenson**

Representative Florence Buhr  
Representative Dorothy Carpenter  
Representative Kay Chapman  
Representative John Connors  
Representative Bill Harbor  
Representative Tom Jochum  
Representative Delwyn Stromer  
Representative Harold Van Maanen

1987-1988 Legislative Fiscal Committee  
(Section 2.45, Code of Iowa)

Representative Minnette Doderer  
Representative Tom Jochum  
Representative Tom Swartz  
Representative Hugo Schnekloth  
Representative Harold Van Maanen

**COMMUNICATIONS RECEIVED**

The following communications were received and are on file in the office of the Chief Clerk:

**OFFICE FOR PLANNING AND PROGRAMMING**

A report from the Iowa Community Cultural Grants program, pursuant to Chapter 33, Section 301(3e), 1985 Acts of the Seventy-first General Assembly.

**IOWA CONSERVATION CORPS**

A report from the Iowa Conservation Corps, pursuant to Chapter 1190, Section 2(1) (a-e), pursuant to 1986 Acts of Seventy-first General Assembly.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 80 Natural Resources and Outdoor Recreation**

To double the acres of woodland in Iowa.

**H.S.B. 81 Education**

Relating to the issuance of teaching certificates by the board of educational examiners to certain applicants holding teacher's certificates issued by the national board for professional teaching standards.

**H.S.B. 82 Economic Development**

Authorizing limited gambling on excursion gambling boats by establishing an excursion boat gambling commission, by specifying the powers and duties of the commission, by imposing a tax on adjusted gross receipts from gambling, by requiring licenses and imposing fees, by allocating revenue received, by making corresponding amendments to the Code, and by providing penalties for violations.

**H.S.B. 83 Judiciary and Law Enforcement**

Relating to liability by limiting the liability of accounting professionals to third persons not in privity of contract, by establishing a period of limitation for actions against regulated professional practitioners, and by modifying provisions for punitive or exemplary damage awards.

**SUBCOMMITTEE ASSIGNMENTS****House File 42**

Transportation: Neuhauser, Chair; De Groot, Fogarty, Harbor and Jay.

**House File 74**

Transportation: Cooper, Chair; Cohoon and Maulsby.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 57**

Transportation: Cooper, Chair; Beaman, Connolly, Maulsby and Muhlbauer.

**House Study Bill 58**

Transportation: Pavich, Chair; Jay, Lageschulte, Renaud and Royer.

**House Study Bill 59**

Transportation: Muhlbauer, Chair; De Groot, Fey, Neuhauser and Pellett.

**CERTIFICATE OF RECOGNITION**

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

1987-1	Bluffs Run, Council Bluffs — Achieved being third (3rd) in total attendance (1,123,203) and fifth (5th) in total handle (\$122,475,778) in the nation.
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**JOSEPH O'HERN**  
Chief Clerk of the House

On motion by Arnould of Scott, the House adjourned at 10:23 a.m., until 9:00 a.m., Tuesday, January 27, 1987.

# JOURNAL OF THE HOUSE

Sixteenth Calendar Day — Eleventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, January 27, 1987

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

Prayer was offered by the Honorable Clyde L. Norrgard, state representative from Des Moines County.

The Journal of Monday, January 26, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file favoring an appropriation to be used for the state transit assistance fund:

By Van Maanen of Mahaska, from two hundred nineteen constituents.

By Wise of Lee, from ninety-one citizens.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn, for the morning session, on request of Fey of Scott.

## INTRODUCTION OF BILLS

**House Joint Resolution 6**, by Spear, Ollie, Diemer and Shoning, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to education.

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

**House Joint Resolution 7**, by Spear, Buhr, Connors, Diemer and Shoning, a joint resolution proposing an amendment to the Constitution of the State of Iowa to provide that the qualification of age for Senators be the same as for Representatives.

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

**House File 93**, by Van Maanen, a bill for an act exempting driver and front seat occupants of motor vehicles from the requirement of wearing safety belts and safety harnesses while the vehicles are operated within the corporate limits of a city on streets or highways having speed limits of thirty-five miles per hour or less.

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

**House File 94**, by Halvorson of Clayton and Skow, a bill for an act repealing the provision allowing co-employee gross negligence suits under the workers' compensation law.

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

**House File 95**, by Hummel, a bill for an act relating to the fees charged for liquor control licenses and beer permits.

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

**House File 96**, by Mullins, a bill for an act relating to the licensure and regulation of birth centers and providing penalties.

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

**House File 97**, by Hummel, a bill for an act striking the requirement that notaries public be bonded.

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

**House File 98**, by Buhr, a bill for an act relating to the transferability of a park user fee permit.

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

**House File 99**, by Corbett and Diemer, a bill for an act prohibiting the operation of motorized bicycles on paved roadways of city streets where the speed limit is in excess of thirty-five miles per hour.

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

**House File 100**, by Fey, Ollie, Renaud, Bisignano, Groninga, Jay, Hatch, Hansen of Woodbury, Norrgard, Dvorsky, Parker, Halvorson of Clayton, Wise, Skow, Peters, Cohoon, May, Cooper and Shoning, a bill for an act authorizing limited gambling on excursion gambling boats by establishing an excursion boat gambling commission, by specifying the powers and duties of the commission, by imposing a tax on adjusted gross receipts from gambling, by requiring licenses and imposing fees, by allocating revenue received, by making corresponding amendments to the Code, and by providing penalties for violations.

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

**House File 101**, by De Groot, a bill for an act relating to the treatment of capital gains by an insolvent farmer for purposes of the state

alternative minimum tax, extending the statute of limitations for refund claims by such insolvent farmers, and providing effective dates.

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

**House File 102**, by Sherzan, a bill for an act relating to the prohibition of polygraph examinations as a condition of employment, and providing a penalty.

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

**House File 103**, by Rosenberg, a bill for an act relating to the regulation of pawnbrokers on a statewide basis and providing penalties.

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

**House File 104**, by Clark, a bill for an act relating to the licensing of hospice programs.

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

**House File 105**, by Beatty, a bill for an act relating to the appointment of assessors.

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

**House File 106**, by Harbor, a bill for an act to provide for the reporting of seismological test reports to the department of natural resources.

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

**House File 107**, by Harbor, a bill for an act relating to punitive or exemplary damages.

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

**House File 108**, by Fey, a bill for an act relating to the hours of duty for fire fighters.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 18**, by committee on transportation, a bill for an act to repeal the prohibition relating to price discrimination in the sale or lease of motor vehicles by a motor vehicle manufacturer, distributor, or wholesaler 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 22, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 39, a bill for an act relating to the date on which the certified enrollment count is taken for pupils enrolled in public schools in this state.

Also: That the Senate has on January 22, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 40, a bill for an act relating to the subvention program for the college of osteopathic medicine and surgery and providing an effective date.

Also: That the Senate has on January 22, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 41, a bill for an act relating to the reimbursement to a parent or guardian for the cost of transporting the pupil to school when bus transportation is not available, providing for the applicability of the Act, and providing an effective date.

JOHN F. DWYER, Secretary

### PRESENTATION OF IOWA JUNIOR MISS

Blanshan of Greene presented to the House Karen Christensen, 1987 Iowa Junior Miss from Ogden, Iowa. Karen, who is a senior at Ogden High School, will be representing Iowa at the National Junior Miss contest in Mobile, Alabama in June.

Karen addressed the House briefly and the House rose and expressed its welcome.

On motion by Arnould of Scott, the House was recessed at 9:12 a.m., until 4:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 84 Small Business and Commerce**

To authorize the sale of the corporate shell of an insolvent insurance company.

#### **H.S.B. 85 State Government**

Relating to special absentee ballots.

**H.S.B. 86 State Government**

Relating to affirmative action in the certification of names for positions in the state personnel system when necessary to achieve a balanced work force.

**H.S.B. 87 Transportation**

Authorizing the state department of transportation to adopt and administer federal motor carrier safety and hazardous materials transportation regulations, making technical corrections, and providing penalties.

**SUBCOMMITTEE ASSIGNMENTS****House Joint Resolution 5**

State Government: Blanshan, Chair; Connors and Shoning.

**House File 21**

Agriculture: Fogarty, Chair; Bennett and Hatch.

**House File 37**

Agriculture: Johnson, Chair; May and Stueland.

**House File 43**

Local Government: Connors, Chair; Beatty and Platt.

**House File 44**

Local Government: Fuller, Chair; Black and Eddie.

**House File 46**

Agriculture: Svoboda, Chair; De Groot and Johnson.

**House File 47**

Local Government: Muhlbauer, Chair; Fuller and Renken.

**House File 54**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 56**

Local Government: Fuller, Chair; Black and Eddie.

**House File 57**

Local Government: Royer, Chair; Muhlbauer and Petersen of Muscatine.

**House File 59**

Local Government: Bisignano, Chair; Hester and Spear.

**House File 61**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 62**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 65**

State Government: Pavich, Chair; Blanshan, Renaud, Renken and Van Camp.

**House File 66**

Local Government: Peters, Chair; Muhlbauer and Renken.

**House File 69**

State Government: Buhr, Chair; Beatty, Carpenter, Fuller and Lundby.

**House File 70**

State Government: Connors, Chair; Halvorson of Webster, Hammond, Hanson of Delaware and Shoning.

**House File 71**

State Government: Knapp, Chair; Fuller, Garman, Lundby and Running.

**House File 72**

State Government: Running, Chair; Fuller, Garman, Knapp and Lundby.

**House File 73**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House File 76**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**House File 79**

State Government: Hammond, Chair; Peterson of Carroll, Renaud, Shoning and Tyrrell.

**House File 80**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House File 85**

State Government: Fuller, Chair; Garman, Knapp, Lundby and Running.

**House File 88**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 89**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House File 90**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 91**

State Government: Running, Chair; Buhr, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House File 96**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 43**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 63**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Harbor and Tabor.

**House Study Bill 65**

Human Resources: Fey, Chair; Adams, Bisignano, Clark and Plasier.

**House Study Bill 66**

Human Resources: Fey, Chair; Adams, Bisignano, Clark and Plasier.

**House Study Bill 67**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**House Study Bill 68**

State Government: Beatty, Chair; Doderer and Renken.

**House Study Bill 69**

State Government: Halvorson of Webster, Chair; Buhr, Hanson of Delaware, Running and Van Camp.

**House Study Bill 70**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House Study Bill 71**

State Government: Connors, Chair; Halvorson of Webster, Hammond, Hanson of Delaware and Shoning.

**House Study Bill 72**

State Government: Connors, Chair; Halvorson of Webster, Hammond, Hanson of Delaware and Shoning.

**House Study Bill 73**

State Government: Blanshan, Chair; Carpenter, Connors, Renaud and Shoning.

**House Study Bill 74**

State Government: Running, Chair; Fuller, Garman, Knapp and Lundby.

**House Study Bill 75**

State Government: Buhr, Chair; Beatty, Carpenter, Fuller and Lundby.

**House Study Bill 76**

State Government: Renaud, Chair; Fuller, Pavich, Renken and Van Camp.

**House Study Bill 83**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House Study Bill 84**

Small Business and Commerce: Groninga, Chair; Brammer, Shultz, Halvorson of Clayton and Schnekloth.

On motion by Arnould of Scott, the House adjourned at 4:09 p.m., until 9:00 a.m., Wednesday, January 28, 1987.

# JOURNAL OF THE HOUSE

Seventeenth Calendar Day — Twelfth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, January 28, 1987

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

Prayer was offered by the Honorable Michael Peterson, state representative from Carroll County.

The Journal of Tuesday, January 27, 1987 was approved.

## INTRODUCTION OF BILLS

**House File 109**, by Running, a bill for an act relating to the required storage areas provided for the use of residents of an intermediate care facility.

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

**House File 110**, by McKean, a bill for an act establishing a comprehensive long-term care and community-based services program for the elderly within the department of elder affairs and making an appropriation.

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

**House File 111**, by Running, a bill for an act relating to personnel and personnel hours of an intermediate care facility.

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

**House File 112**, by Running, a bill for an act relating to the marking of new dentures and eyeglasses obtained for residents of health care facilities, and providing penalties.

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

**House File 113**, by Hester, a bill for an act relating to court reporter responsibilities regarding the reporting of certain trial proceedings.

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

**House File 114**, by Swartz, Neuhauser, May, Fuller, Hansen of Woodbury, Dvorsky, Bisignano, Schrader, and Norrgard, a bill for an act to provide that the liquidated damages provision for the unlawful

taking of animals applies to violations of chapters 111 and 111A as well as chapter 109.

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

**House File 115**, by Running, a bill for an act to provide that candidates for seats in the general assembly may volunteer to abide by certain spending and contribution limits and qualify some of their contributors for an income tax credit.

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

**House File 116**, by Rosenberg, a bill for an act relating to restrictions on deeds of property purchased by the county for delinquent taxes.

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

**House File 117**, by Diemer, Corbett, Spear, Cooper, Plasier, and Hermann, a bill for an act relating to certain modifications of the law with respect to civil actions predicated upon products liability.

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

**House File 118**, by Skow, a bill for an act relating to the real estate transfer tax on the transfer of property by certain federal agencies and instrumentalities.

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

**House File 119**, by Mullins and Beaman, a bill for an act relating to emergency telephone numbers in telephone directories.

Read first time and referred to committee on **small business and commerce.**

**House File 120**, by Van Maanen, a bill for an act relating to the role of the area education agency in the school district reorganization process.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 39**, by committee on education, a bill for an act relating to the date on which the certified enrollment count is taken for pupils enrolled in public schools in this state.

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

**Senate File 40**, by committee on education, a bill for an act relating to the subvention program for the college of osteopathic medicine and surgery and providing an effective date.

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

**Senate File 41**, by committee on education, a bill for an act relating to the reimbursement to a parent or guardian for the cost of transporting the pupil to school when bus transportation is not available, providing for the applicability of the Act, and providing an effective date.

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

### 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 27, 1987, adopted the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 1, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

JOHN F. DWYER, Secretary

### COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

#### BOARD OF ACCOUNTANCY

The annual report covering the period from January 1, 1986 to December 31, 1986, pursuant to Chapter 258A 4.2, Code of Iowa.

#### BOARD OF ARCHITECTURAL EXAMINERS

The annual report covering the period from January 1, 1986 through December 31, 1986, pursuant to Chapter 258A 4.2, Code of Iowa.

#### BOARD OF ENGINEERING AND LAND SURVEYING EXAMINERS

A report of the activities during calendar year 1986, pursuant to Chapter 258A.4, Code of Iowa.

#### BOARD OF LANDSCAPE ARCHITECTURAL EXAMINERS

A report on the enforcement activities during calendar year 1986, pursuant to Chapter 258A.4, Code of Iowa.

#### DEPARTMENT OF COMMERCE

A report from the Professional Licensing and Regulation Division for the five licensing boards encompassed within the division, pursuant to Chapter 258A 4.2, Code of Iowa.

## DEPARTMENT OF EDUCATION

A report of the plans for the expenditure of monies allocated for development of foreign language programs, pursuant to Chapter-1246.105 (1a), 1986 Acts of the Seventy-first General Assembly.

## REAL ESTATE COMMISSION

A report on its enforcement activities during calendar year 1986, pursuant to Chapter 258A.4, Code of Iowa.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 88 Labor and Industrial Relations**

To provide payments to certain members of the police and fire retirement systems following their termination from employment.

**H.S.B. 89 Natural Resources and Outdoor Recreation**

Relating to governmental liability for the operation or maintenance of recreational facilities, and providing an effective date.

## SUBCOMMITTEE ASSIGNMENTS

**House File 55**

Natural Resources and Outdoor Recreation: Dvorsky, Chair; Poney and Tyrrell.

**House File 63**

Labor and Industrial Relations: Bisignano, Chair; Hester and Running.

**House File 78**

Natural Resources and Outdoor Recreation: Koenigs, Chair; Gruhn and Royer.

**House File 93**

Transportation: Fey, Chair; Neuhauser and Platt.

**House File 94**

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

**House File 99**

Transportation: Renaud, Chair; Pavich and Pellett.

**House File 102**

Labor and Industrial Relations: Sherzan, Chair; Metcalf and Running.

**House File 106**

Energy and Environmental Protection: Harper, Chair; Fuller and Swearingen.

**House File 108**

Labor and Industrial Relations: Connors, Chair; Peters and Van Maanen.

**House File 119**

Small Business and Commerce: Blanshan, Chair; Chapman, Groninga, Harbor and Schneklath.

**Senate File 18**

Transportation: Jay, Chair; Fogarty and Royer.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 80**

Natural Resources and Outdoor Recreation: Johnson, Chair; Gruhn and Pellett.

**House Study Bill 82**

Economic Development: Fey, Chair; Hummel and Ollie.

**House Study Bill 87**

Transportation: Koenigs, Chair; Beaman and Cohoon.

**House Study Bill 88**

Labor and Industrial Relations: Connors, Chair; Peters and Van Maanen.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Committee Bill** (Formerly House Study Bill 34), relating to forms of acknowledgements.

Fiscal Note is not required.

Recommended **Do Pass** January 27, 1987.

**Committee Bill** (Formerly House Study Bill 36), relating to the notice required for forfeiture of real estate contracts.

Fiscal Note is not required.

Recommended **Do Pass** January 27, 1987.

**Committee Bill** (Formerly House Study Bill 37), relating to the final report of a personal representative in probate.

Fiscal Note is not required.

Recommended **Do Pass** January 27, 1987.

**Committee Bill** (Formerly House Study Bill 42), relating to transfers to minors by amending the definition of benefit plan to include an individual's retirement account

and by excluding compensation due a minor for services rendered from the types of property or debt eligible for transfer to the custodian of a minor.

Fiscal Note is not required.

Recommended **Do Pass** January 27, 1987.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Committee Bill** (Formerly House Study Bill 60), providing for nonresident hunting licenses for deer and wild turkey.

Fiscal Note is not required.

Recommended **Do Pass** January 27, 1987.

On motion by Arnould of Scott, the House adjourned at 9:19 a.m., until 9:00 a.m., Thursday, January 29, 1987.

# JOURNAL OF THE HOUSE

Eighteenth Calendar Day — Thirteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, January 29, 1987

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

Prayer was offered by the Honorable Jack Holveck, state representative from Polk County.

The Journal of Wednesday, January 27, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Corey of Louisa, from sixty-eight constituents of the 55th District favoring increased funding to the State Transit Assistance Fund.

By Pellett of Cass, from two hundred forty constituents of the 97th District opposing the closing of state liquor stores.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Royer of Page on request of Corey of Louisa; Halvorson of Clayton on request of Harbor of Mills; Brammer of Linn, until his arrival, on request of Arnould of Scott.

## INTRODUCTION OF BILLS

**House File 121**, by Fogarty, a bill for an act relating to the allocation of road use tax funds to the secondary road funds of the counties.

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

**House File 122**, by Black, a bill for an act to authorize hunting with crossbows.

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

**House File 123**, by Harbor, a bill for an act relating to an intended sale of property subject to a lien or a security interest, and imposing criminal penalties.

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

**House File 124**, by Van Camp and Lundby, a bill for an act relating to the establishment of a geriatric medical education program within the college of medicine of the state university of Iowa.

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

**House File 125**, by Stueland, Pellett, Eddie, Osterberg, Johnson, De Groot, Van Maanen, Bennett, Branstad, Fogarty, Cooper and Gruhn, a bill for an act providing for the grading and marking of Iowa Seal grain, and providing penalties.

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

**House File 126**, by Running, a bill for an act relating to statutory provisions for a Constitutional convention following the approval of a convention by the voters.

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

**House File 127**, by Running, a bill for an act requiring licensure of hospice programs.

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

**House File 128**, by Black, a bill for an act prohibiting commercial fishing on the inland waters of the state and subjecting violators to a penalty.

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

**House File 129**, by committee on judiciary and law enforcement, a bill for an act relating to forms of acknowledgements.

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

**House File 130**, by committee on judiciary and law enforcement, a bill for an act relating to the notice required for forfeiture of real estate contracts.

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

**House File 131**, by committee on judiciary and law enforcement, a bill for an act relating to transfers to minors by amending the definition of benefit plan to include an individual's retirement account and by excluding compensation due a minor for services rendered from the types of property or debt eligible for transfer to the custodian of a minor.

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

**House File 132**, by committee on judiciary and law enforcement, a bill for an act relating to the final report of a personal representative in probate.

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

On motion by Arnould of Scott, the House was recessed at 9:16 a.m., until 11:45 a.m.

The House reconvened, Speaker Avenson in the chair.

### INTRODUCTION OF BILLS

**House File 133**, by committee on natural resources and outdoor recreation, a bill for an act providing for nonresident hunting licenses for deer and wild turkey.

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

**House File 134**, by committee on energy and environmental protection, a bill for an act relating to the delegation of the authority to prevent, abate, or control air pollution.

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

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### STATE OF MINNESOTA

A house resolution expressing the sense of the House of Representatives that the United States Congress propose an amendment to the United States Constitution to protect human life.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 90 Local Government**

Relating to the issuance of city and county general purpose bonds by approval of a majority of the voters.

#### **H.S.B. 91 Natural Resources and Outdoor Recreation**

To increase the fee for the wildlife habitat stamp.

#### **H.S.B. 92 Natural Resources and Outdoor Recreation**

Authorizing the levy of a property tax for the county conservation board reserve fund by referendum.

## SUBCOMMITTEE ASSIGNMENTS

**House File 41**

Judiciary and Law Enforcement: Doderer, Chair; Carpenter, Hammond, Poncey and Schnekloth.

**House File 49**

Judiciary and Law Enforcement: Renaud/Poncey, Co-Chairs; and Carpenter.

**House File 58**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House File 64**

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Haverland and Kremer.

**House File 67**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 75**

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

**House File 109**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 110**

Human Resources: Fey, Chair; Harper, Hester, Peters and Swearingen.

**House File 111**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 112**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 118**

Ways and Means: Holveck, Chair; Miller and Wise.

**House File 120**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 127**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**Senate File 39**

Education: Shoultz, Chair; Beaman and Harper.

**Senate File 40**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**Senate File 41**

Education: Connolly, Chair; Beaman, Corey, Harper and Teaford.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 3**

Ways and Means: Groninga, Chair; Daggett and Johnson.

**House Study Bill 4**

Ways and Means: Fey, Chair; Chapman and Hanson of Delaware.

**House Study Bill 45**

Ways and Means: Brammer, Chair; Bennett and Wise.

**House Study Bill 77**

Judiciary and Law Enforcement: Knapp, Chair; Haverland and Schnekloth.

**House Study Bill 78**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 79**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON EDUCATION**

**Senate File 39**, a bill for an act relating to the date on which the certified enrollment count is taken for pupils enrolled in public schools in this state.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 1987.

**Committee Bill** (Formerly House Study Bill 48), to strike the repeal of a tax for equipment replacement at the area schools.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 1987.

**COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION**

**Committee Bill** (Formerly House Study Bill 2), relating to the delegation of the authority to prevent, abate, or control air pollution.

Fiscal Note is not required.

Recommended **Do Pass** January 28, 1987.

**COMMITTEE ON ETHICS**

**Senate File 19**, a bill for an act relating to the giving of gifts to public employees and officials and to candidates and subjecting violators to a penalty and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3022** January 29, 1987.

**Committee Resolution**, a resolution relating to the code of ethics of the house of representatives.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 1987.

**Committee Resolution**, a resolution relating to the rules for lobbyists in the house of representatives.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 1987.

**RESOLUTIONS FILED**

**HR 3**, by committee on ethics, a resolution relating to the code of ethics of the house of representatives.

Laid over under **Rule 25**.

**HR 4**, by committee on ethics, a resolution relating to the rules for lobbyists in the house of representatives.

Laid over under **Rule 25**.

**AMENDMENT FILED**

H-3022                      S.F.                      19                      Committee on Ethics

On motion by Arnould of Scott, the House adjourned at 11:52 a.m., until 10:00 a.m., Monday, February 2, 1987.

# JOURNAL OF THE HOUSE

Twenty-second Calendar Day — Fourteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 2, 1987

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

Prayer was offered by the Honorable Jane Teaford, state representative from Black Hawk County.

The Journal of Thursday, January 29, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Halvorson of Webster, from one hundred five Iowans favoring House File 65, an act to repeal the private sale of alcoholic liquor for consumption off the licensed premises.

## INTRODUCTION OF BILLS

**House Joint Resolution 8**, by Spear, Harper, Gruhn, Connors, Diemer and Shoning, a joint resolution proposing an amendment to the Constitution of the State of Iowa to allow the General Assembly to prescribe by law when a person who is convicted of a felony or who is mentally ill or mentally retarded shall be entitled to the privilege of an elector.

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

**House Joint Resolution 9**, by Spear, Gruhn, Connors, Diemer and Shoning, a joint resolution proposing an amendment to the Constitution of the State of Iowa removing the disqualification from office for parties to a duel.

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

**House Joint Resolution 10**, by Spear, Cooper, Diemer and Shoning, 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 135**, by Carpenter, Swearingen and Beaman, a bill for an act relating to absentee voting which provides a special ballot for

state primary as well as general elections to qualified electors residing, stationed, or working outside of the continental United States and establishes that a ballot request by a member of the armed forces for a primary election is also a request for the general election.

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

**House File 136**, by Van Camp and Lundby, a bill for an act relating to the disclosure of information concerning the family of a health care facility resident to a care review committee member.

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

**House File 137**, by Blanshan, a bill for an act relating to the enrollment of certain pupils in contiguous school districts upon the request of the parent or guardian and providing that the Act takes effect upon its enactment for the school year commencing July 1, 1987.

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

**House File 138**, by Fuller, a bill for an act relating to the issuance of deer and turkey hunting licenses.

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

**House File 139**, by Bisignano, a bill for an act relating to protection of court records relating to certain judgment debts from public disclosure after one year from the date a judgment debt has been paid off or satisfied in full; restricting the denial of credit based upon a sealed judgment debt; and providing penalties.

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

**House File 140**, by Poncy, a bill for an act relating to the self-inflicted injury or death of persons being held in a city or county jail or detention facility.

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

### SENATE MESSAGE CONSIDERED

**Senate Joint Resolution 1**, by committee on state government, a joint resolution proposing amendments to the Constitution of the State of Iowa relating to the offices of the governor and lieutenant governor.

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 28, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 29, a bill for an act relating to the movement of certain vehicles on the public highways of the state by authorizing the movement of motor homes with an outside width up to eight feet six inches and the movement of mobile homes by transporters.

Also: That the Senate has on January 27, 1987, concurred in the House amendment and adopted the following concurrent resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 3, a concurrent resolution relating to joint rules of the senate and house for the seventy-second general assembly.

JOHN F. DWYER, Secretary

The House stood at ease at 10:16 a.m., until the fall of the gavel.

The House resumed session at 11:52 a.m., Speaker Avenson in the chair.

On motion by Arnould of Scott, the House was recessed at 12:11 p.m., until 4:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### INTRODUCTION OF BILLS

**House File 141**, by committee on education, a bill for an act to strike the repeal of the tax for equipment replacement at the area schools.

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

**House File 142**, by committee on natural resources and outdoor recreation, a bill for an act relating to the operation of motorboats.

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

**House File 143**, by committee on natural resources and outdoor recreation, a bill for an act relating to park user permits and providing a penalty.

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 2, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 68, a bill for an act relating to the effective dates of laws and resolutions passed by the general assembly, providing for the applicability of the Act, and providing an effective date.

JOHN F. DWYER, Secretary

### REREFERRED TO COMMITTEE (House File 143)

Cooper of Lucas asked and received unanimous consent that House File 143, placed on the **regular calendar**, be rereferred to the committee on **natural resources and outdoor recreation**.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the immediate consideration of Senate File 19 and House Resolutions 3 and 4 and that House Rule 31.8, relating to the filing of amendments, be suspended for their consideration.

### CONSIDERATION OF BILLS Regular Calendar

**Senate File 19**, a bill for an act relating to the giving of gifts to public employees and officials and to candidates and subjecting violators to a penalty and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Holveck of Polk offered the following amendment H-3022 filed by the committee on ethics:

H-3022

- 1 Amend Senate File 19 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 68B.2, Code 1987, is amended by
- 6 striking the section and inserting the following:
- 7 68B.2 DEFINITIONS.
- 8 When used in this chapter, unless the context
- 9 otherwise requires:
- 10 1. "Compensation" means any money, thing of value,

11 or financial benefit conferred in return for services  
12 rendered or to be rendered.

13 2. "Legislative employee" means any full-time  
14 officer or employee of the general assembly but shall  
15 not include members of the general assembly.

16 3. "Member of the general assembly" means any  
17 individual duly elected to the senate or the house of  
18 representatives of the state of Iowa.

19 4. "Regulatory agency" means department of  
20 agriculture and land stewardship, department of  
21 employment services, department of commerce,  
22 department of public health, department of public  
23 safety, department of education, state board of  
24 regents, department of human services, department of  
25 revenue and finance, department of inspections and  
26 appeals, department of personnel, public employment  
27 relations board, department of transportation, civil  
28 rights commission, department of public defense, and  
29 department of natural resources.

30 5. "Employee" means any full-time, salaried  
31 employee of the state of Iowa and does not include  
32 part-time employees or independent contractors.  
33 Employee shall include but not be limited to all  
34 clerical personnel.

35 6. "Official" means any officer of the state of  
36 Iowa receiving a salary or per diem whether elected or  
37 appointed or whether serving full-time or part-time.  
38 Official shall include but not be limited to all  
39 supervisory personnel and members of state agencies  
40 and shall not include members of the general assembly  
41 or legislative employees.

42 7. "State agency" means any state department or  
43 division, board, commission, or bureau of the state  
44 including regulatory agencies.

45 8. "Candidate" means a candidate as defined in  
46 section 56.2 for a statewide office or the general  
47 assembly.

48 9. "Gift" means a rendering of money, property,  
49 services, discount, loan forgiveness, payment of  
50 indebtedness, or anything else of value in return for

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1 which legal consideration of equal or greater value is  
2 not given and received, if the donor:

3 (1) Is doing or seeking to do business of any kind  
4 with the donee's agency;

5 (2) Is engaged in activities which are regulated  
6 or controlled by the donee's agency;

7 (3) Has financial interests which may be  
8 substantially and materially affected, in a manner  
9 distinguishable from the public generally, by the  
10 performance or nonperformance of the donee's duty; or

- 11 (4) Is a lobbyist with respect to matters within  
12 the donee's jurisdiction.
- 13 However, "gift" does not mean any of the following:
- 14 a. Campaign contributions.
- 15 b. Informational material relevant to a public  
16 servant's official functions, such as books,  
17 pamphlets, reports, documents, or periodicals, and  
18 registration fees or tuition not including travel or  
19 lodging, for not more than three days, at seminars or  
20 other public meetings conducted in this state, at  
21 which the public servant receives information relevant  
22 to the public servant's official functions.
- 23 c. Anything received from a person related within  
24 the fourth degree by kinship or marriage, unless the  
25 donor is acting as an agent or intermediary for  
26 another person not so related.
- 27 d. Anything which is donated within thirty days  
28 after its receipt to a public body or to a bona fide  
29 educational or charitable organization, without the  
30 donation being claimed by the donor to the  
31 organization at any time as a charitable contribution  
32 for tax purposes.
- 33 e. An inheritance.
- 34 f. Anything available to or distributed to the  
35 public generally without regard to official status of  
36 the recipient.
- 37 g. Honoraria.
- 38 h. Food, beverages, registration, and scheduled  
39 entertainment at group events to which all members of  
40 the general assembly are invited.
- 41 i. Reasonable expenses for food, beverages,  
42 travel, lodging, registration, and scheduled  
43 entertainment of the donee for a meeting which is  
44 given in return for participation in a panel or  
45 speaking engagement at the meeting.
- 46 10. "Local official" and "local employee" mean an  
47 official or employee of the political subdivisions of  
48 this state.
- 49 11. "Public disclosure" means a written report  
50 filed by the fifteenth day of the month following the

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- 1 month in which a gift is received as required by this  
2 chapter or required by rules adopted pursuant to this  
3 chapter.
- 4 12. "Immediate family members" means the spouse or  
5 minor children of a person required to file reports  
6 pursuant to this chapter or required by the rules  
7 adopted or executive order issued pursuant to this  
8 chapter.
- 9 13. "Doing business with the state or a political

10 subdivision" means being a party to any one or any  
11 combination of sales, purchases, leases, or contracts  
12 to, from, or with the state or a political  
13 subdivision, or any agency thereof, involving  
14 consideration of five thousand dollars or more on a  
15 cumulative basis during a calendar year, provided that  
16 in the case of the awarding or execution of a contract  
17 or lease, the total ascertainable consideration at the  
18 time of the making of the contract or lease thereby  
19 committed to be paid, regardless of the period of time  
20 over which such payments are to be made, shall be  
21 included within the calendar year of such award or  
22 execution.

23 When the terms "legislative employee", "member of  
24 the general assembly", "candidate", "employee", "local  
25 employee," "official" or "local official" are used in  
26 this chapter, they include a firm or association of  
27 which any of those persons is a member or partner and  
28 a corporation of which any of those persons holds ten  
29 percent or more of the stock either directly or  
30 indirectly, and the spouse and minor children of any  
31 of those persons.

32 Sec. 2. Section 68B.5, Code 1987, is amended by  
33 striking the section and inserting in lieu thereof  
34 following:

35 68B.5 GIFTS SOLICITED OR ACCEPTED.

36 1. An official, employee, local official, local  
37 employee, member of the general assembly, candidate,  
38 or legislative employee shall not, directly or  
39 indirectly, solicit, accept, or receive from any one  
40 donor any gift or any series of gifts having a value  
41 of fifty dollars or more in any one calendar day.

42 2. A person shall not, directly or indirectly,  
43 offer or make any gift or series of gifts to an  
44 official, employee, local official, local employee,  
45 member of the general assembly, candidate or  
46 legislative employee which has a value in excess of  
47 fifty dollars in any one calendar day. A person shall  
48 not, directly or indirectly, join with one or more  
49 other persons to offer or make any gift or series of  
50 gifts to an official, employee, local official, local

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1 employee, member of the general assembly, candidate or  
2 legislative employee which has a total value in excess  
3 of fifty dollars in any one calendar day.

4 Sec. 3. Section 68B.10, subsection 3, Code 1987,  
5 is amended to read as follows:

6 3. Issue advisory opinions interpreting the intent  
7 of constitutional and statutory provisions relating to  
8 legislators and lobbyists as well as interpreting the

9 code of ethics and rules issued pursuant to this  
 10 section. Opinions shall be issued when approved by a  
 11 majority of the seven members and may be issued upon  
 12 the written request of a member of the general  
 13 assembly or upon the committee's initiation. Opinions  
 14 are not binding on the legislator or lobbyist.

15 Sec. 4. Section 68B.10, subsection 4 and  
 16 unnumbered paragraph 5, Code 1987, are amended to read  
 17 as follows:

18 4. Investigate complaints and charges of official  
 19 misconduct against members of its house and if  
 20 warranted, report the results of such investigation to  
 21 its house with recommendations for further action.

22 Violation of the code of ethics may result in the  
 23 suspension of a member from the general assembly and  
 24 the forfeiture of the member's salary if directed by a  
 25 two-thirds vote of the house to which the member  
 26 belongs. Such suspension or forfeiture of salary  
 27 shall be for such duration as specified in the  
 28 directing resolution provided however, that it cannot  
 29 extend beyond the date of adjournment of the session  
 30 end of the general assembly during which the violation  
 31 occurred. Violation of the rules relating to

32 lobbyists and lobbying activities may result in the  
 33 suspension of any lobbyist if directed by a two-thirds  
 34 vote of the house wherein the violation occurred.

35 Sec. 5. Section 68B.10, Code 1987, is amended by  
 36 adding the following new unnumbered paragraph after  
 37 subsection 5:

38 NEW UNNUMBERED PARAGRAPH. The ethics committee may  
 39 employ an independent legal counsel to assist it in  
 40 carrying out its duties under this chapter with the  
 41 approval of its house during a legislative session and  
 42 with the approval of the speaker of the house for the  
 43 house committee or the senate majority leader for the  
 44 senate committee when the general assembly is not in  
 45 session. Payment of costs for the independent legal  
 46 counsel shall be made from section 2.12.

47 Sec. 6. Section 68B.11, Code 1987, is amended by  
 48 striking the section and inserting in lieu thereof the  
 49 following:

50 68B.11 REPORTING OF GIFTS AND FINANCIAL

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1 DISCLOSURE.

2 1. The house of representatives and the senate  
 3 shall adopt rules requiring the reporting of gifts  
 4 made to members of the general assembly, legislative  
 5 employees and their immediate family members. The  
 6 rules shall require public disclosure of the nature,  
 7 amount, date and donor of any gift or gifts from any

8 one donor made to one of those individuals which  
9 exceeds fifteen dollars in cumulative value in any one  
10 calendar day. The rules shall require such disclosure  
11 by both the donor and donee.

12 2. The governor shall issue an executive order  
13 requiring the reporting of gifts made to officials and  
14 employees of the executive department of the state and  
15 their immediate family members. The executive order  
16 shall require public disclosure of the nature, amount,  
17 date and donor of any gift or gifts from any one donor  
18 made to one of those individuals which exceeds fifteen  
19 dollars in cumulative value in any one calendar day.  
20 The executive order shall require such disclosure by  
21 both the donor and donee.

22 3. The supreme court of this state shall adopt  
23 rules requiring the reporting of gifts made to  
24 officials and employees of the judicial department of  
25 this state and their immediate family members. The  
26 rules shall require public disclosure of the nature,  
27 amount, date and donor of any gift or gifts from any  
28 one donor made to one of those individuals which  
29 exceeds fifteen dollars in cumulative value in any one  
30 calendar day. The rules shall require such disclosure  
31 by both the donor and donee.

32 4. The governing body of a political subdivision  
33 of this state shall adopt rules requiring the  
34 reporting of gifts made to its respective members or  
35 their immediate family members and employees of the  
36 political subdivision of this state or their immediate  
37 family members. Such rules as adopted shall require  
38 public disclosure of the nature, amount, date and  
39 donor of any gift or gifts from any one donor made to  
40 one of those individuals having a cumulative value  
41 which exceeds fifteen dollars in any one calendar day.  
42 The rules shall require such disclosure by both the  
43 donor and donee. Copies of the rules and reports  
44 shall be filed with the county auditor of the county  
45 in which the political subdivision is located.

46 The secretary of state shall develop a standard  
47 form for public disclosure of gifts in compliance with  
48 this subsection which shall be available at every  
49 county auditor's office without cost.

50 5. a. The value to a donor of a gift made by more

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1 than one individual to one or more donees shall be  
2 determined by dividing the total value of the donor's  
3 contribution to the gift by the number of individuals  
4 receiving the gift. However, in determining the value  
5 of a gift, an individual making a gift on behalf of  
6 more than one person shall not divide the value of the

7 gift by the number of persons on whose behalf the gift  
8 is made.

9 b. The value of a gift to the donee is the value  
10 actually received. An individual in whose honor an  
11 event is held is the donee of only those gifts  
12 actually received by that individual, and is not the  
13 donee of gifts that may be provided to other persons  
14 in attendance at the event.

15 c. For the purposes of the reporting requirements  
16 of this section, any donor of a gift made by more than  
17 one individual to one or more donees shall report the  
18 gift if the total value of the gift to the donee  
19 exceeds fifteen dollars.

20 6. Expenses for food, beverages, registration, and  
21 scheduled entertainment at group events to which all  
22 members of the general assembly have been invited  
23 shall be reported for each such event by reporting the  
24 date, location, and total expense incurred by the  
25 donor or donors.

26 7. Reporting requirements adopted or issued under  
27 this section shall apply to gifts given by lobbyists  
28 to an official or employee at a location outside the  
29 state.

30 8. Reporting requirements adopted or issued under  
31 this section may include requirements relating to the  
32 reporting of income which is not a gift.

33 9. A person who does not make public disclosure of  
34 gifts as required by the rules adopted or executive  
35 order issued pursuant to this chapter or who does not  
36 make public disclosure as required by this chapter  
37 shall be guilty of a serious misdemeanor.

38 Sec. 7. Section 722.1, Code 1987, is amended by  
39 striking the section and inserting in lieu thereof the  
40 following:

41 **722.1 BRIBERY.**

42 A person who offers, promises or gives anything of  
43 value or any benefit to any person who is serving or  
44 has been elected, selected, appointed, employed or  
45 otherwise engaged to serve in a public capacity,  
46 including any public officer or employee, any referee,  
47 juror or venireman, or any witness in any judicial or  
48 arbitration hearing or any official inquiry, or any  
49 member of a board of arbitration, pursuant to an  
50 agreement or arrangement or with the understanding

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1 that the promise or thing of value or benefit will  
2 influence the act, vote, opinion, judgment, decision  
3 or exercise of discretion of such person with respect  
4 to the person's services in such capacity commits a  
5 class "D" felony. In addition, any person convicted

6 under this section shall be disqualified from holding  
7 public office under the laws of this state.

8 Sec. 8. Section 722.2, Code 1987, is amended by  
9 striking the section and inserting in lieu thereof the  
10 following:

11 722.2 ACCEPTING BRIBE.

12 Any person who is serving or has been elected,  
13 selected, appointed, employed or otherwise engaged to  
14 serve in a public capacity, including any public  
15 officer or employee, any referee, juror or jury panel  
16 member, or any witness in any judicial or arbitration  
17 hearing or any official inquiry, or any member of a  
18 board of arbitration who shall solicit or knowingly  
19 accept or receive any promise or anything of value or  
20 any benefit given pursuant to an understanding or  
21 arrangement that the promise or thing of value or  
22 benefit will influence the act, vote, opinion,  
23 judgment, decision or exercise of discretion of such  
24 person with respect to the person's services in that  
25 capacity commits a class "C" felony. In addition, any  
26 person convicted under this section shall be  
27 disqualified from holding public office under the laws  
28 of this state.

29 Sec. 9. This Act is effective upon enactment."

Carpenter of Polk offered the following amendment H—3032, to the committee amendment H—3022, filed by her from the floor and moved its adoption:

H—3032

- 1 Amend the Committee amendment H—3022 to Senate File
- 2 19, as amended, passed and reprinted as follows:
- 3 1. Page 2, by striking lines 38-40.

A non-record roll was requested.

The ayes were 35, nays 51.

Amendment H—3032 lost.

Holveck of Polk offered the following amendment H—3030, to the committee amendment H—3022, filed by him from the floor and moved its adoption:

H—3030

- 1 Amend the Committee amendment H—3022 to Senate File
- 2 19 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 3, lines 46 and 47, by striking the words
- 5 "in excess of fifty dollars" and inserting the words
- 6 "of fifty dollars or more".
- 7 2. Page 4, lines 2 and 3, by striking the words

- 8 "in excess of fifty dollars" and inserting the words  
9 "of fifty dollars or more".

Amendment H—3030 was adopted.

Carpenter of Polk offered the following amendment H—3026, to the committee amendment H—3022, filed by her from the floor and moved its adoption:

H—3026

- 1 Amend the Committee amendment H—3022 to Senate File  
2 19 as amended, passed and reprinted by the Senate as  
3 follows:  
4 1. Page 6, by inserting after line 37 the  
5 following:  
6 "10. The rules adopted under subsections 1, 2, and  
7 4 shall require elected officials, local officials and  
8 members of the general assembly to file their reports  
9 under this section with the officer with whom their  
10 campaign finance disclosure reports would be filed  
11 under chapter 56."

A non-record roll call was requested.

The ayes were 29; nays 53.

Amendment H—3026 lost.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearing in of Keokuk, for the afternoon session only, on request of Stromer of Hancock.

Hermann of Scott offered the following amendment H—3035, to the committee amendment H—3022, filed from the floor by him and De Groot of Lyon:

H—3035

- 1 Amend amendment H—3022 to Senate File 19 as  
2 amended, passed, and reprinted by the Senate as  
3 follows:  
4 1. Page 4, by striking lines 4 through 46 and  
5 inserting the following:  
6 "Sec. 3. Section 68B.10, Code 1987, is amended by  
7 striking the section and inserting in lieu thereof the  
8 following:  
9 68B.10 LEGISLATIVE ETHICS COMMISSION.  
10 There is established a commission on legislative  
11 ethics which shall consist of six members appointed by  
12 the supreme court, one from each congressional  
13 district, and one member appointed by the governor.

14 The appointments shall be for a term coinciding with  
15 the term of the general assembly and shall be subject  
16 to confirmation by the senate. Vacancies shall be  
17 filled in the same manner as the original appointment  
18 for the balance of the term.

19 The members of the commission shall receive a per  
20 diem of forty dollars and travel expenses at the same  
21 rate as paid members of interim committees for  
22 attending meetings of the ethics commission. The per  
23 diem and expenses shall be paid from funds  
24 appropriated by section 2.12.

25 The commission shall elect a chairperson and shall  
26 have the following powers, duties and functions:

27 1. Prepare a code of ethics within thirty days  
28 after the commencement of the session for each house.

29 2. Prepare rules relating to lobbyists and  
30 lobbying activities in the general assembly for each  
31 house.

32 3. Issue advisory opinions interpreting  
33 constitutional and statutory provisions relating to  
34 legislators and lobbyists as well as interpreting the  
35 code of ethics and rules issued pursuant to this  
36 section. Opinions shall be issued when approved by a  
37 majority of the seven members and may be issued upon  
38 the written request of a member of the general  
39 assembly or upon the commission's initiation.  
40 Opinions are not binding on the legislator or the  
41 lobbyist.

42 4. Investigate complaints and charges of official  
43 misconduct against members of either house and if  
44 warranted, report the results of such investigation to  
45 the member's house with recommendations for further  
46 action.

47 5. Recommend legislation to each house relating to  
48 legislative ethics and lobbying activities.

49 The code of ethics and rules relating to lobbyists  
50 and lobbying activities shall not become effective

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1 until approved by the members of the house to which  
2 the proposed code and rules apply. The code or rules  
3 may be amended either upon the recommendation of the  
4 ethics commission or by members of the general  
5 assembly.

6 Violation of the code of ethics may result in the  
7 suspension of a member from the general assembly and  
8 the forfeiture of the member's salary if directed by a  
9 two-thirds vote of the house to which the member  
10 belongs. Such suspension or forfeiture of salary  
11 shall be for such duration as specified in the

12 directing resolution provided however, that it cannot  
 13 extend beyond the end of the general assembly during  
 14 which the violation occurred. Violation of the rules  
 15 relating to lobbyists and lobbying activities may  
 16 result in the suspension of any lobbyist if directed  
 17 by a two-thirds vote of the house wherein the  
 18 violation occurred.

19 The ethics commission may employ an independent  
 20 legal counsel to assist it in carrying out its duties  
 21 under this chapter with the approval of the  
 22 legislative council. Payment of costs for the  
 23 independent legal counsel shall be made from section  
 24 2.12."

Hanson of Delaware in the chair at 5:05 p.m.

Speaker Avenson in the chair at 5:10 p.m.

Hermann of Scott moved the adoption of amendment H—3035, to the committee amendment H—3022.

Roll call was requested by Hermann of Scott and Bennett of Ida.

On the question "Shall amendment H—3035, to the committee amendment H—3022, be adopted?" (S.F. 19)

The ayes were, 42:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Mullins	Neuhauser
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Running
Schnekloth	Shoning	Stueland	Teaford
Van Camp	Van Maanen		

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Muhlbauer	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg

Schrader	Sherzan	Shoultz	Skow
Spear	Svoboda	Swartz	Tabor
Tyrrell	Wise	Mr. Speaker	

Absent or not voting, 3:

Siegrist	Stromer	Swearingen
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Amendment H—3035 lost.

Carpenter of Polk offered the following amendment H—3043, to the committee amendment H—3022, filed by her from the floor and moved its adoption:

H—3043

- 1 Amend the Committee amendment H—3022 to Senate File
- 2 19 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. Page 5, line 9, by striking the word "fifteen"
- 5 and inserting the word "ten".
- 6 2. Page 5, line 18, by striking the word
- 7 "fifteen" and inserting the word "ten".
- 8 3. Page 5, line 29, by striking the word
- 9 "fifteen" and inserting the word "ten".
- 10 4. Page 5, line 41, by striking the word
- 11 "fifteen" and inserting the word "ten".
- 12 5. Page 6, line 19, by striking the word
- 13 "fifteen" and inserting the word "ten".

Amendment H—3043 lost.

Hanson of Delaware offered the following amendment H—3038, to the committee amendment H—3022, filed from the floor by Hanson of Delaware, De Groot, Johnson, McKean, Carpenter, Clark, Hermann, Tyrrell, Teaford, Mullins and Osterberg and moved its adoption:

H—3038

- 1 Amend the Committee amendment H—3022 to Senate File
- 2 19 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 3, lines 37 and 38, by striking the words
- 5 "member of the general assembly, candidate, or
- 6 legislative employee" and inserting the following:
- 7 "or candidate to be an official or local official".
- 8 2. Page 3, lines 45 and 46, by striking the words
- 9 "member of the general assembly, candidate or
- 10 legislative employee" and inserting the following:
- 11 "or candidate to be an official or local official".
- 12 3. Page 4, lines 1 and 2, by striking the words
- 13 "member of the general assembly, candidate or
- 14 legislative employee" and inserting the following:
- 15 "or candidate to be an official or local official".

16 4. Page 4, by inserting after line 3 the  
 17 following:  
 18 "3. A member of the general assembly, candidate  
 19 for the general assembly, legislative employee, or  
 20 their immediate family members shall not, directly or  
 21 indirectly, solicit, accept or receive a gift. A  
 22 person shall not, directly or indirectly, make or join  
 23 with others to make a gift to a member of the general  
 24 assembly, candidate for the general assembly,  
 25 legislative employee, or their immediate family  
 26 members. If a person is subject to this subsection  
 27 and another subsection of this section, the  
 28 limitations of this subsection shall prevail. For the  
 29 purpose of this subsection the exclusion from the  
 30 definition of "gift" provided by section 68B.2,  
 31 subsection 9, paragraph "h", does not apply."

A non-record roll call was requested.

The ayes were 36, nays 50.

Amendment H—3038 lost.

On motion by Holveck of Polk, the committee amendment H—3022, as amended, was adopted.

Holveck 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. 19)

The ayes were, 63:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	May	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Schrader
Sherzan	Shoultz	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 34:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Corey
Daggett	De Groot	Diemer	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Lundby
Maulsby	McKean	Metcalf	Miller
Petersen, D. F.	Plasier	Renken	Royer
Running	Schneklath	Shoning	Stueland
Tyrrell	Van Maanen		

Absent or not voting, 3:

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

### ADOPTION OF HOUSE RESOLUTION 3

Holveck of Polk called up for consideration House Resolution 3 as follows:

1                                   House Resolution 3  
 2                                   By Committee On Ethics  
 3       A House Resolution relating to the code of ethics  
 4       of the house of representatives.  
 5       *Whereas*, section 68B.10 of the Iowa Code requires  
 6       the ethics committee in the house to prepare rules  
 7       relating to the code of ethics; and  
 8       *Whereas*, according to the statute, the rules are  
 9       not in effect until approved by the members of the  
 10      house; *Now Therefore*,  
 11      *Be It Resolved By The House Of Representatives*,  
 12      That the house code of ethics for the seventy-second  
 13      general assembly shall be:  
 14                                   HOUSE CODE OF ETHICS  
 15      Recognizing that members of the General Assembly  
 16      are honorable citizens who are active in the business,  
 17      religious and public service affairs of their  
 18      community, state, and nation, the following rules were  
 19      adopted pursuant to chapter 68B of the Code, to assist  
 20      the members in the conduct of their legislative  
 21      affairs.  
 22      1. A member of the house shall not accept economic  
 23      or investment opportunity under circumstances where  
 24      the member knows, or should know, that there is a  
 25      reasonable possibility that the opportunity is being  
 26      afforded with the intent to influence the member's  
 27      conduct in the performance of official duties.  
 28      2. A member of the house shall not charge to or  
 29      accept from a person known to have a legislative  
 30      interest, a price, fee, compensation, or other

**Page 2**

1 consideration for the sale or lease of any property or  
2 the furnishing of services which is in excess of that  
3 which the member would ordinarily charge another  
4 person.

5 3. A member of the house, in order to further the  
6 member's own economic interests, or those of any other  
7 person, shall not disclose or use confidential  
8 information acquired in the course of the member's  
9 official duties.

10 4. A member of the house may appear before a state  
11 agency in any representation case. Whenever a member  
12 of the house appears before a state agency, the member  
13 shall carefully avoid all conduct which might in any  
14 way lead members of the general public to conclude  
15 that the member is using the member's official  
16 position to further the member's professional success  
17 or general interest.

18 5. In order to permit the general assembly to  
19 function effectively, members of the house will, of  
20 necessity, be required to vote on bills and  
21 participate in committee work which will affect their  
22 employment and other areas in which they may have a  
23 monetary interest. Action on bills and in committee  
24 work which specifically deal with a member's specific  
25 employment or specific investment, as opposed to a  
26 profession, trade, or business in general, should be  
27 avoided. In making a decision relating to a member's  
28 activity on particular bills or in committee work  
29 which are subject to this code, the following factors  
30 should be considered:

**Page 3**

1 a. Whether a substantial threat to the member's  
2 independence of judgment has been created by the  
3 conflict situation.

4 b. The effect of the member's participation on  
5 public confidence in the integrity of the legislature.

6 c. Whether the member's participation is likely to  
7 have any significant effect on the disposition of the  
8 matter.

9 d. The need for the member's particular  
10 contribution, such as special knowledge of the subject  
11 matter, to the effective functioning of the  
12 legislature.

13 The member may, however, decide to participate in a  
14 manner contrary to the economic interest which creates  
15 the conflict situation, but if the member abstains,  
16 the member should disclose that fact to the  
17 legislative body.

18 6. Members of the house are urged to familiarize

19 themselves with chapters 68B, 721 and 722 and section  
20 711.4 of the Code.

21 7. Members of the house shall not charge any  
22 amount or item to a charge account held in the name of  
23 a lobbyist or any organization a lobbyist represents.

24 8. Each member of the house shall file with the  
25 chief clerk of the house within ten days after the  
26 adoption of the code of ethics by the house, and  
27 within ten days after the convening of the second  
28 session of the general assembly, a statement on forms  
29 provided by the chief clerk of the house setting forth  
30 the following information:

**Page 4**

1 a. The nature of each business in which the member  
2 is engaged and the nature of the business of each  
3 company in which the member has a financial interest.  
4 A member shall not be required to file a report or be  
5 assumed to have a financial interest if an investment  
6 in stocks, bonds, bills, notes, mortgages or other  
7 securities offered for sale through recognized  
8 financial brokers is less than five percent of the  
9 total outstanding issue of any such stock, bonds,  
10 bills, notes, mortgages or other securities of the  
11 offering entity.

12 b. The name of any state or national business,  
13 trade, labor, farm, professional, religious,  
14 educational or charitable association, foundation or  
15 organization which is involved in supporting or  
16 opposing legislation brought before the general  
17 assembly and by which the member, the member's partner  
18 or business associate is employed or retained or has  
19 rendered services for compensation within the last  
20 twelve months.

21 c. Every office or directorship held by the member  
22 in any corporation, firm, enterprise, labor union,  
23 farm organization, cooperative, religious, educational  
24 or charitable association or organization, or trade or  
25 professional association held during the last twelve  
26 months and every membership in such an organization  
27 which is engaged in actively supporting or opposing  
28 legislation in the general assembly. The name of the  
29 entity shall be set out.

30 Disclosures required under this rule shall be as of

**Page 5**

1 the date filed unless provided to the contrary, and  
2 shall be amended to include interests and changes  
3 encompassed by this rule that occur while the general  
4 assembly is in session. All filings under this rule  
5 shall be open to public inspection in the office of

6 the chief clerk of the house at all reasonable times.

7 The chief clerk of the house shall inform the  
8 ethics committee of the statements which are filed and  
9 shall report to the ethics committee the names of any  
10 members who appear not to have filed complete  
11 statements. The ethics committee shall require any  
12 member who appears not to have filed a complete  
13 statement to appear before the committee.

14 9. Members, officers and employees of the house  
15 shall file a report with the chief clerk of the house  
16 of the acceptance from any one donor of any gift or  
17 series of gifts made to them or to each immediate  
18 family member which exceeds fifteen dollars in  
19 cumulative value during any one calendar day. The  
20 report shall list the nature, date and donor of the  
21 gift.

22 The reports shall be filed in the office of the  
23 chief clerk of the house by the fifteenth day of the  
24 month following the month in which a gift is provided  
25 which is required to be reported. Subject to the  
26 approval of the committee on ethics, the chief clerk  
27 of the house shall prepare forms for the filing of  
28 these reports and make them available to any person  
29 who is required to file a report. The reports filed  
30 shall be maintained by the chief clerk of the house

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1 and be available for public inspection as provided in  
2 chapter 22 of the Code. The committee on ethics may  
3 authorize the chief clerk of the house to prepare and  
4 make available to the public an annual summary of the  
5 reports filed under this rule.

6 10. A complaint under these rules or under section  
7 68B.10, subsection 4, of the Code against any member  
8 of the house or a lobbyist operating in the house  
9 shall be in writing, made under oath and filed with  
10 the ethics committee of the house. A complaint shall  
11 specify the person or persons against whom the  
12 complaint is made, the date and location of any event,  
13 incident or transaction involved, the connection of  
14 the event, incident or transaction with the official  
15 position of any accused member or with the lobbying  
16 activities of any accused lobbyist, and the facts or  
17 evidence on which the complainant relies. The  
18 complainant shall attach to the complaint a copy of  
19 any relevant document.

20 Upon the receipt of a complaint in proper form, the  
21 committee shall accept it for filing as a public  
22 record. A copy of the complaint shall be delivered by  
23 certified mail return receipt requested to the person,  
24 or persons accused. The committee shall then conduct

25 such investigation as it deems appropriate, including  
26 but not limited to requesting additional information  
27 from the complainant and accused person, if necessary.  
28 When its investigation is complete, the committee  
29 shall determine whether probable cause exists to  
30 believe that a violation of law or rule within its

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1 authority under section 68B.10, subsection 4, of the  
2 Code has occurred. If probable cause is not found,  
3 the complaint shall be dismissed and the parties  
4 notified accordingly. If probable cause is found, the  
5 complaint shall be set for hearing on notice to the  
6 accused. The notice shall be in writing and delivered  
7 either by personal service as in civil cases or by  
8 certified mail return receipt requested.

9 The notice shall include a statement of the nature  
10 of the charge, a statement of the time and place of  
11 hearing, a short and plain statement of the facts  
12 asserted, and a statement of the rights of the accused  
13 to be present and to be heard in person and by  
14 counsel, to cross-examine witnesses, and to present  
15 evidence.

16 Evidence at the hearing will be received in  
17 accordance with procedures in ordinary civil cases.  
18 The Iowa rules of evidence will apply. Counsel  
19 designated by the committee will present the evidence  
20 in support of the complaint. The burden shall be on  
21 the complainant to prove the charge by a preponderance  
22 of clear and convincing evidence. Upon completion of  
23 the hearing, the committee shall adopt written  
24 findings of fact and conclusions concerning the merits  
25 of the complaint and make its report and  
26 recommendation to the house.

27 11. Advisory opinions may be rendered as set out  
28 in section 68B.10 of the Code upon request of a member  
29 of the general assembly.

Holveck of Polk offered the following amendment H—3036 filed  
by him from the floor and moved its adoption:

H—3036

1 Amend House Resolution 3 as follows:  
2 1. Page 1, line 21, by inserting after the word  
3 "affairs." the following: "The definitions of terms  
4 provided in chapter 68B apply to the use of those  
5 terms in this resolution."

**Amendment H—3036 was adopted.**

Carpenter of Polk offered the following amendment H—3033 filed by her from the floor and moved its adoption:

H—3033

- 1 Amend House Resolution 3 as follows:
- 2 1. Page 1, by inserting after line 27 the following:
- 3 "NEW RULE 1A. A member of the house shall not use
- 4 the member's position to solicit special privileges or
- 5 exemption for the member or the member's immediate family
- 6 that are not available to members of the general public,
- 7 except for special privileges or exemption specifically
- 8 provided by law."

Amendment H—3033 lost.

Swartz of Marshall offered amendment H—3045 filed from the floor by him and Dvorsky of Johnson and requested division as follows:

H—3045

- 1 Amend House Resolution 3 as follows:

H—3045A

- 2 1. Page 2, line 9, by inserting after the word
- 3 "duties;" the following: "For the purpose of this
- 4 rule, information disclosed in open session at a
- 5 public meeting under chapter 21 and information that
- 6 is a public record under chapter 22 is not
- 7 confidential information."

H—3045B

- 8 2. Page 4, line 13, by striking the word
- 9 "religious;".

H—3045A

- 10 3. Page 4, line 23, by striking the word
- 11 "religious;".
- 12 4. Page 5, line 4, by inserting after the word
- 13 "session;" the following: "An amendment shall be
- 14 filed within ten days after the member becomes aware
- 15 that the disclosure required by this rule is
- 16 incomplete or inaccurate."
- 17 5. Page 5, by striking lines 9 through 13 and
- 18 inserting the following: "shall inform the affected
- 19 member and the ethics committee that the affected
- 20 member appears not to have filed a complete statement.
- 21 Within ten days after receiving notification by the
- 22 chief clerk, the member shall either file an amendment
- 23 to the statement or file a response to the conclusion
- 24 of the chief clerk. The ethics committee shall review
- 25 the amendment or response of the member and if the

26 ethics committee is not satisfied with the amendment  
27 or response of the member, the committee shall require  
28 the member to appear before the committee."

29 6. Page 6, line 27, by striking the words  
30 "person, if necessary." and inserting the following:  
31 "person.

32 During the committee's investigation, the accused  
33 person may request that the ethics committee convene  
34 to receive testimony from the accused person. If so  
35 requested by the accused person, the ethics committee  
36 shall convene not less than three nor more than ten  
37 days after the notification of the accused person that  
38 a complaint has been filed. However, the accused  
39 person may waive the deadlines for the convening of  
40 the committee."

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—3045B.

On motion by Swartz of Marshall, amendment H—3045A was adopted.

Halvorson of Clayton offered the following amendment H—3046 filed by him from the floor and moved its adoption:

H—3046

- 1 Amend House Resolution 3 as follows:
- 2 1. Page 2, by inserting after line 17, the
- 3 following:
- 4 "4A. Any dress code adopted by any other body
- 5 applies to members of that body when they are in the
- 6 house chamber and the dress code shall be enforced by
- 7 the house of representatives sergeant-at-arms."

Amendment H—3046 was adopted.

Metcalf of Polk offered the following amendment H—3031 filed by her from the floor and moved its adoption:

H—3031

- 1 Amend House Resolution 3 as follows:
- 2 1. Page 4, line 3, by inserting after the word
- 3 "interest" the following: "of at least five percent
- 4 of the total assets of the company".

Amendment H—3031 was adopted.

Carpenter of Polk offered the following amendment H—3047 filed by her from the floor:

H—3047

1 Amend House Resolution 3 as follows:

2 1. Page 5, line 10, by inserting after the word  
3 "who" the following: "have failed to file a statement  
4 or who".

5 2. Page 5, line 13, by inserting after the word  
6 "committee." the following: "The member may be  
7 subject to a penalty for failure to file a statement  
8 required by this rule if the statement is not filed  
9 when required. The fines shall be assessed according  
10 to the following schedule:

11 a. If the statement is delinquent from one through  
12 fourteen days, ten dollars for a first time  
13 delinquency and twenty-five dollars for a repeat  
14 delinquency.

15 b. If the statement is delinquent from fifteen  
16 through thirty days, twenty-five dollars for a first  
17 time delinquency and fifty dollars for a repeat  
18 delinquency.

19 c. If the statement is delinquent from thirty-one  
20 through forty-five days, fifty dollars for a first  
21 time delinquency and one hundred dollars for a repeat  
22 delinquency."

The following amendment H—3050, to amendment H—3047, filed by Carpenter of Polk from the floor was adopted by unanimous consent:

H—3050

1 Amend H—3047 to House Resolution 3 as follows:

2 1. By striking lines 2 through 6 and inserting the  
3 following:

4 "1. Page 5, by inserting after line 13 "The member  
5 may be"."

On motion by Carpenter of Polk, amendment H—3047, as amended, lost.

Harbor of Mills offered the following amendment H—3029 filed from the floor by Harbor, Renken, Clark, Royer, Platt, Petersen of Muscatine, Lageschulte, Daggett, Beaman, Van Maanen, Siegrist, Shoning, Miller, Plasier, Hester, Tyrrell, Diemer, Mullins and Halvorson of Clayton and moved its adoption:

H—3029

1 Amend House Resolution 3 as follows:

2 1. Page 3, by striking line 24 through page 5,  
3 line 13.

A non-record roll call was requested.

The ayes were 47, nays 35.

Amendment H—3029 was adopted, placing the following amendments, previously adopted, out of order:

H—3031 found on page 279 of the House Journal.

H—3045A, lines 10 through 28, found on pages 278 and 279 of the House Journal.

Holveck of Polk offered the following amendment H—3034 filed from the floor by him and Connors of Polk and moved its adoption:

H—3034

- 1 Amend House Resolution 3 as follows:
- 2 1. Page 5, line 23, by striking the word
- 3 "fifteenth" and inserting the following: "twentieth".

Amendment H—3034 was adopted.

On motion by Holveck of Polk, House Resolution 3, as amended, was adopted.

#### IMMEDIATE MESSAGE (Senate File 19)

Arnould of Scott asked and received unanimous consent that Senate File 19 be immediately messaged to the Senate.

#### ADOPTION OF HOUSE RESOLUTION 4

Holveck of Polk called up for consideration House Resolution 4, as follows:

- 1 House Resolution 4
- 2 By Committee On Ethics
- 3 A House Resolution relating to the rules for
- 4 lobbyists in the house of representatives.
- 5 *Whereas*, section 68B.10 of the Iowa Code requires
- 6 the ethics committee in the house to prepare rules
- 7 relating to lobbyists and lobbying activities; and
- 8 *Whereas*, law requires approval of these rules by
- 9 the members of the house before taking effect; *Now*
- 10 *Therefore*,
- 11 *Be It Resolved By The House Of Representatives*,
- 12 That the rules governing lobbyists for the seventy-
- 13 second general assembly shall be:
- 14 HOUSE RULES GOVERNING LOBBYISTS
- 15 1. Definitions:
- 16 a. For the purposes of these rules, "lobbyist" is
- 17 defined as a person who does any of the following:
- 18 (1) Is paid compensation to encourage the passage,
- 19 defeat, or modification of legislation.
- 20 (2) Expends money in an attempt to encourage the
- 21 passage, defeat, or modification of legislation.
- 22 (3) Represents an organization which has as one of

23 its purposes the encouragement of the passage, defeat,  
24 or modification of legislation.

25 (4) Is a federal, state, or local official or  
26 employee who represents the official position of his  
27 or her department, commission, board, or agency, and  
28 who attempts to encourage the passage, defeat, or  
29 modification of legislation.

30 b. The term "lobbyist" shall not include within

**Page 2**

1 its definition:

2 (1) Designated representatives of political  
3 parties organized in the state of Iowa and  
4 representing more than two percent of the total votes  
5 cast for governor or president, in the preceding  
6 general election.

7 (2) Representatives of the news media engaged only  
8 in the reporting and disseminating of news.

9 (3) Officials and employees of federal, state, and  
10 local government who in the course of their official  
11 duties submit legislation or amendments to a  
12 representative or a house committee, or who are  
13 requested or required to provide information to a  
14 representative, or who are requested or required to  
15 appear before a house committee, and who do not  
16 encourage the passage, defeat, or modification of  
17 legislation.

18 (4) Any elected state official.

19 (5) Constituents of a legislator in lobbying their  
20 legislator.

21 2. All lobbyists shall on or before the day their  
22 lobbying activity begins, register with the chief  
23 clerk of the house by filing a lobbyist registration  
24 form listing:

25 a. Name, permanent business and residential  
26 addresses, temporary residential and business  
27 addresses during the legislative session, if any; and  
28 telephone numbers.

29 b. The name and address of each individual,  
30 company, firm, corporation, union, association or

**Page 3**

1 cause for which the person lobbies.

2 c. The general subjects of legislation in which  
3 the lobbyist is or may be interested, the file number  
4 of the bills and resolution (if known) which will be  
5 lobbied, whether the lobbyist intends to lobby for or  
6 against each bill or resolution (if known), and on  
7 whose behalf the lobbyist is lobbying the bill or  
8 resolution.

9 Only one registration statement need be filed by a

10 lobbyist, even if the lobbyist represents more than  
11 one client.

12 3. All information filed under these rules shall  
13 be public record and open to public inspection at any  
14 reasonable time.

15 4. Employees of federal, state, and local  
16 government offices who are designated representatives  
17 of their agency shall not lobby on behalf of such  
18 offices without a letter of authorization from such  
19 office.

20 5. Lobbyists shall only be permitted on the floor  
21 of the house pursuant to rule 20 of the rules of the  
22 house.

23 6. A fee or bonus shall not be paid to any  
24 lobbyist with reference to any legislative action that  
25 is conditioned wholly or in part upon the results  
26 attained by the lobbyist.

27 7. A lobbyist, or employer of a lobbyist, shall  
28 not offer, economic or investment opportunity or  
29 promise of employment to any member of the house with  
30 intent to influence conduct in the performance of

**Page 4**

1 official duties.

2 8. A lobbyist shall not do anything with the  
3 purpose of placing a member of the house under  
4 personal or financial obligation to a lobbyist or a  
5 lobbyist's principal or agent.

6 9. A lobbyist shall not knowingly or willfully  
7 make a false statement or misrepresentation of a  
8 material fact pertinent to any pending or proposed  
9 legislation to a member.

10 10. A lobbyist shall not cause or influence the  
11 introduction of any bill or amendment for the purpose  
12 of thereafter being employed to secure its passage or  
13 defeat.

14 11. A lobbyist shall not influence or attempt to  
15 influence a member's actions by the promise of  
16 financial support for the member's candidacy or threat  
17 of support of the opposition candidate.

18 12. A lobbyist shall not communicate with a  
19 member's employer for the purpose of influencing a  
20 vote of the member.

21 13. A lobbyist shall not exercise extortion over a  
22 member.

23 14. A lobbyist shall not pay or agree to pay to a  
24 member a price, fee, compensation or other  
25 consideration for the sale or lease of any property or  
26 the furnishing of services which is substantially in  
27 excess of that which other persons in the same  
28 business or profession would charge in the ordinary

29 course of business.

30 15. As used in these rules, the word "gift" and

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1 the phrases "immediate family member" and "public  
2 disclosure" have the meaning provided in section 68B.2  
3 of the Code and "person" has the meaning provided in  
4 section 4.1 of the Code.

5 16. A person who provides a gift or series of  
6 gifts which exceeds fifteen dollars in cumulative  
7 value in any one calendar day to any member, officer,  
8 or employee of the house or the immediate family  
9 members of a member, officer, or employee of the house  
10 shall report the gift to the chief clerk of the house.  
11 The report shall show the nature, amount, date, donee,  
12 and donor of the gift. If more than one person shares  
13 in the expense of providing a gift or series of gifts  
14 which exceeds fifteen dollars in cumulative value in  
15 any one calendar day and which is required to be  
16 reported, each of the persons sharing in the expense  
17 shall report the gift to the chief clerk of the house  
18 as provided in section 68B.11 of the Code regardless  
19 of the amount of the person's share of the expense.

20 A person who provides a gift or series of gifts to  
21 a member, officer, or employee of the house or the  
22 immediate family members of a member, officer, or  
23 employee of the house shall report to the member,  
24 officer, or employee the value of each gift which is  
25 required to be reported by the member, officer, or  
26 employee by the fifth day of the month following the  
27 month in which a gift is provided.

28 17. Persons who provide gifts to members, officers  
29 and employees of the house and their immediate  
30 families shall include in the report to the chief

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1 clerk of the house the monthly total of all gifts made  
2 by the person, and the employer or employers,  
3 regardless of the dollar value, including the total of  
4 each of the following listed separately:

- 5 a. Food and beverage.
- 6 b. Entertainment, including the cost of a  
7 hospitality room.
- 8 c. Travel.
- 9 d. Recreation expense.
- 10 e. Lodging expense.
- 11 f. Other (including the nature of the gift).

12 18. The reports required to be filed with the  
13 chief clerk of the house under rules 16 and 17 shall  
14 be filed in the office of the chief clerk by the  
15 fifteenth day of the month following the month in

16 which a gift is provided which is required to be  
17 reported.  
18 19. Each lobbyist shall report any financial  
19 transaction with a value of at least five hundred  
20 dollars between the lobbyist, or a principal or agent  
21 of the lobbyist, and a member of the house, a member  
22 of the house's immediate family, or a business with  
23 which the member or the member's family is associated.  
24 Each report shall include:  
25 1. The date of the transaction.  
26 2. The nature of the transaction.  
27 3. The parties to the transaction.  
28 4. The amount involved in the transaction.  
29 A financial transaction does not include a  
30 transaction undertaken in the ordinary course of

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1 business of a lobbyist if the primary business of the  
2 lobbyist is something other than lobbying, if  
3 consideration of equal or greater value is received by  
4 the lobbyist, and if fair market value is given or  
5 received for the benefit conferred.  
6 The report shall be filed in the office of the  
7 chief clerk of the house by the fifteenth day of the  
8 month following the month in which the financial  
9 transaction takes place.  
10 20. A person is prohibited from providing a gift  
11 or series of gifts to a member, officer, or employee  
12 of the house which has a cumulative value of fifty  
13 dollars or more in any one calendar day, pursuant to  
14 section 68B.5 of the Iowa Code.  
15 21. A lobbyist, or an organization which a  
16 lobbyist represents that has as one of its purposes  
17 the encouragement of the passage, defeat, or  
18 modification of legislation, shall report the amount  
19 of any honorarium paid to a member, officer, or  
20 employee of the house for a speaking engagement or  
21 other formal public appearance in the official  
22 capacity of the member, officer, or employee. The  
23 report shall be filed in the office of the chief clerk  
24 of the house by the fifteenth day of the month  
25 following the month in which the honorarium is paid.  
26 22. The procedures for complaints and enforcement  
27 of these rules shall be the same as those provided in  
28 the House Code of Ethics.  
29 23. The chief clerk of the house, subject to the  
30 approval of the house ethics committee, shall

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1 prescribe procedures for compliance with these rules,  
2 and shall prepare forms for the filing of these

3 reports and make them available to any person who is  
 4 required to file a report. The reports filed with the  
 5 chief clerk of the house shall be maintained by the  
 6 chief clerk of the house and be available for public  
 7 inspection as provided in chapter 22 of the Code. The  
 8 committee on ethics may authorize the chief clerk of  
 9 the house to prepare and make available to the public  
 10 an annual summary of the reports filed with the chief  
 11 clerk of the house under these rules.

Doderer of Johnson offered the following amendment H—3049  
 filed from the floor by her and Carpenter of Polk and moved its  
 adoption:

H—3049

- 1 Amend House Resolution 4 as follows:  
 2 1. Page 1, line 19 by inserting after the word  
 3 "legislation" the following: "or meets at the seat of  
 4 government with one or more members of the house to  
 5 encourage the passage, defeat, or modification of  
 6 legislation".  
 7 2. Page 2, line 20, by inserting after the word  
 8 "legislator" the following: ", except as otherwise  
 9 provided in paragraph "a"".

Amendment H—3049 lost.

Holveck of Polk offered the following amendment H—3039 filed  
 by him from the floor and moved its adoption:

H—3039

- 1 Amend House Resolution 4 as follows:  
 2 1. Page 3, line 4, by striking the word  
 3 "resolution" and inserting the following:  
 4 "resolutions".

Amendment H—3039 was adopted.

Holveck of Polk offered the following amendment H—3040 filed  
 by him from the floor and moved its adoption:

H—3040

- 1 Amend House Resolution 4 as follows:  
 2 1. Page 3, line 4, by inserting after the word  
 3 "resolution" the following: "and the bill number of  
 4 study bills".  
 5 2. Page 3, line 6, by striking the words "or  
 6 resolution" and inserting the following: "  
 7 resolution, or study bill".  
 8 3. Page 3, lines 7 and 8, by striking the words  
 9 "or resolution" and inserting the following: "  
 10 resolution, or study bill".

Amendment H—3040 was adopted.

Connors of Polk offered amendment H—3025 filed by him from the floor and requested division as follows:

H—3025

1 Amend House Resolution 4 as follows:

H—3025A

2 1. Page 4, by striking lines 6 through 9.

H—3025B

3 2. Page 4, by striking lines 21 and 22.

H—3025C

4 3. Page 5, line 26, by striking the word "fifth"

5 and inserting the word "fifteenth".

6 4. By renumbering as necessary.

On motion by Connors of Polk, amendment H—3025A was adopted.

On motion by Connors of Polk, amendment H—3025B was adopted.

On motion by Connors of Polk, amendment H—3025C was adopted.

Holveck of Polk offered the following amendment H—3042 filed by him from the floor:

H—3042

1 Amend House Resolution 4 as follows:

2 1. Page 5, line 26, by striking the word "fifth"

3 and inserting the following: "fifteenth".

4 2. Page 6, line 15, by striking the word

5 "fifteenth" and inserting the following: "twentieth".

6 3. Page 7, line 7, by striking the word

7 "fifteenth" and inserting the following: "twentieth".

8 4. Page 7, line 24, by striking the word

9 "fifteenth" and inserting the following: "twentieth".

The Speaker announced that with the adoption of amendment H—3025C, lines 2 and 3 of amendment H—3042 were out of order.

On motion by Holveck of Polk, amendment H—3042 was adopted.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—3048 filed by her from the floor.

On motion by Holveck of Polk, House Resolution 4, as amended, was adopted.

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**DEPARTMENT OF HEALTH**

An annual report to the Governor and General Assembly regarding state funding for Homemaker-Home Health Aide/Chore Services, pursuant to Chapter 1246(10)(c), 1986 Acts of the Seventy-first General Assembly.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 93 Ways and Means**

Relating to cigarette and tobacco tax assessment periods, penalties and appeal periods, offsetting of claims against the state with a person's liabilities to the state, tax return confidentiality, the filing of sales and services tax refund claims, audit periods for sales, services, and use tax returns, use tax penalty, and penalties for interfering with department of revenue and finance employees in the performance of their duties.

**H.S.B. 94 Judiciary and Law Enforcement**

Relating to the crime of conspiracy, and providing penalties.

**H.S.B. 95 Judiciary and Law Enforcement**

Creating and defining the crime of attempted theft, establishing varying degrees of the crime of attempted theft, and providing penalties.

**H.S.B. 96 Human Resources**

Repealing a pilot program regarding second opinions on elective surgery for medical assistance recipients.

**H.S.B. 97 Human Resources**

Relating to the definition of foster care.

**H.S.B. 98 State Government**

Relating to state personnel administration by expressly providing for department of personnel supervision of salary, sick leave, and other personnel actions of certain state departments and agencies and by revising statutory provisions governing the administration of the state personnel system.

**H.S.B. 99 State Government**

Relating to military leaves of absence for officers and employees of state and local governments.

**H.S.B. 100 State Government**

Relating to the implementation of affirmative action requirements of state contracting agencies by requiring a good faith effort by a bidder to secure targeted small business subcontractors and material suppliers.

**H.S.B. 101 Small Business and Commerce**

Relating to residential service contracts by modifying the administrative and rulemaking authority for the residential service contracts chapter, and by changing the security requirement for a licensed service company.

**H.S.B. 102 Small Business and Commerce**

To impose the premium tax on risk retention groups.

**H.S.B. 103 Local Government**

Relating to benefits paid to victims of heart and lung disease contracted by members of local police or fire retirement systems.

**H.S.B. 104 Local Government**

Relating to the use of county and municipal infractions.

**H.S.B. 105 Education**

Relating to the penalties prescribed for school districts that are not granted accreditation.

**SUBCOMMITTEE ASSIGNMENTS****House File 100**

Economic Development: Fey, Chair; Hummel and Ollie.

**House File 121**

Transportation: Cooper, Chair; Connolly and Lageschulte.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 87 (Reassigned)**

Transportation: Muhlbauer, Chair; Beaman and Cohoon.

**House Study Bill 89**

Natural Resources and Outdoor Recreation: Dvorsky, Chair; Knapp and Paulin.

**CERTIFICATE OF RECOGNITION**

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

1987-2 City of Merville, Iowa — Celebrating its Centennial anniversary.

JOSEPH O'HERN  
Chief Clerk of the House

### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

#### COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House Study Bill 7 as amended by House Study Bill 62), relating to the deputy director of the department of public health responsible for the substance abuse programs.

Fiscal Note is not required.

Recommended **Amend and Do Pass** January 29, 1987.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Committee Bill** (Formerly House Study Bill 23), relating to the operation of motorboats.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 1987.

**Committee Bill** (Formerly House Study Bill 25), relating to park user permits and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** January 29, 1987.

#### AMENDMENTS FILED

H—3023	H.F.	77	Rosenberg of Story
H—3024	H.F.	133	Dvorsky of Johnson
			Koenigs of Mitchell
H—3027	H.F.	106	Harbor of Mills
H—3037	H.F.	131	McKinney of Dallas

On motion by Arnould of Scott, the House adjourned at 7:16 p.m., until 9:00 a.m., Tuesday, February 3, 1987.

# JOURNAL OF THE HOUSE

Twenty-third Calendar Day — Fifteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 3, 1987

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

Prayer was offered by the Honorable Andy McKean, state representative from Jones County.

The Journal of Monday, February 2, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Swearingen of Keokuk, from one hundred seventy constituents favoring increasing the funding to the State Transit Assistance Fund to insure continuation of public transit service to Iowans.

## INTRODUCTION OF BILLS

**House File 144**, by Lundby, a bill for an act relating to the paternity of a husband under certain circumstances.

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

**House File 145**, by Fogarty, a bill for an act providing an appropriation to the agricultural development authority to be used to provide financial assistance to Iowa farmers under the agricultural loan assistance program.

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

**House File 146**, by Schrader, a bill for an act allowing issuance of personalized registration plates for trailers regardless of the trailers' gross weight registrations.

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

**House File 147**, by Van Camp, a bill for an act exempting from the state income tax money received as retirement or disability pay by a former member of the armed forces and providing an effective date.

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

**House File 148**, by Carpenter and Petersen of Muscatine, a bill for an act to exempt investment counseling from the service tax.

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

**House File 149**, by Running, a bill for an act relating to contract bidding and contract letting procedures for public improvement construction contracts and providing an effective date.

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

**House File 150**, by Skow and Halvorson of Clayton, a bill for an act relating to claims for punitive or exemplary damages, providing penalties, and providing for the applicability of the Act.

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

**House File 151**, by Black, a bill for an act to extend the period of time for filing a claim for the exemption for forest and fruit-tree reservations.

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

**House File 152**, by Running, a bill for an act relating to the preservation of Iowa produced grain to be carried to destinations outside of Iowa, and providing penalties.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 29**, by Priebe, a bill for an act relating to the movement of certain vehicles on the public highways of the state by authorizing the movement of motor homes with an outside width up to eight feet six inches and the movement of mobile homes by transporters.

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

On motion by Arnould of Scott, the House was recessed at 9:10 a.m., until 11:45 a.m.

The House reconvened, Speaker Avenson in the chair.

On motion by Arnould of Scott, the House was recessed at 11:58 a.m., until 4:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingin of Keokuk, for the afternoon sessions, for an indefinite period, on request of Stromer of Hancock.

The House stood at ease at 4:06 p.m., until the fall of the gavel.

The House resumed session at 5:50 p.m., Speaker Avenson in the chair.

## INTRODUCTION OF BILL

**House File 153**, by committee of ways and means, a bill for an act relating to the state's conforming its income, franchise, and death taxes with the new federal tax provisions by updating references to the Internal Revenue Code, rewriting the state minimum taxes to conform with the federal alternative minimum taxes, rewriting the state generation skipping transfer tax to conform with the federal provisions, striking obsolete and repealed items, clarifying the taxation of regulated investment company dividends and shares, extending the statute of limitations for certain refund claims, providing for waiver of penalty for underpayment of estimated tax, and providing effective dates.

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

## MOTION TO RECONSIDER

(House Resolution 3)

I move to reconsider the vote by which House Resolution 3 was adopted by the House on February 2, 1987.

HOLVECK of Polk

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Monday afternoon, February 2, 1987. Had I been present, I would have voted "aye" on Senate File 19 and amendment H-3035 to Senate File 19.

SIEGRIST of Pottawattamie

## COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

### AUDITOR OF STATE

The quarterly and annual audit report, pursuant to Chapter 33.120(3), 1985 Acts of the Seventy-first General Assembly.

## DEPARTMENT OF MANAGEMENT

The 1987 Iowa Criminal and Juvenile Justice Plan, pursuant to Chapter 80C.4, Code of Iowa.

## DEPARTMENT OF TRANSPORTATION

A report entitled, "Highway Research and Development in Iowa", pursuant to Chapter 310.36, Code of Iowa.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 106 Judiciary and Law Enforcement**

Relating to the time period for a hearing on the revocation of a person's license for operating a motor vehicle while under the influence of alcohol or a drug.

**H.S.B. 107 Small Business and Commerce**

Relating to the merger or consolidation of bank affiliates.

**H.S.B. 108 Small Business and Commerce**

Relating to the regulation of industrial loan companies.

**H.S.B. 109 Small Business and Commerce**

Relating to the indemnification of eligible special exhibit items and the limitations of indemnity coverage of these items.

**H.S.B. 110 State Government**

Relating to gender balance in the appointment and election of judicial nominating commissioners.

## SUBCOMMITTEE ASSIGNMENTS

**House Joint Resolution 6**

State Government: Blanshan, Chair; Doderer and Shoning.

**House Joint Resolution 7**

State Government: Blanshan, Chair; Doderer and Shoning.

**House Joint Resolution 8**

State Government: Blanshan, Chair; Doderer and Shoning.

**House Joint Resolution 9**

State Government: Blanshan, Chair; Doderer and Shoning.

**House Joint Resolution 10**

State Government: Blanshan, Chair; Doderer and Shoning.

**House File 92**

Local Government: Spear, Chair, Peters and Platt.

**House File 95**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House File 97**

State Government: Blanshan, Chair; Beatty and Shoning.

**House File 103**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House File 105**

Local Government: Beatty, Chair; Daggett and Norrgard.

**House File 107**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 113**

Judiciary and Law Enforcement: Renaud/Poney, Co-Chairs; and Carpenter.

**House File 115**

State Government: Halvorson of Webster, Chair; Buhr, Hanson of Delaware, Running and Van Camp.

**House File 116**

Local Government: Muhlbauer, Chair; Fuller and Petersen of Muscatine.

**House File 117**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 123**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 126**

State Government: Blanshan, Chair; Doderer and Shoning.

**House File 135**

State Government: Running, Chair; Buht, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House File 139**

Judiciary and Law Enforcement: Hammond, Chair; Doderer and Plasier.

**House File 140**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**Senate Joint Resolution 1**

State Government: Blanshan, Chair; Doderer and Shoning.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 85**

State Government: Running, Chair; Buhr, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House Study Bill 86**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Shoning.

**House Study Bill 94**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 95**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 98**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Shoning.

**House Study Bill 99**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Shoning.

**House Study Bill 100**

State Government: Blanshan, Chair; Connors, Garman, Running and Van Camp.

**House Study Bill 101**

Small Business and Commerce: Skow, Chair; Halvorson of Clayton and McKinney.

**House Study Bill 102**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House Study Bill 104**

Local Government: Platt, Chair; Black and Norrgard.

**House Study Bill 106**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Renaud.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

## COMMITTEE ON EDUCATION

**Senate File 41**, a bill for an act relating to the reimbursement to a parent or guardian for the cost of transporting the pupil to school when bus transportation is not available, providing for the applicability of the Act, and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** February 2, 1987.

## COMMITTEE ON STATE GOVERNMENT

**Committee Bill**, (Formerly House Study Bill 20), relating to the discretion of a notary public in performing notarial services, and limiting that discretion.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 2, 1987.

**Committee Bill**, (Formerly House Study Bill 52), relating to the operations of the state vehicle dispatcher.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 1987.

## COMMITTEE ON TRANSPORTATION

**Senate File 18**, a bill for an act to repeal the prohibition relating to price discrimination in the sale or lease of motor vehicles by a motor vehicle manufacturer, distributor, or wholesaler and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** February 2, 1987.

**Committee Bill**, (Formerly House Study Bill 30), relating to the fees for and the duration of operators' and chauffeurs' licenses.

Fiscal Note is required.

Recommended **Do Pass** February 2, 1987.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill**, (Formerly Study Bill 44, as amended), relating to the state's conforming its income, franchise, and death taxes with the new federal tax provisions by updating references to the Internal Revenue Code, rewriting the state minimum taxes to conform with the federal alternative minimum taxes, rewriting the state generation skipping transfer tax to conform with the federal provisions, striking obsolete and repealed items, clarifying the taxation of regulated investment company dividends and shares, extending the statute of limitations for certain refund claims, providing for waiver of penalty for underpayment of estimated tax, and providing effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 3, 1987.

**RESOLUTION FILED**

**HCR 5**, by Pavich, Van Camp, Renaud, Fuller, Royer and Cooper, a concurrent resolution calling upon the Congress of the United States to reauthorize the Federal-aid Highway Act at the earliest possible time.

Laid over under **Rule 25**.

On motion by Arnould of Scott, the House adjourned at 5:52 p.m., until 9:00 a.m., Wednesday, February 4, 1987.

# JOURNAL OF THE HOUSE

Twenty-fourth Calendar Day — Sixteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 4, 1987

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

Prayer was offered by the Honorable state representatives: John Connors, from Polk County, Ralph Rosenberg, from Story County and Mary Lundby from Linn County.

The Journal of Tuesday, February 3, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Halvorson of Webster, from two hundred forty-four residents of Iowa favoring House File 65, an act to repeal the private sale of alcoholic liquor for consumption off the licensed premises.

## INTRODUCTION OF BILLS

**House File 154**, by Tyrrell, a bill for an act relating to elections by setting the hours during which polls are open and by disallowing a change of address from another precinct on election day.

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

**House File 155**, by Running, a bill for an act relating to remove the restriction on holding other liquor control licenses on premises licensed under a class "E" liquor control license.

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

**House File 156**, by Clark, a bill for an act regulating the activity of political candidates and committees and subjecting violators to a penalty.

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

**House File 157**, by Running, a bill for an act to include airport safety officers under the special retirement provisions of the Iowa public employees' retirement system.

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

**House File 158**, by Running, a bill for an act relating to care review committees.

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

**House File 159**, by Carpenter, a bill for an act relating to the state inheritance tax on transfers made within three years of death and providing a retroactive effective date.

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

**House File 160**, by Parker, a bill for an act relating to the fiduciary and trust powers of a credit union.

Read first time and referred to committee on **small business and commerce**.

**House File 161**, by Branstad, a bill for an act to permit the county auditor to round to the nearest whole dollar the total amount of property tax due and payable on a parcel of property.

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

**House File 162**, by Hummel, a bill for an act authorizing the establishment of a 911 emergency telephone service district and its dissolution, the election of trustees, the issuance of bonds, and the levy of taxes.

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

**House File 163**, by committee on human resources, a bill for an act relating to health-related duties within the department of inspections and appeals and the Iowa department of public health.

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

**House File 164**, by committee on state government, a bill for an act relating to the discretion of a notary public in performing notarial services, and limiting that discretion.

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

**House File 165**, by committee on state government, a bill for an act relating to the operations of the state vehicle dispatcher.

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

**House File 166**, by Dvorsky and Connolly, a bill for an act relating to the exemption from the state sales, services, and use tax of the fees paid to cities and counties for the privilege of participating in any athletic sports.

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 4, 1987, adopted the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 4, a joint resolution to nullify an administrative rule of the department of natural resources establishing limitations on trapping and providing an effective date.

Also: That the Senate has on February 4, 1987, adopted the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 5, a joint resolution nullifying a rule of the department of natural resources authorizing the reduction or waiver of certain fees at state parks and recreation areas and providing an effective date.

Also: That the Senate has on February 2, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 25, a bill for an act relating to bovine brucellosis, by requiring that the department of agriculture identify the state-approved premises and quarantined feedlots and cattle, attempt to adopt uniform rules, and examine the testing procedures.

Also: That the Senate has on February 2, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 50, a bill for an act relating to the annual report of a school district.

JOHN F. DWYER, Secretary

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 111 Natural Resources and Outdoor Recreation**

Relating to fish, plant life or wildlife species of special concern.

### **H.S.B. 112 Education**

To establish an educational excellence program consisting of three phases relating to the recruitment of quality teachers, the retention of quality teachers, and the enhancement of the quality and effectiveness of teachers, to provide appropriations, and to provide an effective date.

### **H.S.B. 113 Human Resources**

Relating to responsibility for payment of costs for certain recipients of community-based medical assistance under the medical assistance program.

**H.S.B. 114 Human Resources**

Relating to adoption decrees for children born outside of the United States.

**H.S.B. 115 Human Resources**

Relating to the Iowa Drug, Device, and Cosmetic Act and providing penalties.

## SUBCOMMITTEE ASSIGNMENTS

**House File 2**

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

**House File 7**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House File 36**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 87**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 98**

Natural Resources and Outdoor Recreation: Cooper, Chair; Diemer, Gruhn, Johnson and Platt.

**House File 114**

Natural Resources and Outdoor Recreation: Dvorsky, Chair; Fuller and Stueland.

**House File 122**

Natural Resources and Outdoor Recreation: Koenigs, Chair; Gruhn and Royer.

**House File 124**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 128**

Natural Resources and Outdoor Recreation: Platt, Chair; Gruhn and Knapp.

**House File 136**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 137**

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

**House File 146**

Transportation: Cohoon, Chair; Gruhn and Maulsby.

**Senate File 29**

Transportation: Cohoon, Chair; Branstad and Renaud.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 81**

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

**House Study Bill 91**

Natural Resources and Outdoor Recreation: Black, Chair; Knapp and Platt.

**House Study Bill 92**

Natural Resources and Outdoor Recreation: Cooper, Chair; Diemer and Fogarty.

**House Study Bill 96**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 97**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly Study Bill 11), creating a lead abatement program within the Iowa department of public health and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 1987.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**House File 64**, a bill for an act relating to jury lists.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 1987.

**Committee Bill** (Formerly House Study Bill 35), to prohibit a person who intentionally and unjustifiably causes or procures the death of another from receiving any property, benefit, or other interest by reason of the death.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 3, 1987.

## COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Committee Bill** (Formerly House Study Bill 84), to authorize the sale of the corporate shell of an insolvent insurance company.

Fiscal Note is not required.

Recommended **Do Pass** February 3, 1987.

On motion by Arnould of Scott, the House adjourned at 9:13 a.m., until 9:00 a.m., Thursday, February 5, 1987.

# JOURNAL OF THE HOUSE

Twenty-fifth Calendar Day — Seventeenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 5, 1987

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

Prayer was offered by the Honorable Steve Hansen, state representative from Woodbury County.

The Journal of Wednesday, February 4, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk on request of Stromer of Hancock.

## INTRODUCTION OF BILLS

**House File 167**, by committee on transportation, a bill for an act relating to fees for and duration of motor vehicle licenses and requiring motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment.

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

**House File 168**, by committee on judiciary and law enforcement, a bill for an act to prohibit a person who intentionally and unjustifiably causes or procures the death of another from receiving any property, benefit, or other interest by reason of the death.

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

**House File 169**, by committee on human resources, a bill for an act creating a lead abatement program within the Iowa department of public health.

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

**House File 170**, by committee on small business and commerce, a bill for an act to authorize the sale of the corporate shell of an insolvent insurance company.

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

**House File 171**, by Ollie, a bill for an act relating to the disclosure of information by continuing care facilities and senior adult congregate living facilities, and providing penalties.

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

**House File 172**, by Mullins, a bill for an act relating to payment for supplies of uniform citations and complaints.

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

**House File 173**, by Branstad, a bill for an act relating to the investment of idle public funds by authorizing investment in drainage district warrants, bonds, or improvement certificates and by correcting an error.

Read first time and referred to committee on **small business and commerce**.

**House File 174**, by Van Camp, a bill for an act relating to information regarding medicare supplemental insurance coverage.

Read first time and referred to committee on **small business and commerce**.

**House File 175**, by Beaman, Daggett, Cooper, Connors and Schrader, a bill for an act increasing the percentage of moneys credited to the public transit assistance fund from revenue derived from the use tax on motor vehicles, trailers, and motor vehicle accessories and equipment.

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

**House File 176**, by Connors, a bill for an act relating to the requirements for the loaning by a library of library materials or equipment having a value of five hundred dollars or more.

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

**House File 177**, by Harbor, a bill for an act to provide that a homestead tax credit claim need not be refiled when the homestead is transferred to one of the spouses pursuant to a dissolution of marriage.

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

**House File 178**, by Hester, a bill for an act relating to the appointment and responsibilities of court reporters.

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

**House File 179**, by Spear, Corey, and Cohoon, a bill for an act relating to the sale of unused highway right of way by the county board of supervisors.

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

**House File 180**, by Gruhn, a bill for an act providing that liens placed upon property for failure to pay for services provided by a sanitary district are superior to all other liens against the property.

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

**House File 181**, by Black, a bill for an act relating to lighting devices on law enforcement vehicles.

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

**House File 182**, by Van Camp and Schnekloth, a bill for an act exempting certain licensed child foster care facilities from licensure as a residential care facility for the mentally retarded.

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

**House File 183**, by Rosenberg, Hammond, Brammer, Teaford, Shoultz, Harper, Pavich, Parker, Peterson of Carroll, Dvorsky, Doderer and Neuhauser, a bill for an act relating to the allocation of moneys from certain need-based student financial programs at certain post-secondary education institutions in this state.

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

**House File 184**, by Tyrrell, a bill for an act relating to maximum weekly benefit amounts under the unemployment compensation law.

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

**House File 185**, by Running, a bill for an act to prohibit the instruction in and demonstration of the use of dangerous weapons, offensive weapons, and explosives for use in or in furtherance of a civil disorder and providing a penalty.

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

**House File 186**, by Tyrrell, a bill for an act relating to the minimum benefit eligibility requirements for claimants under the unemployment compensation law.

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

#### SENATE MESSAGES CONSIDERED

**Senate Joint Resolution 4**, by committee on natural resources, a joint resolution to nullify an administrative rule of the department of natural resources establishing limitations on trapping and providing an effective date.

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

**Senate Joint Resolution 5**, by committee on natural resources, a joint resolution nullifying a rule of the department of natural resources authorizing the reduction or waiver of certain fees at state parks and recreation areas and providing an effective date.

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

**Senate File 25**, by Priebe, a bill for an act relating to bovine brucellosis, by requiring that the department of agriculture identify the state-approved premises and quarantined feedlots and cattle, attempt to adopt uniform rules, and examine the testing procedures.

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

**Senate File 50**, by committee on education, a bill for an act relating to the annual report of a school district.

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

**Senate File 68**, by committee on judiciary, a bill for an act relating to the effective dates of laws and resolutions passed by the general assembly, providing for the applicability of the Act, and providing an effective date.

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

On motion by Arnould of Scott, the House was recessed at 9:13 a.m., until 3:00 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 5, 1987, 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 19, a bill for an act relating to the giving of gifts to public employees and officials and to candidates and subjecting violators to a penalty and providing an effective date.

JOHN F. DWYER, Secretary

## INTRODUCTION OF BILLS

**House File 187**, by Diemer, Black, Corbett and Cooper, a bill for an act relating to the appointment of temporary police officers.

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

**House File 188**, by Diemer, Haverland, Tyrrell, Eddie and Dvorsky, a bill for an act relating to the caliber of firearms and the type of ammunition permitted during the gun deer hunting season and subjecting violators to a penalty.

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

**House File 189**, by Tyrrell, a bill for an act relating to maximum benefits under the workers' compensation law.

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

**House File 190**, by Rosenberg, a bill for an act relating to state liability for torts committed by juveniles while performing community service assignments pursuant to an order of the juvenile court.

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

**House File 191**, by Hammond, Holveck and Clark, a bill for an act modifying Code section 709.4, relating to sexual abuse in the third degree, and providing penalties.

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

**House File 192**, by Corbett, Branstad, Harbor, Tyrrell and Van Maanen, a bill for an act to repeal election day registration of a change of address outside the precinct.

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

**House File 193**, by committee on state government, a bill for an act relating to the filing of a request for a contested case proceeding with a state agency.

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

**House File 194**, by committee on state government, a bill for an act repealing the prohibition of use of toxic halogenated fire extinguishers in public buildings.

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

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Muhlbauer of Crawford on request of Pavich of Pottawattamie.

#### CONSIDERATION OF BILLS

##### Regular Calendar

**House File 77**, a bill for an act relating to the effective dates of laws and resolutions passed by the general assembly, providing for the applicability of the Act, and providing an effective date, was taken up for consideration.

#### SENATE FILE 68 SUBSTITUTED FOR HOUSE FILE 77

Rosenberg of Story asked and received unanimous consent to substitute Senate File 68 for House File 77.

**Senate File 68**, a bill for an act relating to the effective dates of laws and resolutions passed by the general assembly, providing for the applicability of the Act, and providing an effective date, was taken up for consideration.

Rosenberg 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. 68)

The ayes were, 98:

Adams  
Bennett

Arnould  
Bisignano

Beaman  
Black

Beatty  
Blanshan

Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Covey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Muhlbauer            Swearingen

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

**House File 129**, a bill for an act relating to forms of acknowledgements, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 129)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.

Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Brammer                      Muhlbauer                      Swearingen

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

**House File 134**, a bill for an act relating to the delegation of the authority to prevent, abate, or control air pollution, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 134)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Mullins	Neuhauser	Norrsgard

Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Brammer	Jochum	Muhlbauer	Swearingen
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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 153 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 153 be deferred and that the bill retain its place on the calendar.

**House File 130**, a bill for an act relating to the notice required for forfeiture of real estate contracts, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 130)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt

Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Brammer	Muhlbauer	Swearingen
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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 77 WITHDRAWN

Jay of Appanoose asked and received unanimous consent to withdraw House File 77 from further consideration by the House, placing out of order amendment H-3023 filed by Rosenberg of Story on February 2, 1987.

**House File 142**, a bill for an act relating to the operation of motor-boats, was taken up for consideration.

Stromer of Hancock rose on a point of order that House File 142 was not eligible for debate.

The Speaker ruled the point well taken.

Arnould of Scott asked and received unanimous consent to suspend Rule 34 for the consideration of House File 142.

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

On the question "Shall the bill pass?" (H.F. 142)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer

Lageschulte	Lundby	May	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrgard	Ollie	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Rosenberg	Royer	Schneklath
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 12:

Branstad	Buhr	Gruhn	Hammond
Holveck	Maulsby	McKean	Osterberg
Renken	Running	Sherzan	Van Maanen

Absent or not voting, 4:

Brammer	Halvorson, R. N.	Muhlbauer	Swearingen
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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 stood at ease at 3:45 p.m., until the fall of the gavel.

The House resumed session at 4:51 p.m., Speaker Avenson in the chair.

### COMMUNICATIONS RECEIVED

The following communications were received and are on file in the office of the Chief Clerk:

#### DEPARTMENT OF ELDER AFFAIRS

The Elderly Services Interagency Coordinating Committee Annual Report, pursuant to Chapter 249B.18, Code of Iowa.

#### DEPARTMENT OF REVENUE AND FINANCE

The Iowa Department of Revenue's Annual Report for the fiscal year ending June 30, 1986, pursuant to Chapter 421.17(13), Code of Iowa.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 116 Judiciary and Law Enforcement**

Relating to the dissemination and redissemination of criminal history data to the Iowa department of public health for purposes of employment screening for juvenile substance abuse treatment programs.

#### **H.S.B. 117 Natural Resources and Outdoor Recreation**

Authorizing the department of natural resources to establish a system of certificates of title for vessels and snowmobiles.

## SUBCOMMITTEE ASSIGNMENTS

**House File 125**

Agriculture: May, Chair; Johnson and Stueland.

**House File 141**

Ways and Means: Groninga, Chair; Connolly and Daggett.

**House File 150**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 154**

State Government: Halvorson of Webster, Chair; Buhr, Hanson of Delaware, Running and Van Camp.

**House File 155**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House File 156**

State Government: Halvorson of Webster, Chair; Buhr, Hanson of Delaware, Running and Van Camp.

**House File 157**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Swearingen.

**House File 158**

Human Resources: Fey, Chair; Harper, Hester, Peters and Swearingen.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 93**

Ways and Means: Brammer, Chair; Carpenter, May, Parker and Schneklath.

**House Study Bill 113**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 114**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**House Study Bill 115**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 116**

Judiciary and Law Enforcement: Doderer, Chair; Peterson of Carroll and Shoning.

## COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

### COMMITTEE ON AGRICULTURE

**House File 21**, a bill for an act relating to the cost of reclassification of a drainage district.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 1987.

### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 21), relating to the filing of a request for a contested case proceeding with a state agency.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 1987.

**Committee Bill** (Formerly House Study Bill 76), repealing the prohibition of use of toxic halogenated fire extinguishers in public buildings.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 1987.

### COMMITTEE ON TRANSPORTATION

**Senate File 29**, a bill for an act relating to the movement of certain vehicles on the public highways of the state by authorizing the movement of motor homes with an outside width up to eight feet six inches and the movement of mobile homes by transporters.

Fiscal Note is not required.

Recommended **Do Pass** February 4, 1987.

### AMENDMENTS FILED

H-3051	S.F.	41	Clark of Cerro Gordo
H-3052	S.F.	19	Senate Amendment
H-3053	H.F.	153	Hanson of Delaware
H-3054	H.F.	153	De Groot of Lyon
H-3055	H.F.	153	Schnekloth of Scott
H-3056	H.F.	153	Bennett of Ida

On motion by Arnould of Scott, the House adjourned at 4:52 p.m., until 10:00 a.m., Monday, February 9, 1987.

# JOURNAL OF THE HOUSE

Twenty-ninth Calendar Day — Eighteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 9, 1987

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

Prayer was offered by the Honorable Janet Adams, state representative from Hamilton County.

The Journal of Thursday, February 5, 1987 was approved.

## PETITIONS FILED

The following petitions favoring House File 65, an act to repeal the private sale of alcoholic liquor for consumption off the licensed premises, were received and placed on file:

By Halvorson of Webster, from thirty residents of Iowa.

By Hummel of Benton, from three hundred eighty-six residents of the 76th district.

The following petition was received and placed on file:

By Royer of Page, from twenty-eight constituents of the 93rd district favoring an act relating to the repeal of the seat belt law.

## INTRODUCTION OF BILLS

**House File 195**, by Bennett, a bill for an act relating to ensuring that the title to agricultural land is not affected by the failure of a creditor to receive a mediation release, regardless of its validity.

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

**House File 196**, by Halvorson of Clayton, a bill for an act relating to unemployment compensation by reducing the taxable wage base for unemployment compensation effective January 1, 1988, establishing a permanent one-week waiting period for purposes of qualifying for unemployment compensation benefits, eliminating adjustments to weekly benefits based upon the number of dependents, establishing an incremental scale for the determination of taxable wages upon which an employer's contribution is determined, and by changing the base period wage requirement for an employee to qualify for unemployment compensation benefits.

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

**House File 197**, by Harbor, a bill for an act to require sales finance companies to pay interest to motor vehicle retail sellers on reserve accounts required by the sales finance companies.

Read first time and referred to committee on **small business and commerce**.

**House File 198**, by Hammond and Holveck, a bill for an act prohibiting trapping along public streets or roads and near fences separating property and providing a penalty.

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

**House File 199**, by Petersen of Muscatine, a bill for an act relating to the deduction for the purchase of medical or health insurance in computing the state individual income tax and making the Act retroactive.

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

**House File 200**, by Van Camp and Cooper, a bill for an act relating to the prospective repeal of the one-week waiting period under the unemployment compensation law.

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

**House File 201**, by Hermann, Corey, Miller, Plasier and Harbor, a bill for an act to repeal a provision relating to the duration of a state payroll deduction for dues to an employee organization.

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

**House File 202**, by Pavich, Fey, Knapp, Running and Renaud, a bill for an act relating to approval for credits earned for certificate renewal under chapter 260.

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

**House File 203**, by Bennett, a bill for an act exempting school districts from the "Hazardous Chemicals Risks Right to Know Act".

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

**House File 204**, by Muhlbauer and Bennett, a bill for an act relating to the use of mobile radio transmitters for hunting coyotes.

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

**House File 205**, by Corbett, a bill for an act relating to the requirements for obtaining a motorized bicycle license.

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

**House File 206**, by Fey and Hermann, a bill for an act exempting certain licensed child foster care facilities from licensure as a residential care facility for the mentally retarded.

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

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order House File 131.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 131**, a bill for an act relating to transfers to minors by amending the definition of benefit plan to include an individual's retirement account and by excluding compensation due a minor for services rendered from the types of property or debt eligible for transfer to the custodian of a minor, was taken up for consideration.

McKinney of Dallas offered the following amendment H-3037 filed by him and moved its adoption:

H-3037

- 1 Amend House File 131 as follows:
- 2 1. Page 1, line 4, by striking the word
- 3 "individual's" and inserting the following:
- 4 "individual".

Amendment H-3037 was adopted.

The following amendment H-3059 filed by Kremer of Buchanan from the floor was adopted by unanimous consent:

H-3059

- 1 Amend House File 131 as follows:
- 2 1. Title page, line 2, by striking the word
- 3 "individual's" and inserting the following:
- 4 "individual".

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

On the question "Shall the bill pass?" (H.F. 131)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poney	Renaud	Rosenberg
Royer	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Wise	Mr. Speaker	

The nays were, 3:

Maulsby	Renken	Van Maanen
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Absent or not voting, 6:

Jay	Jochum	Mullins	Parker
Running	Swartz		

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

### Ways and Means Calendar

**House File 153**, a bill for an act relating to the state's conforming its income, franchise, and death taxes with the new federal tax provisions by updating references to the Internal Revenue Code, rewriting the state minimum taxes to conform with the federal alternative minimum taxes, rewriting the state generation skipping transfer tax to conform with the federal provisions, striking obsolete and repealed items, clarifying the taxation of regulated investment company dividends and shares, extending the statute of limitations for certain

refund claims, providing for waiver of penalty for underpayment of estimated tax, and providing effective dates, was taken up for consideration.

The House stood at ease at 10:23 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 153 at 11:32 a.m., Speaker Avenson in the chair.

(House File 153 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 12:08 p.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Black of Jasper, for the remainder of the day, on request of Skow of Guthrie.

### BUSINESS PENDING AT RECESS

#### Ways and Means Calendar

The House resumed consideration of **House File 153**, a bill for an act relating to the state's conforming its income, franchise, and death taxes with the new federal tax provisions by updating references to the Internal Revenue Code, rewriting the state minimum taxes to conform with the federal alternative minimum taxes, rewriting the state generation skipping transfer tax to conform with the federal provisions, striking obsolete and repealed items, clarifying the taxation of regulated investment company dividends and shares, extending the statute of limitations for certain refund claims, providing for waiver of penalty for underpayment of estimated tax, and providing effective dates, pending at recess.

Bennett of Ida offered the following amendment H - 3056 filed by him and moved its adoption:

H - 3056

- 1 Amend House File 153 as follows:
- 2 1. Page 16, by inserting after line 35 the
- 3 following:
- 4 "Sec. 100. Section 422.7, Code 1987, is amended by
- 5 inserting after subsection 4 the following new
- 6 subsection:

7 **NEW SUBSECTION.** 5. Subtract that amount of a  
8 contribution to an individual retirement account under  
9 section 408 of the Internal Revenue Code not allowed  
10 as a deduction for federal income tax purposes under  
11 section 408 of the Internal Revenue Code because of  
12 the taxpayer's income."

13 2. Page 43, line 21, by striking the word and  
14 figure "and 33" and inserting the following: "33 and  
15 100".

16 3. Renumber sections and correct internal  
17 references as necessary in accordance with the  
18 amendment.

Roll call was requested by Bennett of Ida and Schnekloth of Scott.

On the question "Shall amendment H—3056 be adopted?" (H.F.  
153)

The ayes were, 37:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Lundby	Maulsby	McKean
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Platt	Renken
Royer	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Tyrrell	Van Camp
Van Maanen			

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Cooper	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Johnson	Knapp	Koenigs	Lageschulte
May	McKinney	Muhlbauer	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

Absent or not voting, 5:

Black	Connors	Jochum	Shoultz
Swearingen			

Amendment H—3056 lost.

Hanson of Delaware offered the following amendment H—3053 filed by him:

H—3053

- 1 Amend House File 153 as follows:
- 2 1. Page 17, line 10, by striking the word
- 3 "subsection" and inserting the word "subsections".
- 4 2. Page 17, by inserting after line 14 the
- 5 following:
- 6 "NEW SUBSECTION. Add the amount of all sales and
- 7 use tax paid under chapters 422, 422B and 423 during
- 8 the tax year. The department may develop general
- 9 tables for the taxpayer to use for computing the
- 10 amount of the sales and use tax deduction based upon
- 11 the taxpayer's income."

Hanson of Delaware offered the following amendment H—3058, to amendment H—3053, filed by him from the floor and moved its adoption:

H—3058

- 1 Amend the Hanson amendment, H—3053, to House File
- 2 153 as follows:
- 3 1. Page 1, by striking lines 2 through 11 and
- 4 inserting the following:
- 5 "\_\_\_\_\_. Page 20, by inserting after line 10 the
- 6 following:
- 7 "Sec. 110. Section 422.9, subsection 2, Code 1987,
- 8 is amended by adding the following new lettered
- 9 paragraph:
- 10 NEW LETTERED PARAGRAPH. Add the amount of all
- 11 sales and use tax paid under chapters 422, 422B, and
- 12 423 during the taxable year. The department may
- 13 develop general tables for the taxpayer to use for
- 14 computing the amount of the sales and use tax
- 15 deduction based upon the taxpayer's income."
- 16 \_\_\_\_\_ Page 43, line 21, by striking the word and
- 17 figure "and 33" and inserting the word and figures "33
- 18 and 110". "

Amendment H—3058 was adopted.

De Groot of Lyon moved the adoption of amendment H—3053, as amended.

Roll call was requested by De Groot of Lyon and Bennett of Ida.

On the question "Shall amendment H—3053, as amended, be adopted?" (H.F. 153)

The ayes were, 37:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Platt	Renken	Royer	Schnekloth
Stromer	Stueland	Tyrrell	Van Camp
Van Maanen			

The nays were, 59:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Cooper	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Johnson
Knapp	Koenigs	May	McKinney
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 4:

Black	Connors	Jochum	Swearingen
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Amendment H—3053, as amended, lost.

De Groot of Lyon offered the following amendment H—3054 filed by him:

H—3054

- 1 Amend House File 153 as follows:
- 2 1. Page 17, line 10, by striking the word
- 3 "subsection" and inserting the following:
- 4 "subsections".
- 5 2. Page 17, by inserting after line 14 the
- 6 following:
- 7 "NEW SUBSECTION. If the taxpayer has a net capital
- 8 gain, as defined in section 1222 of the Internal
- 9 Revenue Code, subtract sixty percent of the amount of
- 10 the net capital gain. In the case of an estate or
- 11 trust, the amount subtracted shall be computed by
- 12 excluding the portion, if any, of the gains for the

- 13 taxable year from sales or exchanges of capital assets  
 14 which, under sections 652 and 662 of the Internal  
 15 Revenue Code, is includable by the income  
 16 beneficiaries as gain derived from the sale or  
 17 exchange of capital assets."

Halvorson of Clayton moved the adoption of amendment H—3054.

Roll call was requested by Halvorson of Clayton and Pellett of Cass.

On the question "Shall amendment H—3054 be adopted?"  
 (H.F. 153)

The ayes were, 41:

Beaman	Bennett	Branstad	Clark
Corbett	Daggett	De Groot	Eddie
Fogarty	Garman	Halvorson, R. A.	Hansen, S. D.
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Muhlbauer	Mullins	Paulin	Pellett
Petersen, D. F.	Platt	Renken	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Svoboda	Tyrrell	Van Camp
Van Maanen			

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Blanshan	Butt	Carpenter	Chapman
Cohoon	Connolly	Connors	Cooper
Diemer	Doderer	Dvorsky	Fey
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Skow	Spear	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 4:

Black	Brammer	Corey	Swearingen
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Amendment H—3054 lost.

Schnekloth of Scott offered the following amendment H—3055  
 filed by him and moved its adoption:

H—3055

1 Amend House File 153 as follows:

2 1. Page 20, by striking lines 1 and 2 and  
3 inserting the following:

4 "Sec. 12. Section 422.9, subsection 1, unnumbered  
5 paragraph 2, Code 1987, is amended to read as follows:

6 A taxpayer who claims the optional standard  
7 deduction under this subsection may, after claiming  
8 the optional standard deduction, claim the direct  
9 charitable contribution as allowed and subject to the  
10 same limitations provided under section 170(i) of the  
11 Internal Revenue Code of 1954 for tax years ending on  
12 or before December 31, 1986. However, the deduction  
13 shall be computed as provided under section 170(i) of  
14 the Internal Revenue Code of 1954 as applied to tax  
15 year 1984. Married taxpayers who have filed a joint  
16 federal return and who elect to file separate returns  
17 or separately on a combined state return must allocate  
18 their allowable charitable deduction to each spouse in  
19 the proportion that each spouse's respective net  
20 income bears to the total combined net income.

21 Taxpayers affected by the allocation provisions of  
22 section 422.8 shall be permitted a deduction in the  
23 amount as is fairly and equitably allocable to Iowa  
24 under rules prescribed by the director."

25 2. Page 20, by inserting after line 10 the  
26 following:  
27 , "Sec. 80. Section 422.9, subsection 2, Code 1987,  
28 is amended by adding the following new lettered  
29 paragraph:

30 NEW LETTERED PARAGRAPH. g. Add the amount  
31 deductible as a charitable contribution of appreciated  
32 property under section 170(e)(1)(B) of the Internal  
33 Revenue Code in effect on December 31, 1986 to the  
34 extent such amount is not deductible under section  
35 170(e)(1)(B) of the Internal Revenue Code for the tax  
36 year and add the amount of travel expenses incurred  
37 for charitable purposes not allowable as a deduction  
38 as a result of section 170(k) of the Internal Revenue  
39 Code."

40 3. Page 43, line 20, by inserting after the  
41 figure "30," the following: "80".

Roll call was requested by Schnekloth of Scott and De Groot of  
Lyon.

On the question "Shall amendment H—3055 be adopted?"  
(H.F. 153)

## The ayes were, 39:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Daggett	De Groot
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schnekloth
Shoning	Siegrist	Stromer	Stueland
Tyrrell	Van Camp	Van Maanen	

## The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoultz	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

## Absent or not voting, 4:

Black	Corey	Muhlbauer	Swearingen
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## Amendment H—3055 lost.

Doderer of Johnson asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, to consider amendment H—3057 as follows filed from the floor by her and Schnekloth of Scott and moved its adoption:

## H—3057

- 1 Amend House File 153 as follows:
- 2 1. Page 25, line 31, by striking the figure "(2)"
- 3 and inserting the following: "(1)".
- 4 2. Page 32, line 34, by striking the figure "(2)"
- 5 and inserting the following: "(1)".
- 6 3. Page 36, line 18, by striking the word
- 7 "Distributtee" and inserting the following:
- 8 "Distributtee Transferee".

Amendment H—3057 was adopted.

Blanshan of Greene in the chair at 2:31 p.m.

Speaker Avenson in the chair at 2:44 p.m.

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. 153)

The ayes were, 71:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
May	McKinney	Metcalf	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Peterson, M. K.	Plasier	Poney
Renaud	Rosenberg	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

The nays were, 27:

Beaman	Bennett	Branstad	Corbett
Corey	Daggett	De Groot	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Hester	Hummel	Kremer	Lundby
Maulsby	McKean	Miller	Pellett
Petersen, D. F.	Platt	Renken	Royer
Tyrrell	Van Camp	Van Maanen	

Absent or not voting, 2:

Black                      Swearingen

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

### INTRODUCTION OF BILL

**House File 207**, by committee on human resources, a bill for an act relating to the approval of chemical substitutes and antagonists programs.

Read first time and placed on the calendar.

**MOTION TO RECONSIDER**  
(House File 153)

I move to reconsider the vote by which House File 153 passed the House on February 9, 1987.

STROMER of Hancock

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber for a brief time on February 9, 1987. Had I been present, I would have voted "aye" on amendments H-3054 and H-3055 to House File 153.

COREY of Louisa

I was necessarily absent from the House chamber on Monday morning, February 9, 1987. Had I been present, I would have voted "aye" on House File 131.

JAY of Appanoose

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 118 Energy and Environmental Protection**

Relating to public health and safety by establishing measures to improve and protect groundwater quality and regulate substances which pose health and safety hazards; establishing goals, policies, programs, funding, and administrative provisions; establishing fertilizer and pesticide management programs, fee requirements, licensing provisions, and penalties; regulating water and agricultural drainage wells, sinkholes, watersheds, and wetlands; establishing an animal waste grant program; establishing solid waste management policies and fees; imposing a fee on household hazardous waste products, establishing a cleanup program and funding for the program, and providing penalties; establishing registration monitoring, and construction guidelines, and fees for aboveground and underground storage tanks; and generally relating to public health and safety including groundwater protection.

**H.S.B. 119 State Government**

Relating to the comprehensive data base of the department of economic development's primary research and marketing center.

**H.S.B. 120 Natural Resources and Outdoor Recreation**

Relating to the taking of animals.

**H.S.B. 121 Human Resources**

Relating to obstetrical and newborn indigent patient care and providing an effective date.

**H.S.B. 122 Judiciary and Law Enforcement**

Authorizing the payment of expenses to state and district judicial nominating commissioners.

**H.S.B. 123 Local Government**

Authorizing the creation of recreation districts.

**H.S.B. 124 Agriculture**

Relating to occupational health and safety.

**H.S.B. 125 Natural Resources and Outdoor Recreation**

Relating to the contracting of indebtedness for county conservation purposes.

**H.S.B. 126 Small Business and Commerce**

Relating to electronic funds transfers by providing for limiting liability of financial institutions for unauthorized electronic funds transfers involving the customer's account, altering restrictions on the establishment, location, and use of satellite terminals, adding definitions, and requiring that all satellite terminals in this state or their data processing centers be directly connected to a central routing unit.

**SUBCOMMITTEE ASSIGNMENTS****House File 138**

Natural Resources and Outdoor Recreation: Stueland, Chair; Fuller and Poncy.

**House File 143**

Natural Resources and Outdoor Recreation: Cooper, Chair; Diemer, Gruhn, Johnson and Platt.

**House File 173**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House File 174**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schneklath and Shultz.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 105**

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

**House Study Bill 107**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 109**

Small Business and Commerce: Neuhauser, Chair; Beatty and Kremer.

**House Study Bill 111**

Natural Resources and Outdoor Recreation: Johnson, Chair; Fuller and Paulin.

**House Study Bill 112**

Education: Ollie, Chair; Connolly, Daggett, Maulsby, Miller, Shultz and Swartz.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly House Study Bill 8), relating to the approval of chemical substitutes and antagonists programs.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 1987.

**COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION**

**House File 114**, a bill for an act to provide that the liquidated damages provision for the unlawful taking of animals applies to violations of chapters 111 and 111A as well as chapter 109.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 1987.

**Committee Bill** (Formerly House Study Bill 91), to increase the fee for the wild-life habitat stamp.

Fiscal Note is not required.

Recommended **Do Pass** February 5, 1987.

**RESOLUTIONS FILED**

**HCR 6**, by Arnould and Stromer, a concurrent resolution relating to Pioneer Lawmakers.

Laid over under **Rule 25**.

**HCR 7**, by McKean, Daggett and Branstad, a concurrent resolution relating to the federal conservation reserve program.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-3060	H.F.	169	Metcalf of Polk
H-3061	H.F.	133	Tyrrell of Iowa

On motion by Arnould of Scott, the House adjourned at 2:59 p.m., until 10:00 a.m., Tuesday, February 10, 1987.

# JOURNAL OF THE HOUSE

Thirtieth Calendar Day — Nineteenth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 10, 1987

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

Prayer was offered by the Honorable Virgil Corey, state representative from Louisa County.

The Journal of Monday, February 9, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Brañstad of Winnebago, from two hundred sixty-four constituents opposing the closing of the state liquor stores.

By Connors of Polk, from eighty-eight constituents favoring the initiation and support of a long term health care and community-based service bill for the elderly of Iowa, free of amendments and insertions by the nursing home lobby.

By Hanson of Delaware, from thirty-two constituents of the 48th District favoring reinstating state-operated liquor stores.

By Renaud of Polk, from eighty-three constituents favoring House File 110, establishing a comprehensive long-term care and community-based services program for the elderly.

By Renken of Grundy, from five hundred and seven citizens of Iowa favoring repeal of Iowa's mandatory seat belt law.

By Wise of Lee, from fifty-eight constituents favoring increase of funding for State Transit Assistance Fund.

## INTRODUCTION OF BILLS

**House File 208**, by De Groot, a bill for an act requiring auxiliary driving lamps to be amber in color.

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

**House File 209**, by Brammer, a bill for an act relating to the enforcement of protective orders and orders to vacate the homestead in dissolution cases, and providing for the application of penalties.

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

**House File 210**, by Black, a bill for an act relating to certain admissions to county care facilities.

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

**House File 211**, by Skow and Kremer, a bill for an act providing that under certain circumstances the owner of a vehicle which is violating the warning lamps or stop arm of a school bus or a vehicle which is improperly overtaking and passing another vehicle shall be deemed to be the driver and making penalties applicable.

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

**House File 212**, by Van Camp, a bill for an act relating to the English language proficiency of persons providing classroom instruction at merged area schools and institutions of higher education under the control of the state board of regents.

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

**House File 213**, by Running, a bill for an act relating to the state's taxation of interest income from municipal bonds and notes and providing a retroactive date.

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

**House File 214**, by Fogarty, a bill for an act relating to the repeal of chapter 467D.

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

**House File 215**, by Hester, a bill for an act relating to the creation of a pool of court reporters serving district associate judges.

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

**House File 216**, by Harbor, a bill for an act relating to commitment of individuals who are gravely disabled or mentally ill.

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

**House File 217**, by Corey and Cooper, a bill for an act relating to taxable wages for purposes of unemployment compensation.

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

**House File 218**, by Halvorson of Clayton, a bill for an act relating to the time for designating the period for which certain employer payments shall be allocated.

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

**House File 219**, by McKean, a bill for an act to restrict the possession of ballistic knives and providing for the application of a penalty.

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

**House File 220**, by Sherzan, a bill for an act relating to labor disputes and the qualification for an employee for unemployment compensation benefits.

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

**House File 221**, by committee on natural resources and outdoor recreation, a bill for an act to increase the fee for the wildlife habitat stamp.

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 Thursday, February 5, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 91, a bill for an act relating to the appointment of the secretary of the state fair board.

JOHN F. DWYER, Secretary

#### MOTION TO RECONSIDER WITHDRAWN (House File 153)

Stromer of Hancock asked and received unanimous consent to withdraw the motion to reconsider House File 153, a bill for an act relating to the state's conforming its income, franchise, and death taxes with the new federal tax provisions by updating references to the Internal Revenue Code, rewriting the state minimum taxes to conform with the federal alternative minimum taxes, rewriting the state generation skipping transfer tax to conform with the federal provisions, striking obsolete and repealed items, clarifying the taxation of regulated investment company dividends and shares, extending the statute of limitations for certain refund claims, providing for waiver of penalty for

underpayment of estimated tax, and providing effective dates, filed by him on February 9, 1987.

### IMMEDIATE MESSAGE

(House File 153)

Arnould of Scott asked and received unanimous consent that House File 153 be immediately messaged to the Senate.

### SPONSOR ADDED

(House File 196)

Metcalf of Polk requested to be added as a sponsor of House File 196.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 127 Human Resources**

Relating to foster care placement review.

#### **H.S.B. 128 Economic Development**

Relating to the establishment of welcome and visitor service centers in the state and making an appropriation.

#### **H.S.B. 129 Economic Development**

Relating to the conditions and criteria to be used in awarding funds from the community economic betterment account of the Iowa plan fund for economic development.

#### **H.S.B. 130 State Government**

Authorizing closed sessions by governmental bodies to discuss economic development plans.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 144**

Judiciary and Law Enforcement: Doderer, Chair; Carpenter, Hammond, Poney and Schnekloth.

#### **House File 145**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

#### **House File 160**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

#### **House File 172**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House File 178**

Judiciary and Law Enforcement: Poncy/Renaud, Co-Chairs; Carpenter.

**House File 181**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 185**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 187**

Judiciary and Law Enforcement: Knapp, Chair; Haverland and Schnekloth.

**House File 190**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 191**

Judiciary and Law Enforcement: Renaud/Poncy, Co-Chairs; Carpenter.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 108**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 122**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House Study Bill 124**

Agriculture: Osterberg, Chair; Fogarty and Pellett.

**COMMITTEE RECOMMENDATION**

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

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON EDUCATION**

**Senate File 50**, a bill for an act relating to the annual report of a school district.

Fiscal Note is not required.

Recommended **Do Pass** February 9, 1987.

**AMENDMENTS FILED**

H—3062

H.F. 64

Spear of Lee

H-3063	H.F.	169	Van Camp of Scott
H-3064	H.J.R.	3	Harbor of Mills

On motion by Arnould of Scott, the House adjourned at 10:08 a.m., until 9:00 a.m., Wednesday, February 11, 1987.

# JOURNAL OF THE HOUSE

Thirty-first Calendar Day — Twentieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 11, 1987

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

Prayer was offered by the Honorable Hugo Schnekloth, state representative from Scott County.

The Journal of Tuesday, February 10, 1987 was approved.

## PETITIONS FILED

The following petitions favoring repeal of the seat belt law were received and placed on file:

By Muhlbauer of Crawford, from one thousand six hundred eighty-two citizens of the 96th District.

By Platt of Muscatine, from sixty-two constituents of the 56th District.

The following petition was received and placed on file:

By Hummel of Benton, from one hundred sixty-two constituents of the 76th District favoring House File 175, an act increasing the priority of monies credited to the public transit assistance fund.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn, until his arrival, on request of Royer of Page.

## INTRODUCTION OF BILLS

**House File 222**, by Paulin, Hester and Siegrist, a bill for an act to allow the advertising of the price and selection of alcoholic liquor for sale at retail.

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

**House File 223**, by Osterberg, a bill for an act relating to the limiting of the funds that can be used to benefit a business or industry that does not pay the prevailing rate.

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

**House File 224**, by Carpenter and Rosenberg, a bill for an act relating to violations of 321J.2 and the records of such violations.

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

**House File 225**, by Van Camp and Lundby, a bill for an act relating to the exemption from liability of care review committee members and the state concerning actions undertaken by care review committee members in the performance of their duties.

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

**House File 226**, by Van Camp, a bill for an act relating to the use of two-party checks for rent payments of persons receiving aid to dependent children.

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

**House File 227**, by Dvorsky and Hansen of Woodbury, a bill for an act relating to ensuring that persons who volunteer services to the state or a municipality, or a nonprofit organization or persons working for the organization, are not liable for civil damages in tort cases.

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

**House File 228**, by Black, a bill for an act prohibiting outdoor advertising of tobacco products.

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

**House File 229**, by Van Maanen, a bill for an act relating to an application deadline for tuition grants.

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

**House File 230**, by Jay, Halvorson of Clayton and Cooper, a bill for an act exempting gas public utilities having less than two thousand customers from the rate regulation authority of the utilities board and defining the areas in which such utilities remain subject to regulation.

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

**House File 231**, by Peters, a bill for an act authorizing voter approval of the acquisition of certain new buildings by a city.

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

**House File 232**, by Running, a bill for an act relating to the district offices of the department of human services and providing an effective date.

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

**House File 233**, by Harbor, a bill for an act relating to the ownership of agricultural land by certain persons.

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

**House File 234**, by Halvorson of Clayton, a bill for an act relating to commencement, trial, and judgments in civil actions predicated upon products liability, and providing for the applicability of the Act.

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

**House File 235**, by Haverland, a bill for an act relating to the sale of cigarettes to persons under age twenty-one and providing a penalty.

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

**House File 236**, by Muhlbauer, a bill for an act relating to the property tax livestock credit.

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

**House File 237**, by Harbor, a bill for an act relating to the form of bills.

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

**House File 238**, by Clark, a bill for an act relating to the purchase of alcoholic beverages by persons under age twenty-one and providing penalties.

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

**House File 239**, by Daggett, a bill for an act relating to the redemption of beverage containers.

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

**House File 240**, by Jay, a bill for an act relating to expenditures by county supervisors for association memberships.

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

**SENATE MESSAGE CONSIDERED**

**Senate File 91**, by committee on agriculture, a bill for an act relating to the appointment of the secretary of the state fair board.

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

On motion by Arnould of Scott, the House was recessed at 9:09 a.m., until 4:15 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker Avenson in the chair.

**COMMUNICATION RECEIVED**

The following communication was received and is on file in the office of the Chief Clerk:

**DEPARTMENT OF TRANSPORTATION**

The 1986 report on the adequacy of public transit programs in the state, pursuant to Chapter 601J.4 (2), Code of Iowa.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 118 (Revised,2) Energy and Environmental Protection**

Relating to public health and safety by establishing measures to improve and protect groundwater quality and regulate substances which pose health and safety hazards; establishing goals, policies, programs, funding, and administrative provisions; establishing fertilizer and pesticide management programs, fee requirements, and licensing provisions, regulating water and agricultural drainage wells, sinkholes, watersheds, and wetlands; establishing an animal waste grant program; establishing solid waste management policies and fees; imposing a fee on household hazardous waste products and establishing a cleanup program and funding for the program, establishing registration monitoring, and construction guidelines, and fees for aboveground and underground storage tanks; and generally relating to public health and safety including groundwater protection, and providing penalties.

**H.S.B. 131 Local Government**

Relating to public bonds by specifying requirements for the issuance of certain bonds, providing for the use of bond proceeds, and providing for the security of certain bonds.

**H.S.B. 132 Energy and Environmental Protection**

Exempting gas public utilities having less than two thousand customers from certain regulation authority of the utilities board and defining the areas in which such utilities remain subject to regulation.

**H.S.B. 133 Education**

To require prioritization of recommendations included in the five-year plan adopted by the state board of education for the achievement of educational goals.

**H.S.B. 134 Education**

Relating to the payment of expenses of merged area schools by the board secretary.

**H.S.B. 135 Education**

To create an Iowa education trust as a public corporation and to establish its powers and duties, and to provide an effective date.

## SUBCOMMITTEE ASSIGNMENTS

**House File 25**

Agriculture: Johnson, Chair; Cooper and Petersen of Muscatine.

**House File 152**

Agriculture: May, Chair; Johnson and Stueland.

**House File 162**

Local Government: Beatty, Chair; Cooper and Hester.

**House File 171**

Human Resources: Fey, Chair; Harper, Hester, Peters and Swearingen.

**House File 175**

Transportation: Muhlbauer, Chair; Harbor and Renaud.

**House File 176**

Local Government: Connors, Chair; Black and Hester.

**House File 179**

Local Government: Muhlbauer, Chair; Fuller and Renken.

**House File 182**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**House File 188**

Natural Resources and Outdoor Recreation: Diemer, Chair; Johnson and Tyrrell.

**House File 197**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House File 205**

Transportation: Muhlbauer, Chair; De Groot and Pavich.

**House File 206**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**House File 208**

Transportation: De Groot, Chair; Fey and Pavich.

**House File 211**

Transportation: Gruhn, Chair; Fogarty and Maulsby.

**House File 214**

Agriculture: Johnson, Chair; Cooper and Petersen of Muscatine.

**House File 224**

Transportation: Jay, Chair; Fogarty and Royer.

**Senate Joint Resolution 4**

Natural Resources and Outdoor Recreation: Johnson, Chair; Schrader and Stueland.

**Senate Joint Resolution 5**

Natural Resources and Outdoor Recreation: Gruhn, Chair; Branstad and Cooper.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS**

**House Study Bill 90**

Local Government: Fuller, Chair; Cooper and Renken.

**House Study Bill 103**

Local Government: Black, Chair; Cooper and Diemer.

**House Study Bill 117**

Natural Resources and Outdoor Recreation: Fogarty, Chair; Poncy and Royer.

**House Study Bill 120**

Natural Resources and Outdoor Recreation: Black, Chair; Diemer and Schrader.

**House Study Bill 121**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House Study Bill 126**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 127**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**House Study Bill 128**

Economic Development: Fey, Chair; Beaman, Pavich, Svoboda and Tyrrell.

**House Study Bill 129**

Economic Development: Groninga, Chair; Connolly, Hanson of Delaware, Miller and Parker.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON ECONOMIC DEVELOPMENT**

**Committee Bill** (Formerly House File 100), authorizing limited gambling on excursion gambling boats by establishing an excursion boat gambling commission, by specifying the powers and duties of the commission, by imposing a tax on adjusted gross receipts from gambling, by requiring licenses and imposing fees, by allocating revenue received, by making corresponding amendments to the Code, and by providing penalties for violations.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 10, 1987.

**COMMITTEE ON HUMAN RESOURCES**

**Committee Bill** (Formerly House Study Bill 9), relating to program grants under the Iowa department of public health for substance abuse programs.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 1987.

**COMMITTEE ON LOCAL GOVERNMENT**

**House File 92**, a bill for an act relating to the council-manager-ward form of city government.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H - 3066** February 10, 1987.

**COMMITTEE ON SMALL BUSINESS AND COMMERCE**

**House File 160**, a bill for an act relating to the fiduciary and trust powers of a credit union.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 10, 1987.

**Committee Bill** (Formerly House Study Bill 31), to increase the required surplus of a reciprocal insurer.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 1987.

**Committee Bill** (Formerly House Study Bill 108), relating to the regulation of industrial loan companies.

Fiscal Note is not required.

Recommended **Do Pass** February 10, 1987.

### RESOLUTION FILED

**HCR 8**, by Clark, a concurrent resolution to provide an interim study of the unnecessary collection of information and duplication of forms by state agencies.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H-3065	H.F.	169	Metcalf of Polk
H-3066	H.F.	92	Committee on Local Government
H-3067	S.F.	29	Black of Jasper
H-3068	S.F.	41	Carpenter of Polk
			Shultz of Black Hawk
H-3069	H.F.	164	Hummel of Benton

On motion by Arnould of Scott, the House adjourned at 4:21 p.m., until 9:00 a.m., Thursday, February 12, 1987.

# JOURNAL OF THE HOUSE

Thirty-second Calendar Day — Twenty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 12, 1987

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

Prayer was offered by the Honorable Deo Koenigs, state representative from Mitchell County.

The Journal of Wednesday, February 11, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Buhr of Polk, from five hundred seventy-five concerned citizens favoring the return of the Cooper children to their foster parents.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Svoboda of Tama on request of Brammer of Linn.

## INTRODUCTION OF BILLS

**House File 241**, by Stueland, a bill for an act requiring Iowa state university of science and technology to use resources connected with institutions of the Iowa department of corrections, in order to conduct agricultural research, development, and testing projects.

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

**House File 242**, by Harbor, a bill for an act to allow the use of class "C" fireworks.

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

**House File 243**, by Stromer, a bill for an act relating to the resolution of disputes regarding the repair of private drainage tile lines.

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

**House File 244**, by Rosenberg, a bill for an act relating to progress payments, final payments, and retention from payments made to subcontractors on public improvement construction projects.

Read first time and referred to committee on **small business and commerce**.

**House File 245**, by Hatch, a bill for an act relating to mobile homes, as homesteads exempt from certain executions.

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

**House File 246**, by Daggett, a bill for an act relating to temporary housing for certain elderly and handicapped persons.

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

**House File 247**, by Stueland, a bill for an act relating to the liability of nonprofit corporations acting as intermediaries between persons contracting for loans.

Read first time and referred to committee on **small business and commerce**.

**House File 248**, by Van Camp, a bill for an act relating to escrow accounts on real property contracts for certain single-family or two-family dwellings.

Read first time and referred to committee on **small business and commerce**.

**House File 249**, by Buhr, Neuhauser, Beatty, Dvorsky, Hermann, Hammond and Diemer, a bill for an act requiring the director of transportation to contract for Amtrak shuttle service and including an appropriation.

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

**House File 250**, by Blanshan, a bill for an act relating to the attendance of certain students residing in one school district in classes in another school district, including defining whole grade sharing, providing for payment of the costs and providing an effective date.

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

**House File 251**, by Gruhn, a bill for an act relating to advocates for certain individuals involuntarily hospitalized.

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

**House File 252**, by Rosenberg, a bill for an act relating to the date of the regular school election.

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

**House File 253**, by Shoultz, Teaford, Diemer, Harper, Fey and Platt, a bill for an act to exempt purchases of tangible personal property and services by community health centers and migrant health

centers from the sales and use tax and making the Act retroactive to January 1, 1981.

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

**House File 254**, by Corey, a bill for an act to disqualify for unemployment compensation purposes persons whose employment is seasonal.

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

**House File 255**, by Fey and Carpenter, a bill for an act to establish an occupational therapist scholarship and loan program administered by the college aid commission.

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

**House File 256**, by Hammond, a bill for an act to delete the physical education participation exemption for ninth through twelfth grade students participating in organized and supervised athletic programs.

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

**House File 257**, by Paulin and Eddie, a bill for an act increasing the speed limit on rural interstate highways and providing a conditional effective date.

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

**House File 258**, by committee on human resources, a bill for an act relating to program grants under the Iowa department of public health for substance abuse programs.

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

On motion by Arnould of Scott, the House was recessed at 9:17 a.m., until 3:15 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Muhlbauer of Crawford on request of Pavich of Pottawattamie.

#### SENATE AMENDMENT CONSIDERED

Holveck of Polk called up for consideration **Senate File 19**, a bill for an act relating to the giving of gifts to public employees and

officials and to candidates and subjecting violators to a penalty and providing an effective date, amended by the House, further amended by the Senate amendment H-3052 to the House amendment as follows:

H-3052

- 1 Amend the House amendment S-3019 to Senate File 19
- 2 as amended, passed, and reprinted by the Senate as
- 3 follows:
- 4 1. Page 6, by striking lines 27 through 30.
- 5 2. By renumbering the amendment to conform with
- 6 this amendment.

Harbor of Mills in the chair at 3:30 p.m.

On motion by Holveck of Polk, the House concurred in the Senate amendment H-3052 to the House amendment.

Holveck 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. 19)

The ayes were, 81:

Adams	Arnould	Avenson	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Buhr	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
May	McKinney	Metcalf	Miller
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Tabor	Teaford	Van Camp	Wise
Mr. Speaker (Harbor)			

The nays were, 15:

Bennett	Branstad	Carpenter	Halvorson, R. N.
Hanson, D. R.	Hermann	Hester	Kremer

Lundby	Maulsby	McKean	Mullins
Petersen, D. F.	Tyrrell	Van Maanen	

Absent or not voting, 4:

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

**MOTION TO RECONSIDER WITHDRAWN**  
(House Resolution 3)

Holveck of Polk asked and received unanimous consent to withdraw the motion to reconsider House Resolution 3, a resolution relating to the code of ethics of the house of representatives, filed by him on February 3, 1987.

Speaker Avenson in the chair at 3:39 p.m.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Halvorson of Clayton, for the remainder of the day, on request of Harbor of Mills.

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 64**, a bill for an act relating to jury lists, with report of committee recommending passage was taken up for consideration.

Spear of Lee offered the following amendment H—3062 filed by him and moved its adoption:

H—3062

1. Amend House File 64 as follows:
2. 1. Page 1, line 13, by striking the word
- 3 "general" and inserting the word "general".

Amendment H—3062 was adopted.

Hansen 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. 64)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly

Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Halvorson, R. A.	Muhlbauer	Svoboda	Swartz
Swearingen			

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

**Senate File 41**, a bill for an act relating to the reimbursement to a parent or guardian for the cost of transporting the pupil to school when bus transportation is not available, providing for the applicability of the Act, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Carpenter of Polk offered the following amendment H—3068 filed by her and Shoultz of Black Hawk and moved its adoption:

H—3068

- 1 Amend Senate File 41, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 1 through 6.
- 4 2. Page 2, by striking lines 10 through 15 and
- 5 inserting the following:
- 6 "Sec. 3."

Amendment H—3068 lost.

Clark of Cerro Gordo asked and received unanimous consent to withdraw amendment H—3051 filed by her on February 5, 1987.

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

On the question "Shall the bill pass?" (S.F. 41)

The ayes were, 74:

Adams	Arnould	Beaman	Bisignano
Black	Blanshan	Brammer	Branstad
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Dvorsky	Fey	Fogarty
Fuller	Garman	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	Maulsby	May	McKean
McKinney	Miller	Norrsgard	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poney	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Swartz
Tabor	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 22:

Beatty	Bennett	Buhr	Carpenter
Chapman	Clark	Doderer	Eddie
Groninga	Gruhn	Hammond	Harbor
Harper	Hummel	Lageschulte	Metcalf
Mullins	Neuhauser	Pellett	Platt
Shoultz	Teaford		

Absent or not voting, 4:

Halvorson, R. A.	Muhlbauer	Svoboda	Swearingen
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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 18**, a bill for an act to repeal the prohibition relating to price discrimination in the sale or lease of motor vehicles by a motor vehicle manufacturer, distributor, or wholesaler and providing an effective date, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 18)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Halvorson, R. A.	Muhlbauer	Svoboda	Swearingen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Metcalf of Polk, for the remainder of the day, on request of Corey of Louisa.

**House File 132**, a bill for an act relating to the final report of a personal representative in probate, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 132)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Miller	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Swartz
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Halvorson, R. A.	Metcalf	Muhlbauer	Svoboda
Swearingen			

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

**House File 164**, a bill for an act relating to the discretion of a notary public in performing notarial services, and limiting that discretion, was taken up for consideration.

Hummel of Benton asked and received unanimous consent to withdraw amendment H—3069 filed by him on February 11, 1987.

Connors 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. 164)

The ayes were, 75:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer

Buhr	Carpenter	Chapman	Cohoon
Connolly	Connors	Cooper	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	May	McKean	McKinney
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Wise	Mr. Speaker	

The nays were, 19:

Bennett	Branstad	Clark	Corbett
Corey	Daggett	De Groot	Garman
Hester	Lageschulte	Lundby	Maulsby
Miller	Pellett	Petersen, D. F.	Renken
Schnekloth	Stueland	Van Maanen	

Absent or not voting, 6:

Halvorson, R. A.	Metcalf	Muhlbauer	Royer
Svoboda	Swearingen		

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

**House File 163**, a bill for an act relating to health-related duties within the department of inspections and appeals and the Iowa department of public health, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 163)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn

Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Miller
Mullins	Neuhauser	Norrard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Tabor
Teaford	Tyrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Halvorson, R. A.	Haverland	Metcalf	Muhlbauer
Svoboda	Swearingen		

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

**House File 165**, a bill for an act relating to the operations of the state vehicle dispatcher, was taken up for consideration.

Connors 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. 165)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Miller
Mullins	Neuhauser	Norrard	Ollie

Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Connors	Halvorson, R. A.	Metcalf	Muhlbauer
Svoboda	Swearingen		

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

**Senate File 39**, a bill for an act relating to the date on which the certified enrollment count is taken for pupils enrolled in public schools in this state, with report of committee recommending passage was taken up for consideration.

Shoultz 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. 39)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	McKean	McKinney	Miller
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear

Stueland	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 4:

Branstad	Maulsby	Stromer	Van Maanen
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Absent or not voting, 8:

Blanshan	Brammer	Halvorson, R. A.	May
Metcalf	Muhlbauer	Svoboda	Swearingen

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

**House File 133**, a bill for an act providing for nonresident hunting licenses for deer and wild turkey, was taken up for consideration.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3061 filed by him on February 9, 1987.

Dvorsky of Johnson offered the following amendment H—3024 filed by him and Koenigs of Mitchell and moved its adoption:

H—3024

- 1 Amend House File 133 as follows:
- 2 1. Page 1, by striking lines 25 through 27 and
- 3 inserting the following:
- 4 **"NEW UNNUMBERED PARAGRAPH.** The department shall
- 5 furnish the names and addresses of nonresident deer or
- 6 wild turkey hunting licensees to the department of
- 7 economic development which shall send appropriate
- 8 tourism information to the licensees."

Amendment H—3024 was adopted.

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

On the question "Shall the bill pass?" (H.F. 133)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Brammer	Branstad
Buhr	Carpenter	Chapman	Clark
Cohon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs

Kremer	Lageschulte	Lundby	May
McKean	McKinney	Miller	Mullins
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stromer
Stueland	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Wise	

The nays were, 11:

Bisignano	Doderer	Garman	Hester
Maulsby	Neuhauser	Pellett	Royer
Skow	Van Maanen	Mr. Speaker	

Absent or not voting, 6:

Blanshan	Halvorson, R. A.	Metcalf	Muhlbauer
Svoboda	Swearingen		

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

### REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 6, your committee on rules and 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 Appoint- ment</u>	<u>Eff. Date</u>
Legislative Secretary	Mishelle L. Anderson	16-1 + 2	S-0	1-23-87
Legislative Committee Secretary	Alisa K. Battern	17-1 + 2	S-0	1-23-87
Legislative Secretary	Mary C. Braun	16-1 + 2	S-0	1-23-87
Legislative Secretary	Catherine S. Burchell	16-1 + 2	S-0	1-23-87
Legislative Secretary	Clarretta J. De Groot	16-1 + 2	S-0	1-12-87
Legislative Secretary	Maureen A. Kennedy	15-1 + 2	S-0	1-23-87
Legislative Committee Secretary	Joan M. Koenigs	17-1 + 2	S-0	1-12-87

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appoint- ment</u>	<u>Eff. Date</u>
Legislative Committee Secretary	Betty J. LaCava	18-1 + 2	S-O	1-12-87
Legislative Secretary	Mary Belle Lawless	16-1 + 2	S-O	1-12-87
Legislative Committee Secretary	JoAnn M. Leachman	18-1 + 2	S-O	1-23-87
Legislative Committee Secretary	M. Maxine Mann	18-6 + 2	S-O	1-12-87
Legislative Secretary	Twyla L. Miller	17-1 + 2	S-O	1-23-87
Legislative Committee Secretary	Diane L. Pollock	18-1 + 2	S-O	1-12-87
Legislative Committee Secretary	Linda R. Powers	17-1 + 2	S-O	1-23-87

CHAPMAN of Linn, Chair

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### H.S.B. 136 Education

Relating to the education of certain children living outside the district of residence.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 86

Ways and Means: Chapman, Chair; Petersen of Muscatine and Tabor.

##### House File 151

Ways, and Means: Groninga, Chair; Daggett and Johnson.

##### House File 184

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

##### House File 186

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

##### House File 189

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

##### House File 195

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Lageschulte and Tabor.

**House File 196**

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

**House File 200**

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

**House File 201**

Labor and Industrial Relations: Bisignano, Chair; Connors and Tyrrell.

**House File 209**

Judiciary and Law Enforcement: Doderer, Chair; Hammond and Poncy.

**House File 210**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 212**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 215**

Judiciary and Law Enforcement: Poncy/Renaud, Co-Chairs; and Carpenter.

**House File 216**

Human Resources: Haverland, Chair; Adams, Corey, Eddie and Spear.

**House File 217**

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

**House File 218**

Labor and Industrial Relations: Connors, Chair; Eddie and Running.

**House File 219**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 225**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 226**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**House File 227**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 228**

Local Government: Beatty, Chair; Norrgard and Petersen of Muscatine.

**House File 231**

Local Government: Platt, Chair; Eddie and Norrgard.

**House File 232**

Human Resources: Buhr, Chair; Haverland, Hermann, Miller and Peters.

**House File 234**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 235**

Judiciary and Law Enforcement: Jay, Chair; Clark and Renaud.

**House File 238**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House File 240**

Local Government: Royer, Chair; Fuller and Peters.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 27**

Local Government: Black, Chair; Connors and Royer.

**House Study Bill 119**

State Government: Knapp, Chair; Fuller, Garman, Lundby and Running.

**House Study Bill 130**

State Government: Knapp, Chair; Fuller, Garman, Lundby and Running.

**House Study Bill 131**

Local Government: Hatch, Chair; Bisignano and Daggett.

**House Study Bill 133**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House Study Bill 134**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House Study Bill 135**

Education: Tabor, Chair; Siegrist and Swartz.

**COMMITTEE RECOMMENDATION**

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

**JOSEPH O'HERN**  
Chief Clerk of the House

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House Study Bill 64), relating to the exemption from the state sales, services and use tax of the gross receipts from the sale of foods purchased with federal food stamps and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** February 11, 1987.

## AMENDMENT FILED

H-3070

H.F. 169

Norrgard of Des Moines  
Metcalf of Polk  
Hammond of Story  
Van Camp of Scott

On motion by Arnould of Scott, the House adjourned at 4:39 p.m., until 10:00 a.m., Monday, February 16, 1987.

# JOURNAL OF THE HOUSE

Thirty-sixth Calendar Day — Twenty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 16, 1987

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

Prayer was offered by the Honorable Patricia Harper, state representative from Black Hawk County.

The Journal of Thursday, February 12, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corey of Louisa, Royer of Page and Halvorson of Clayton, on request of Harbor of Mills; Running of Linn on request of Arnould of Scott.

## MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on February 12, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 114, a bill for an act requiring, to the extent practicable, that members of the state transportation commission be appointed so that at least one member resides within each congressional district in the state and providing an effective date.

JOHN F. DWYER, Secretary

## INTRODUCTION OF BILLS

**House File 259**, by Running, a bill for an act relating to orders of assignment for child support.

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

**House File 260**, by Haverland, a bill for an act relating to the enforcement of child custody and visitation orders.

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

**House File 261**, by Eddie, a bill for an act relating to fees paid to jurors.

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

**House File 262**, by Platt, a bill for an act relating to the number of days wherein a vehicle shall not be considered abandoned.

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

**House File 263**, by Bennett, a bill for an act relating to provisional certificates to teach certain subjects.

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

**House File 264**, by committee on small business and commerce, a bill for an act to increase the required surplus of a reciprocal insurer not authorized and operating under chapter 520 prior to the effective date of this Act.

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

**House File 265**, by committee on small business and commerce, a bill for an act relating to the regulation of industrial loan companies.

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

**House File 266**, by committee on ways and means, a bill for an act relating to the exemption from the state sales, services and use tax of the gross receipts from the sale of foods purchased with federal food stamps and providing an effective date.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 170**, a bill for an act to authorize the sale of the corporate shell of an insolvent insurance company, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 170)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Daggett

De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Holveck
Hummel	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Schneklath
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Corey	Doderer	Halvorson, R. A.	Haverland
Jay	Jochum	Parker	Royer
Running	Shoultz		

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

**House File 194**, a bill for an act repealing the prohibition of use of toxic halogenated fire extinguishers in public buildings, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 194)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Holveck
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby

Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Brammer	Corey	Halvorson, R. A.	Haverland
Jochum	Parker	Royer	Running

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

**House File 168**, a bill for an act to prohibit a person who intentionally and unjustifiably causes or procures the death of another from receiving any property, benefit, or other interest by reason of the death, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 168)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud

Renken	Rosenberg	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Corey	Halvorson, R. A.	Jochum	Parker
Royer	Running		

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

**House File 21**, a bill for an act relating to the cost of reclassification of a drainage district, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 21)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Johnson
Knapp	Koenigs	Kremer	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 4:

Hummel	Lageschulte	Schnekloth	Stueland
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Absent or not voting, 6:

Corey Royer	Halvorson, R. A. Running	Jochum	Parker
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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 193**, a bill for an act relating to the filing of a request for a contested case proceeding with a state agency, was taken up for consideration.

Fuller of Hardin moved that the bill be read a last time 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. 193)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Schnekloth	Schrader
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Corey Royer	Halvorson, R. A. Running	Jochum	Parker
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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 29 DEFERRED

**Senate File 29**, a bill for an act relating to the movement of certain vehicles on the public highways of the state by authorizing the movement of motor homes with an outside width up to eight feet six inches and the movement of mobile homes by transporters, with report of committee recommending passage, was taken up for consideration.

Black of Jasper offered the following amendment H—3067 filed by him:

H—3067

- 1 Amend Senate File 29 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "that" the words "a trailer with boat or".

Koenigs of Mitchell asked and received unanimous consent that Senate File 29 be deferred and that the bill retain its place on the calendar.

(Amendment H—3067 pending.)

**House File 114**, a bill for an act to provide that the liquidated damages provision for the unlawful taking of animals applies to violations of chapters 111 and 111A as well as chapter 109, with report of committee recommending passage, was taken up for consideration.

Dvorsky 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. 114)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard

Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Corey	Halvorson, R. A.	Jochum	Parker
Royer	Running		

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

**House File 207**, a bill for an act relating to the approval of chemical substitutes and antagonists programs, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 207)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland

Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Corey	Halvorson, R. A.	Jochum	Parker
Royer	Running		

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

### RULE 32 SUSPENDED

**House File 221**, a bill for an act to increase the fee for the wildlife habitat stamp, was taken up for consideration.

Bennett of Ida rose on a point of order and invoked Rule 32 to refer House File 221 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

Arnould of Scott asked for unanimous consent to suspend Rule 32.

Objection was raised.

Arnould of Scott moved that Rule 32 be suspended on House File 221.

A non-record roll call was requested.

The ayes were 56, nays 36.

The motion prevailed and Rule 32 was suspended.

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

On the question "Shall the bill pass?" (H.F. 221)

The ayes were, 72:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Cooper
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Holveck
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	May	McKean

McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Schrader
Sherzan	Shoultz	Skow	Spear
Stueland	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Wise	Mr. Speaker

The nays were, 23:

Bennett	Clark	Corbett	Daggett
De Groot	Eddie	Garman	Harbor
Hermann	Hester	Lageschulte	Lundby
Maulsby	Pellett	Petersen, D. F.	Renken
Schneklath	Shoning	Siegrist	Stromer
Svoboda	Van Camp	Van Maanen	

Absent or not voting, 5:

Corey	Halvorson, R. A.	Jochum	Royer
Running			

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

**Senate File 50**, a bill for an act relating to the annual report of a school district, with report of committee recommending passage was taken up for consideration.

Haverland 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. 50)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier

Platt	Poncy	Renaud	Renken
Rosenberg	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Connors	Corey	Halvorson, R. A.	Jochum
Neuhauser	Royer	Running	

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

**House File 169**, a bill for an act creating a lead abatement program within the Iowa department of public health, was taken up for consideration.

Van Camp of Scott asked and received unanimous consent to temporarily defer action on amendment H—3063.

Metcalf of Polk asked and received unanimous consent to withdraw amendment H—3065 filed by her on February 11, 1987.

Norrgard of Des Moines offered the following amendment H—3070 filed by Norrgard, et al., and moved its adoption:

H—3070

- 1 Amend House File 169 as follows:
- 2 1. Page 1, by striking lines 29 and 30.
- 3 2. Page 1, line 34, by inserting after the word
- 4 "health" the words "or cities".
- 5 3. Page 2, line 2, by inserting after the word
- 6 "health" the words "or city".
- 7 4. Page 2, line 5, by inserting after the word
- 8 "health" the words "or city".
- 9 5. Page 2, line 10, by inserting after the word
- 10 "health" the words "or city".
- 11 6. Page 3, by striking lines 2 through 7.

Amendment H—3070 was adopted.

Metcalf of Polk asked and received unanimous consent to withdraw amendment H—3060 filed by her on February 9, 1987.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—3063 (temporarily deferred) filed by him on February 10, 1987.

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

On the question "Shall the bill pass?" (H.F. 169)

The ayes were, 86:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Jay	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 8:

Bennett	Garman	Hummel	Maulsby
Platt	Renken	Schneklath	Van Maanen

Absent or not voting, 6:

Corey	Halvorson, R. A.	Jochum	Royer
Running	Swartz		

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

### RULE 32 SUSPENDED

**House File 167**, a bill for an act relating to fees for and duration of motor vehicle licenses and requiring motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment, was taken up for consideration.

Hummel of Benton rose on a point of order and invoked Rule 32 to refer House File 167 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

Arnould of Scott moved that Rule 32 be suspended on House File 167.

Roll call was requested by Stromer of Hancock and Hummel of Benton.

On the question "Shall Rule 32 be suspended on House File 167?"

The ayes were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Johnson	Knapp	Koenigs	May
McKinney	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Schrader	Sherzan	Shoultz
Skow	Spear	Svoboda	Tabor
Teaford	Wise	Mr. Speaker	

The nays were, 39:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Daggett	De Groot
Diemer	Eddie	Garman	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Schneklath	Shoning
Siegrist	Stromer	Stueland	Swearingen
Tyrrell	Van Camp	Van Maanen	

Absent or not voting, 6:

Corey	Halvorson, R. A.	Jochum	Royer
Running	Swartz		

The motion prevailed and Rule 32 was suspended.

Arnould of Scott asked and received unanimous consent that House File 167 be deferred and that the bill retain its place on the calendar.

**MOTION TO RECONSIDER**  
(House File 221)

I move to reconsider the vote by which House File 221 passed the House on February 16, 1987.

HUMMEL of Benton

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Monday, February 16, 1987. Had I been present, I would have voted "aye" on House File 170.

JAY of Appanoose

**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 16, 1987, adopted the following joint resolution in which the concurrence of the House is asked:

Senate Joint Resolution 2, a joint resolution to nullify an administrative rule of the department of natural resources relating to the park user permit.

Also: That the Senate has on February 16, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 9, a concurrent resolution to urge and request the United States Congress to fully fund and support the State Employment Service System, to continue the federal-state Work-Incentive-(WIN) Program, and to enact a Worker Adjustment Assistance Program.

JOHN F. DWYER, Secretary

**PRESENTATION OF VISITORS**

Arnould of Scott presented to the House the Honorable Doris Peick, former member of the House representing Linn County.

Buhr of Polk presented to the House the Honorable Joseph Biden, United States Senator from Delaware.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 137 State Government**

To extend the final dates for certain early retirement and early termination incentive programs for state and local employees, and providing an effective date.

**H.S.B. 138 Human Resources**

Relating to child abuse.

**H.S.B. 139 Energy and Environmental Protection**

Implementing a guaranteed utility payment plan for eligible customers of gas and electric public utilities and including an appropriation.

**H.S.B. 140 Small Business and Commerce**

Relating to insurance coverage for health care services provided by registered nurses, requiring that coverage be made available, providing for direct payment or reimbursement, and providing for data collection and utilization review.

**H.S.B. 141 Local Government**

Relating to the payment of special assessments on property acquired by eminent domain and providing an effective date.

**H.S.B. 142 State Government**

Relating to unfair or discriminatory practices under the state civil rights law by deleting certain enumerations and duplications.

**H.S.B. 143 State Government**

Relating to the regulation of pharmacists and pharmacies and to administration, dispensing, and distribution of certain drugs, and providing penalties.

**SUBCOMMITTEE ASSIGNMENTS****House File 198**

Natural Resources and Outdoor Recreation: Schrader, Chair; Cooper and Paulin.

**House File 202**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House File 204**

Natural Resources and Outdoor Recreation: Gruhn, Chair; Fogarty and Royer.

**House File 229**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 230**

Energy and Environmental Protection: Adams, Chair; Lundby and May.

**House File 239**

Energy and Environmental Protection: Svoboda, Chair; Fuller and McKean.

**House File 244**

Small Business and Commerce: Blanshan, Chair; Hansen of Woodbury and Metcalf.

**House File 247**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House File 248**

Small Business and Commerce: McKinney, Chair; Kremer and Neuhauser.

**House File 250**

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

**House File 252**

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

**House File 255**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 256**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House File 263**

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 125**

Natural Resources and Outdoor Recreation: Fuller, Chair; Diemer and Dvorsky.

**House Study Bill 132**

Energy and Environmental Protection: Adams, Chair; Lundby and May.

**House Study Bill 136**

Education: Teaford, Chair; Adams and Daggett.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**House File 28**, a bill for an act relating to the termination of a tenancy at will.

Fiscal Note is not required.

Committee Action: **Failed to Pass** February 12, 1987.

**COMMITTEE ON LOCAL GOVERNMENT**

**Committee Bill** (Formerly House Study Bill 1), authorizing a county to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 12, 1987.

### RESOLUTIONS FILED

**HCR 9**, by Fey, a concurrent resolution relating to program evaluation of external foster care review.

Laid over under **Rule 25**.

**SCR 9**, by committee on business and labor, a concurrent resolution to urge and request the United States Congress to fully fund and support the State Employment Service System, to continue the federal-state Work-Incentive-(WIN) Program, and to enact a Worker Adjustment Assistance Program.

Laid over under **Rule 25**.

### AMENDMENT FILED

H-3071

H.F. 167

Lageschulte of Bremer  
Fogarty of Palo Alto

On motion by Arnould of Scott, the House adjourned at 11:38 a.m., until 9:00 a.m., Tuesday, February 17, 1987.

# JOURNAL OF THE HOUSE

Thirty-seventh Calendar Day — Twenty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 17, 1987

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

Prayer was offered by the Honorable Wayne Bennett, state representative from Ida County.

The Journal of Monday, February 16, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Hanson of Delaware, from thirteen Iowans favoring repealing the Iowa safety belt law.

By Running of Linn, from twenty-four constituents and members of the Advisory Council Heritage Agency on Aging, urging the Iowa General Assembly to increase funding to the State Transit Assistance Fund.

By Schnekloth of Scott, from one hundred ninety-five members of St. Paul Lutheran Church, Davenport, opposing House File 100, an act authorizing limited gambling on excursion gambling boats.

## INTRODUCTION OF BILLS

**House File 267**, by Shoultz, a bill for an act creating a catastrophic health assistance program for certain injuries sustained on or after January 1, 1988, funded through a surcharge on certain motor vehicle violations.

Read first time and referred to committee on **small business and commerce**.

**House File 268**, by Diemer, a bill for an act requiring persons age seventy years or older to pass an actual driving demonstration in order to renew their operators' or chauffeurs' licenses.

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

**House File 269**, by Connors, a bill for an act authorizing a tax levy for city libraries by petition and referendum.

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

**House File 270**, by Sherzan, a bill for an act relating to the confinement and treatment of persons convicted of a violation of operating a motor vehicle while intoxicated.

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

**House File 271**, by Pavich, a bill for an act relating to the retirement benefits paid to retirees and beneficiaries under service retirement and accidental disability for members of the peace officers' retirement system and local police and fire retirement systems.

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

**House File 272**, by Corey, a bill for an act relating to determining suitable work in relation to unemployment compensation.

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

**House File 273**, by Running and Van Camp, a bill for an act to eliminate the bond requirements of certain liquor control licensees and retail wine and beer permittees.

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

**House File 274**, by Haverland, a bill for an act providing for uniform training of peace officers through establishment of the board of peace officer standards and training.

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

**House File 275**, by Halvorson of Webster, a bill for an act relating to intergovernmental agreements pursuant to chapter 28E.

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

**House File 276**, by Hermann and Poncy, a bill for an act relating to the definition and rental or sale of obscene material, and providing penalties.

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

**House File 277**, by committee on small business and commerce, a bill for an act relating to residential service contracts by modifying the administrative and rulemaking authority for the residential service contracts chapter, and by changing the security requirement for a licensed service company.

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

**House File 278**, by committee on local government, a bill for an act authorizing a county to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter.

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

**House File 279**, by committee on economic development, a bill for an act authorizing limited gambling on excursion gambling boats by establishing an excursion boat gambling commission, by specifying the powers and duties of the commission, by imposing a tax on adjusted gross receipts from gambling, by requiring licenses and imposing fees, by allocating revenue received, by making corresponding amendments to the Code, and by providing penalties for violations.

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

#### SENATE MESSAGES CONSIDERED

**Senate Joint Resolution 2**, by committee on natural resources, a joint resolution to nullify an administrative rule of the department of natural resources relating to the park user permit.

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

**Senate File 114**, by Welsh, Lind, Drake, Coleman and Corning, a bill for an act requiring, to the extent practicable, that members of the state transportation commission be appointed so that at least one member resides within each congressional district in the state and providing an effective date.

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 February 12, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 49, a bill for an act relating to school finance including creating a working committee to study school finance and repealing chapter 442 on June 30, 1991.

Also: That the Senate has on February 12, 1987, passed the following bill in which the concurrence of the House is asked:

House File 129, a bill for an act relating to forms of acknowledgements.

Also: That the Senate has on February 12, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 130, a bill for an act to provide that moneys deposited in the barrel tax fund and the gallonage tax fund shall not revert to the state general fund without a specific appropriation, and providing for retroactive applicability of the Act.

Also: That the Senate has on February 12, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 8, relating to the federal conservation reserve program.

JOHN F. DWYER, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on February 16, 1987. Had I been present, I would have voted "aye" on House Files 21, 114, 168, 170, 193, 194, 207 and Senate File 50; "nay" on House Files 169, 221 and the suspension of Rule 32 on House File 167.

COREY of Louisa

I was necessarily absent from the House chamber on February 16, 1987. Had I been present, I would have voted "aye" on House Files 21, 114, 168, 169, 170, 193, 194, 207 and Senate File 50; "nay" on House File 221.

ROYER of Page

### COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on February 16, 1987 and is on file in the office of the Chief Clerk:

February 13, 1987

Joseph O'Hern  
Chief Clerk  
House of Representatives  
Statehouse  
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House.

These include 18 claims of a general nature. This supplements our filing of December 29, 1986.

Index is attached showing number of claim, name and address of claimant, amount of claim, and action taken.

Very truly yours,  
Richard D. Johnson  
Chairman  
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN  
Chief Clerk of the House

DEPARTMENT OF MANAGEMENT  
STATE APPEAL BOARD

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G86-1042	Cecil E. Lehman Des Moines, Iowa (Sick Leave Pay)	\$2,000.00	DENIED
G86-1159	Palo Alto County Hospital Emmetsburg, Iowa (Sales Tax Refund)	1,747.34	DENIED
G86-1200	Nels Jacobsen Magnolia, Iowa (License Fee Refund)	71.00	DENIED
G86-1232	Kenneth E. or Evelyn Christensen Harlan, Iowa (License Fee Refund)	23.00	DENIED
G86-1234	Ralph L. Corporon Latimer, Iowa (License Fee Refund)	26.00	DENIED
G86-1236	William Dieffenbach Bloomfield, Iowa (License Fee Refund)	33.00	DENIED
G86-1249	Edwin Sneller DBA Sneller Trucking Doon, Iowa (License Fee Refund)	83.45	DENIED
G86-1258	Marvin Phillips Estate Mark Phillips, Executor New Sharon, Iowa (License Fee Refund)	45.00	DENIED
G86-1259	Arnold Wendel Belmond, Iowa (License Fee Refund)	80.00	DENIED
G86-1268	Barbara Bakker Cherokee, Iowa (License Fee Refund)	13.00	DENIED

<u>Claim Number</u>	<u>Name of Claimant Nature of Claim</u>	<u>Amount of Claim</u>	<u>Amount Approved</u>
G86-1273	Alma M. Buck Fort Madison, Iowa (License Fee Refund)	44.00	DENIED
G86-1278	Kay L. Lenaburg Cedar Rapids, Iowa (License Fee Refund)	50.00	DENIED
G86-1348	Wesley W. Parks, Sr. Estate, Stanley Parks, Executor Hampton, Iowa (License Fee Refund)	43.50	DENIED
G86-1359	Charles J. Butler DeWitt, Iowa (License Fee Refund)	110.00	DENIED
G86-1368	Burl Ratcliff Hampton, Iowa (License Fee Refund)	45.00	DENIED
G86-1378	O. Demar Enget Fairfax, Iowa (License Fee Refund)	15.00	DENIED
G87-0044	Hampton Distributing Hampton, Iowa (License Fee Refund)	126.84	DENIED
G87-0049	Waterloo Community School District Waterloo, Iowa (Sales Tax Refund)	1,056.95	DENIED

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### LEGISLATIVE EXTENDED ASSISTANCE GROUP

A report concerning Research on Regional Economic Development Efforts in Iowa's Rural Counties, pursuant to Legislative Council action.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 144 Natural Resources and Outdoor Recreation**

Relating to exemptions from tort liability for political subdivisions by adding an exemption for damages resulting from the use of certain recreational property, and providing for the applicability of the Act.

##### **H.S.B. 145 Natural Resources and Outdoor Recreation**

Making an appropriation for the acquisition of land encompassing the Blood Run national historic landmark.

**H.S.B. 146 Local Government**

Relating to the reduction of property taxes of cities and counties with ending fund balances in excess of twenty-five percent of expenditures, providing certain exclusions, and eliminating the local effort requirement for a county's receipt of road use tax funds.

**H.S.B. 147 Agriculture**

Relating to soil conservation districts, by changing the name to soil and water conservation districts.

**H.S.B. 148 Local Government**

Relating to the interest of a city officer or employee in contracts for the purchase of goods and services by a city.

**H.S.B. 149 Small Business and Commerce**

Relating to an exemption from securities registration for securities traded or approved for trade on the national association of securities dealers automated quotations — national market system (NASDAQ/NMS).

**H.S.B. 150 Ways and Means**

Relating to payments for local school districts, area schools, counties, cities, local conference boards, county hospitals, and county agricultural extension councils.

**H.S.B. 151 Labor and Industrial Relations**

Relating to the intercepting or monitoring by employers of telephone calls between employees and customers, requiring the marking of monitored telephones and the use of audible warning signals, and providing a penalty.

**SUBCOMMITTEE ASSIGNMENTS****House File 242**

Judiciary and Law Enforcement: Harbor, Chair; Hansen of Woodbury and Jay.

**House File 249**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 261**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT****House Study Bill 137**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Shoning.

## COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

### COMMITTEE ON APPROPRIATIONS

**Senate Concurrent Resolution 4**, a concurrent resolution relating to the board of regents ten-year building program.

Fiscal note is not required.

**Recommended Amend and Do Pass with amendment H—3075 and laid over under Rule 25 February 17, 1987.**

### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Committee Bill (Formerly House Study Bill 101)**, relating to residential service contracts by modifying the administrative and rulemaking authority for the residential service contracts chapter, and by changing the security requirement for a licensed service company.

Fiscal Note is not required.

**Recommended Do Pass February 12, 1987.**

### COMMITTEE ON STATE GOVERNMENT

**House File 79**, a bill for an act prohibiting smoking in certain public places and providing a penalty.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—3073 February 16, 1987.**

**Committee Bill (Formerly House Study Bill 15)**, allowing therapeutically certified optometrists to prescribe and dispense certain pharmaceutical agents and to treat certain conditions.

Fiscal Note is not required.

**Recommended Amend and Do Pass February 16, 1987.**

### RESOLUTION FILED

**SCR 8**, by committee on agriculture, a concurrent resolution relating to the federal conservation reserve program.

Laid over under **Rule 25.**

### AMENDMENTS FILED

H—3072	H.F. 167	Groninga of Cerro Gordo
H—3073	H.F. 79	Committee on State Government

H - 3074  
H - 3075

H.F. 167  
S.C.R. 4

Van Camp of Scott  
Committee on  
Appropriations

On motion by Arnould of Scott, the House adjourned at 9:13 a.m., until 9:00 a.m., Wednesday, February 18, 1987.

# JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day — Twenty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 18, 1987

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

Prayer was offered by Reverend Max Frazier, pastor of the Evangelical Free Church, Albert City.

The Journal of Tuesday, February 17, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Osterberg of Linn, from sixty-one constituents opposing the seat belt law.

By Renaud of Polk, from eighty-four constituents favoring long-term health care for the elderly.

## INTRODUCTION OF BILLS

**House File 280**, by Metcalf, a bill for an act relating to the prospective repeal of the week's waiting period in unemployment compensation.

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

**House File 281**, by Corey, a bill for an act striking the provisions in the Iowa employment security law relating to an individual who is unemployed because the employer has gone out of business at the location where the individual was last employed.

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

**House File 282**, by Van Camp, a bill for an act relating to the regulation of continuing care facilities and providing penalties.

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

**House File 283**, by Renaud, Peterson of Carroll, and Skow, a bill for an act to increase the bond requirement for a notary public to ten thousand dollars.

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

**House File 284**, by Halvorson of Clayton and Skow, a bill for an act relating to the effect of replacement or indemnification of actual economic losses on damage awards for personal injury.

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

**House File 285**, by Kremer, a bill for an act relating to extending the permissible service territory of certain farm mutual insurance associations subject under certain conditions.

Read first time and referred to committee on **small business and commerce**.

**House File 286**, by Hermann, a bill for an act requiring that an employer's account be charged for benefits paid to an individual participating in an approved training program pursuant to Iowa's unemployment compensation law.

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

**House File 287**, by Hummel, a bill for an act relating to the reduction of the federal and state shares of an individual's extended benefits pursuant to a reduction ordered under the federal Balanced Budget and Emergency Deficit Control Act of 1985.

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

**House File 288**, by Norrgard, Spear and Cohoon, a bill for an act creating a new judicial district and providing an effective date.

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

**House File 289**, by Cooper, a bill for an act relating to the age at retirement and years of service required for retirement benefits for certain hazardous duty occupations under the Iowa public employees' retirement system.

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

**House File 290**, by Johnson, a bill for an act to establish a program in which certain high school students may enroll in courses and programs in certain postsecondary institutions and receive both high school and college credit for successful completion and to provide a method of payment for the course or program and transportation.

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

**House File 291**, by Norrgard, Spear, Clark, Johnson, Beatty, Mullins, Harper, Teaford, Adams, and Neuhauser, a bill for an act relating to adult abuse, requiring certain persons to report suspected adult abuse, establishing an adult abuse advisory council, and providing penalties.

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

**House File 292**, by Halvorson of Webster, a bill for an act relating to the deployment of the national guard for training purposes.

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

**House File 293**, by Halvorson of Webster, a bill for an act to provide that motor vehicle license personnel provide an opportunity to register to vote to motor vehicle license applicants.

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

**House File 294**, by Hester, a bill for an act relating to the penalty assessment imposed upon the value of property where the owner fails to cooperate with the assessor in valuing the property for tax purposes.

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

**House File 295**, by Corey, a bill for an act relating to the disqualification of an individual for unemployment compensation purposes as a result of the individual's misconduct.

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

**House File 296**, by De Groot, a bill for an act to provide grants of state moneys to school districts to fund programs that provide extended contracts for teachers, to make an appropriation, and to provide an effective date.

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

**House File 297**, by Van Camp, a bill for an act exempting social security benefits received by individuals sixty-two years of age or older from the state individual income tax and making the provision retroactive.

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

**House File 298**, by Platt, a bill for an act relating to the purposes for which community economic betterment funds may be expended.

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

### SENATE MESSAGE CONSIDERED

**Senate File 49**, by committee on education, a bill for an act relating to school finance including creating a working committee to study school finance and repealing chapter 442 on June 30, 1991.

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

### MOTION TO WITHDRAW FROM COMMITTEE LOST (House File 65)

Pursuant to Rule 60, Halvorson of Clayton moved to withdraw from committee and place on the calendar House File 65, a bill for an act to repeal the private sale of alcoholic liquor for consumption off the licensed premises and providing penalties.

Arnould of Scott moved to table the motion to withdraw from committee.

Stromer of Hancock rose on a point of order that pursuant to Section 491, Mason's Manual of Legislative Procedure, the motion to table was not in order.

The Speaker ruled the point well taken and the motion to table not in order.

On the motion to withdraw from committee, roll call was requested by Stromer of Hancock and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall House File 65 be withdrawn from committee?"

The ayes were, 41:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	De Groot
Diemer	Eddie	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Lundby	Maulsby	McKean
Miller	Mullins	Paulin	Pellett
Plasier	Platt	Renken	Royer
Schneklath	Shoning	Siegrist	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 45:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Cooper
Dvorsky	Fey	Fogarty	Groninga
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Jochum	Johnson	Knapp
Koenigs	May	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Shoultz	Spear	Teaford	Wise
Mr. Speaker			

Absent or not voting, 14:

Connors	Daggett	Doderer	Hanson, D. R.
Holveck	Jay	McKinney	Metcalf
Petersen, D. F.	Sherzan	Skow	Svoboda
Swartz	Tabor		

The motion lost.

On motion by Arnould of Scott, the House was recessed at 9:17 a.m., until 4:15 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### EXPLANATION OF VOTE

I was temporarily absent from the House chamber on February 18, 1987. Had I been present, I would have voted "aye" on the motion to withdraw House File 65 from committee.

PETERSEN of Muscatine

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### RAILWAY FINANCE AUTHORITY

The 1986 annual report of the Iowa Railway Finance Authority, pursuant to Chapter 307B.8(6), Code of Iowa.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 152 Natural Resources and Outdoor Recreation**

Relating to the employment of persons in public service jobs.

**H.S.B. 153 Education**

Relating to the contracts of certain teachers who are employed by one school district and assigned to teach in a different school district.

**H.S.B. 154 Transportation**

Requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices.

**H.S.B. 155 Transportation**

To increase the tax in the amount of two cents per gallon on motor fuel, special fuel, and gasohol.

**H.S.B. 156 Education**

Relating to the levying of property taxes for school purposes; providing for a capital projects and equipment levy, a liability levy, additional allowable growth for school districts, a levy for retirement of certain school district employees, recomputation of enrollment for determining state aid and property taxes under the foundation formula, and the execution and continuation of loan agreements for anticipating the collection of certain levies; and providing an effective date.

**H.S.B. 157 Education**

Relating to providing private instruction or instruction in a nonpublic school.

**H.S.B. 158 Labor and Industrial Relations**

To nullify an administrative rule of the department of employment services relating to lockouts.

**H.S.B. 159 Local Government**

Relating to the procedures used for the taking of property for public transportation purposes.

**H.S.B. 160 Agriculture**

Relating to the reauthorization of the agricultural loan assistance program, including establishing assistance programs for returning cattle producers, making appropriations, and providing an effective date.

**H.S.B. 161 Agriculture**

Relating to agricultural development by permitting a property tax exemption for cattle facilities and appropriating moneys from the

general fund of the state to the agricultural development authority of the department of agriculture and land stewardship for the fiscal year beginning July 1, 1986, and ending June 30, 1987, to provide assistance to Iowa farmers under the agricultural loan assistance program, and related programs, and providing an effective date.

#### **H.S.B. 162 Agriculture**

Relating to the state livestock industry by providing a property tax credit for certain facilities used in producing meat; providing an exemption from the sales, services, and use tax of the sale, furnishing, or service of utilities or fuel to be used in agricultural production for market and of equipment or its repair if used in the production of livestock; and establishing a cattle feeding program and loan guarantee program for cattle operations.

#### **H.S.B. 163 State Government**

Relating to the qualifications of class "A" beer and wine permittees by requiring the licensed premises to be located in the state and by increasing the face value of the permittees' bonds.

#### **H.S.B. 164 State Government**

Relating to the sale of alcoholic beverages by amending the definition of licensed premises, by providing for a bailment system for the alcoholic beverage division's liquor inventory, by providing that notice of nonpayment and penalty from the division to class "E" licensees may be sent by certified mail, by providing for temporary liquor licenses, wine permits, and beer permits, by providing for refunds of surcharges on fees in certain circumstances, by allowing native breweries to obtain a class "C" beer permit, to prohibit the removal of alcoholic beverages from licensed premises after hours, and by converting class "C" liquor licenses to class "C" wine permits.

#### **H.S.B. 165 Judiciary and Law Enforcement**

Regarding schedule I and schedule IV controlled substances.

#### **H.S.B. 166 Ways and Means**

Increasing the tax on tobacco products and on cigarettes and little cigars and imposing an inventory tax on cigarettes and little cigars, unused tax stamps and metered imprints.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 48

Energy and Environmental Protection: Osterberg, Chair; Adams, Holveck, McKean, Mullins and Norrgard.

**House File 203**

Energy and Environmental Protection: Rosenberg, Chair; Mullins and Osterberg

**House File 231 (Reassigned)**

Local Government: Peters, Chair; Hatch and Platt.

**House File 242 (Reassigned)**

Judiciary and Law Enforcement: Harbor, Chair; Halvorson of Clayton, Hansen of Woodbury, Jay and Peterson of Carroll.

**House File 257**

Transportation: Koenigs, Chair; Lageschulte and Payich.

**House File 262**

Transportation: Platt, Chair; Connolly and Cooper.

**House File 267**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House File 268**

Transportation: Muhlbauer, Chair; Neuhauser and Pellett.

**House File 269**

Local Government: Connors, Chair; Black and Hester.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 46**

Energy and Environmental Protection: Hatch, Chair; Harper, Petersen of Muscatine, Schrader and Van Camp.

**House Study Bill 118**

Energy and Environmental Protection: Johnson, Chair; Mullins and Rosenberg.

**House Study Bill 139**

Energy and Environmental Protection: Shoultz, Chair; Adams, Garman, Norrgard and Van Camp.

**House Study Bill 140**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House Study Bill 144**

Natural Resources and Outdoor Recreation: Gruhn, Chair; Knapp and Platt.

**House Study Bill 145**

Natural Resources and Outdoor Recreation: Black, Chair; Paulin and Schrader.

**House Study Bill 149**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 154**

Transportation: Renaud, Chair; Fogarty and Lageschulte.

**House Study Bill 155**

Transportation: Koenigs, Chair; Connolly, Fey, Lageschulte and Platt.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**House File 181**, a bill for an act relating to lighting devices on law enforcement vehicles.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1987.

**Committee Bill** (Formerly House File 15), relating to the obstruction of emergency communications and making a penalty applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 1987.

**COMMITTEE ON LOCAL GOVERNMENT**

**House File 47**, a bill for an act relating to the appointment of township officers.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1987.

**Committee Bill** (Formerly House Study Bill 104), relating to the use of county and municipal infractions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 1987.

**COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION**

**House File 138**, a bill for an act relating to the issuance of deer and turkey hunting licenses.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1987.

**Committee Bill** (Formerly House File 143), relating to park user permits and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 17, 1987.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Committee Bill** (Formerly House Study Bill 109), relating to the indemnification of eligible special exhibit items and the limitations of coverage of these items.

Fiscal Note is not required.

Recommended **Do Pass** February 17, 1987.

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 15), allowing therapeutically certified optometrists to prescribe and dispense certain pharmaceutical agents and to treat certain conditions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 16, 1987.

#### AMENDMENTS FILED

H-3076	H.F.	278	Royer of Page Platt of Muscatine
H-3077	H.F.	167	Shoning of Woodbury
H-3078	H.F.	79	Renaud of Polk
H-3079	H.F.	79	Renaud of Polk
H-3080	H.F.	79	Renaud of Polk
H-3081	H.F.	279	Hermann of Scott
H-3082	H.F.	79	Renaud of Polk
H-3083	S.C.R.	4	Harbor of Mills Halvorson of Clayton Maulsby of Calhoun Poney of Wapello Van Camp of Scott Platt of Muscatine
H-3084	H.F.	79	Halvorson of Webster Hanson of Delaware
H-3085	H.F.	79	Van Camp of Scott
H-3086	H.F.	79	Van Camp of Scott
H-3087	H.F.	79	Tyrrell of Iowa
H-3088	S.C.R.	4	Halvorson of Clayton Harbor of Mills
H-3089	H.F.	79	Van Camp of Scott

On motion by Arnould of Scott, the House adjourned at 4:32 p.m., until 9:00 a.m., Thursday, February 19, 1987.

# JOURNAL OF THE HOUSE

Thirty-ninth Calendar Day — Twenty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 19, 1987

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

Prayer was offered by the Honorable David Tabor, state representative from Jackson County.

The Journal of Wednesday, February 17, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Van Camp of Scott, from seven hundred forty-five citizens in favor of repealing the Iowa safety belt law.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton, until his arrival, on request of Pellett of Cass.

## INTRODUCTION OF BILLS

**House File 299**, by Harbor, a bill for an act to provide for distribution of a share of gross sum wagered revenues by cities and counties to the school districts in which racetracks are located.

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

**House File 300**, by Running, a bill for an act relating to the modification of dissolution and parentage decrees.

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

**House File 301**, by Harper, a bill for an act creating a schizophrenia research fund and an income tax checkoff for the fund, and providing an effective date.

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

**House File 302**, by Hatch, a bill for an act providing for a farm law education project and making an appropriation.

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

**House File 303**, by Kremer and Dvorsky, a bill for an act relating to notice given by a city of an election, hearing; or other official action.

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

**House File 304**, by Eddie, Fuller, Royer and Muhlbauer, a bill for an act relating to the determination of annual salaries for elected county officers and their deputies.

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

**House File 305**, by Shoning, a bill for an act relating to subpoenas of witnesses in civil cases.

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

**House File 306**, by Van Camp, a bill for an act relating to the coordination of funding for, expenditures by, and services provided by programs servicing elders.

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

**House File 307**, by Rosenberg, a bill for an act relating to the wastewater treatment facility and making variances subject to the approval of the environmental protection commission.

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

**House File 308**, by Daggett, a bill for an act relating to the cancellation or nonrenewal of a policy or contract of insurance.

Read first time and referred to committee on **small business and commerce**.

**House File 309**, by Brammer, a bill for an act relating to the age of consent for participation in a sex act for the purpose of determining sexual abuse in the third degree.

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

**House File 310**, by Rosenberg, a bill for an act relating to acquired immune deficiency syndrome including the establishment of a central registry for victims and screening and testing procedures.

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

**House File 311**, by Halvorson of Webster, a bill for an act relating to the use of blood testing techniques to redetermine paternity.

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

**House File 312**, by Halvorson of Clayton and Skow, a bill for an act relating to workers' compensation liability under the comparative fault tort law.

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

**House File 313**, by Halvorson of Clayton and Skow, a bill for an act relating to the charging of interest prior to judgment or decree.

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

**House File 314**, by committee on judiciary and law enforcement, a bill for an act relating to the obstruction of emergency communications and making a penalty applicable.

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

**House File 315**, by committee on small business and commerce, a bill for an act relating to the indemnification of eligible special exhibit items and the limitations of indemnity coverage of these items.

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

**House File 316**, by committee on natural resources and outdoor recreation, a bill for an act relating to park user permits and providing a penalty and an effective date.

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

**House File 317**, by committee on state government, a bill for an act allowing therapeutically certified optometrists to employ and supply certain pharmaceutical agents and to treat certain conditions.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 130**, by committee on state government, a bill for an act to provide that moneys deposited in the barrel tax fund and the gallonage tax fund shall not revert to the state general fund without a specific appropriation, and providing for retroactive applicability of the Act.

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

**ADOPTION OF SENATE CONCURRENT RESOLUTION 9**

Sherzan of Polk called up for consideration Senate Concurrent Resolution 9, to urge and request the United States Congress to fully fund and support the State Employment Service System, to continue the federal-state Work-Incentive-(WIN) program, and to enact a Worker Adjustment Assistance Program, and moved its adoption.

The motion prevailed and the resolution was adopted.

On motion by Arnould of Scott, the House was recessed at 9:26 a.m., until 3:15 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker Avenson in the chair.

**INTRODUCTION OF BILL**

**House File 318**, by committee on local government, a bill for an act relating to the use of county and municipal infractions.

Read first time and placed on the calendar.

**IMMEDIATE MESSAGE**

(Senate Concurrent Resolution 9)

Arnould of Scott asked and received unanimous consent that Senate Concurrent Resolution 9 be immediately messaged to the Senate.

**SPONSORS ADDED**

(House File 302)

Branstad of Winnebago requested to be added as a sponsor of House File 302.

(House File 302)

Gruhn of Dickinson requested to be added as a sponsor of House File 302.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on February 18, 1987. Had I been present, I would have voted "aye" on the motion to withdraw House File 65 from committee.

DAGGETT of Adams

**BILL SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on February 19, 1987, he approved and transmitted to the Secretary of State the following bill:

Senate File 68, an act relating to the effective dates of laws and resolutions passed by the General Assembly, providing for the applicability of the act, and providing an effective date.

**PRESENTATION OF VISITOR**

Groninga of Cerro Gordo presented to the House the Honorable Delbert Floy, former member of the Senate representing Cerro Gordo County.

**COMMUNICATIONS RECEIVED**

The following communications were received and are on file in the office of the Chief Clerk:

**DEPARTMENT OF ELDER AFFAIRS**

A report by the Long-Term Care Coordinating Unit, a unit established within the Department of Elder Affairs in the 1986 reorganization of state government, with recommendations for proposed rules.

**LEGISLATIVE EXTENDED ASSISTANCE GROUP**

A report on factors related to attraction and retention of quality teachers in Iowa, pursuant to Legislative Council action.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 167 Small Business and Commerce**

Relating to out-of-state contractors and providing penalties.

**H.S.B. 168 State Government**

Relating to sales of funeral services and funeral merchandise, revising regulatory and reporting provisions, requiring disclosures, requiring permits, providing penalties, providing for the applicability of the Act, and providing an effective date.

**H.S.B. 169 Judiciary and Law Enforcement**

Relating to the liability of a municipality in the exercise of discretion by an officer or employee of the municipality.

**H.S.B. 170 Economic Development**

Relating to, appropriating and allotting lottery revenues.

## SUBCOMMITTEE ASSIGNMENTS

**House File 39 (Reassigned)**

Human Resources: Spear, Chair; Bisignano, Buhr, Corey and Miller.

**House File 148**

Ways and Means: Tabor, Chair; Bisignano, Chapman, Petersen of Muscatine and Renken.

**House File 177**

Ways and Means: Chapman, Chair; Petersen of Muscatine and Tabor.

**House File 246**

Human Resources: Fey, Chair; Harper, Hester, Peters and Swearingen.

**House File 251**

Human Resources: Haverland, Chair, Adams, Corey, Eddie and Spear.

**House File 254**

Labor and Industrial Relations: Connors, Chair; Peters and Van Maanen.

**House File 260**

Judiciary and Law Enforcement: Doderer, Chair; Carpenter, Hammond, Poncy and Schnekloth.

**House File 270**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Renaud.

**House File 272**

Labor and Industrial Relations: Connors, Chair; Peters and Van Maanen.

**House File 274**

Judiciary and Law Enforcement: Knapp, Chair; Haverland and Schnekloth.

**House File 276**

Judiciary and Law Enforcement: Renaud, Chair; Carpenter and Poncy.

**House File 279**

Ways and Means: Fey, Chair; Metcalf and Wise.

**House File 280**

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

**House File 281**

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

**House File 282**

Human Resources: Fey, Chair; Harper, Hester, Peters and Swearingen.

**House File 284**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 286**

Labor and Industrial Relations: Connors, Chair; Peters and Van Maanen.

**House File 287**

Labor and Industrial Relations: Connors, Chair; Peters and Van Maanen.

**House File 288**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House File 290**

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

**House File 291**

Human Resources: Fey, Chair; Harper, Hester, Peters and Swearingen.

**House File 295**

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

**House File 296**

Education: Ollie, Chair; Connolly, Daggett, Maulsby, Miller, Shoultz and Swartz.

**House File 303**

Local Government: Petersen of Muscatine, Chair; Beatty and Cooper.

**House File 304**

Local Government: Fuller, Chair; Black and Eddie.

**Senate File 49**

Education: Ollie, Chair; Connolly, Daggett, Maulsby, Miller, Shoultz and Swartz.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 138**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**House Study Bill 141**

Local Government: Eddie, Chair; Beatty and Spear.

**House Study Bill 146**

Local Government: Cooper, Chair; Beatty, Fuller, Platt and Royer.

**House Study Bill 147**

Agriculture: Johnson, Chair; Cooper and Petersen of Muscatine.

**House Study Bill 148**

Local Government: Peters, Chair; Norrgard and Petersen of Muscatine.

**House Study Bill 151**

Labor and Industrial Relations: Hansen of Woodbury, Chair; Buhr and Metcalf.

**House Study Bill 153**

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

**House Study Bill 156**

Education: Ollie, Chair; Connolly, Daggett, Maulsby, Miller, Shoultz and Swartz.

**House Study Bill 158**

Labor and Industrial Relations: Sherzan, Chair; Corey and Running.

**House Study Bill 159**

Local Government: Norrgard, Chair; Daggett and Muhlbauer.

**House Study Bill 165**

Judiciary and Law Enforcement: Plasier, Chair; Harbor and Knapp.

**RESOLUTION FILED**

**HCR 10**, by Hatch, Metcalf, Buhr, Connors, Holveck, Haverland, Carpenter, Bisignano, Renaud and Sherzan, a concurrent resolution recognizing the Public Library of Des Moines for hosting an exhibition in celebration of the Bicentennial of the Constitution of the United States.

Laid over under **Rule 25**.

**AMENDMENTS FILED**

H-3090	H.F.	47	Spear of Lee
H-3091	S.C.R.	4	Maulsby of Calhoun
H-3092	S.C.R.	4	Maulsby of Calhoun
H-3093	H.F.	138	Stueland of Clinton
H-3094	S.C.R.	4	Halvorson of Clayton Harbor of Mills
H-3095	H.F.	47	Kremer of Buchanan
H-3096	S.C.R.	4	Rosenberg of Story Hammond of Story
H-3097	S.C.R.	4	Hatch of Polk

On motion by Arnould of Scott, the House adjourned at 3:37 p.m., until 9:00 a.m., Friday, February 20, 1987.

# JOURNAL OF THE HOUSE

Fortieth Calendar Day — Twenty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 20, 1987

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

Prayer was offered by the Honorable Don Shultz, state representative from Black Hawk County.

The Journal of Thursday, February 19, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fey of Scott on request of Brammer of Linn; Peterson of Carroll on request of Siegrist of Pottawattamie; Mullins of Kossuth on request of Hummel of Benton; Sherzan of Polk, until his arrival, on request of Arnould of Scott; Connolly of Dubuque on request of Arnould of Scott and Black of Jasper, until his arrival, on request of Skow of Guthrie.

## INTRODUCTION OF BILLS

**House File 319**, by Platt, a bill for an act relating to township government by requiring budget approval, by providing for an audit, and by providing for the payment of compensation of township clerks.

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

**House File 320**, by Shoning, a bill for an act relating to the distribution of video lottery receipts to counties for use in economic development.

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

**House File 321**, by Lundby, a bill for an act relating to the assessment of reasonable private process services in a small claims action.

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

**House File 322**, by Bisignano and Hatch, a bill for an act to provide that an eligible elector residing in a precinct may register to vote at the polling place on election day.

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

**House File 323**, by Hanson of Delaware, a bill for an act relating to deer hunting by landowners on their land which is located in two deer hunting zones.

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

**House File 324**, by Haverland, a bill for an act authorizing the joint investment of funds by counties, cities, and city utilities.

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

**House File 325**, by Garman, a bill for an act relating to transactions subject to a local option sales and services tax.

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

**House File 326**, by Metcalf, a bill for an act to provide an exemption for electrical and electronic installation from the sales, service, and use tax.

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

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 5

Pavich of Pottawattamie called up for consideration House Concurrent Resolution 5, calling upon the Congress of the United States to reauthorize the Federal-aid Highway Act at the earliest possible time, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### CONSIDERATION OF BILLS (Regular Calendar)

**House File 92**, a bill for an act relating to the council-manager-ward form of city government, with report of committee recommending amendment and passage, was taken up for consideration.

Spear of Lee offered the following amendment H—3066 filed by the committee on local government and moved its adoption:

H—3066

- 1 Amend House File 92 as follows:
- 2 1. Page 1, by inserting after line 11 the
- 3 following:
- 4 "The council, by ordinance, may change from one
- 5 ward option authorized under this section to the other
- 6 ward option. The ordinance must provide for the
- 7 election of the mayor and council members as provided
- 8 in the selected ward option at the next regular city
- 9 election."

The committee amendment H—3066 was adopted.

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

On the question "Shall the bill pass?" (H.F. 92)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Branstad	Buhr	Chapman	Clark
Cohoon	Connors	Cooper	Corbett
Corey	Daggett	Diemer	Doderer
Dvorsky	Eddie	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Kremer	Lageschulte	May	McKean
McKinney	Metcalf	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Pellett	Peters	Petersen, D. F.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 8:

Carpenter	De Groot	Lundby	Maulsby
Miller	Paulin	Schnekloth	Van Maanen

Absent or not voting, 7:

Black	Connolly	Fey	Koenigs
Mullins	Peterson, M. K.	Sherzan	

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

### IMMEDIATE MESSAGE (House Concurrent Resolution 5)

Arnould of Scott asked and received unanimous consent that House Concurrent Resolution 5 be immediately messaged to the Senate.

The House stood at ease at 9:40 a.m., until the fall of the gavel.

The House resumed session at 10:39 a.m., Speaker Avenson in the chair.

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 4

Hatch of Polk called up for consideration Senate Concurrent Resolution 4 as follows:

1 Senate Concurrent Resolution 4  
 2 By Committee On Appropriations  
 3 A Concurrent Resolution relating to the board of  
 4 regents ten-year building program.  
 5 *Whereas*, pursuant to section 262A.3, the state  
 6 board of regents prepared and within seven days after  
 7 the convening of the Seventy-second General Assembly  
 8 of the State of Iowa, First Session, submitted to the  
 9 Seventy-second General Assembly, First Session, for  
 10 approval the proposed ten-year building program for  
 11 each institution of higher learning under the  
 12 jurisdiction of the board, containing a list of the  
 13 buildings and facilities which the board deems  
 14 necessary to further the educational objectives of the  
 15 institutions, together with an estimate of the cost of  
 16 each of the buildings and facilities and an estimate  
 17 of the maximum amount of bonds which the board expects  
 18 to issue under chapter 262A for each year of the  
 19 fiscal biennium beginning July 1, 1987, and ending  
 20 June 30, 1989; and  
 21 *Whereas*, the projects contained in the building  
 22 program are deemed necessary for the proper  
 23 performance of the instructional, research, and  
 24 service functions of the institutions; and  
 25 *Whereas*, section 262A.4 provides that the state  
 26 board of regents, after authorization by a  
 27 constitutional majority of each House of the General  
 28 Assembly and approval by the Governor, may undertake  
 29 and carry out at the institutions of higher learning  
 30 under the jurisdiction of the board any project as

#### Page 2

1 defined in chapter 262A; and  
 2 *Whereas*, chapter 262A authorizes the state board of  
 3 regents to borrow money and to issue and sell  
 4 negotiable revenue bonds to pay all or any part of the  
 5 cost of carrying out projects at any institution  
 6 payable solely from and secured by an irrevocable  
 7 pledge of a sufficient portion of the student fees and  
 8 charges and institutional income received by the  
 9 particular institution; and  
 10 *Whereas*, to further the educational objectives of  
 11 the institutions, and to foster economic growth in

12 this state, the state board of regents requests  
 13 authorization to undertake and carry out a certain  
 14 project at this time and to finance its cost by  
 15 borrowing money and issuing negotiable bonds under  
 16 chapter 262A in a total amount not to exceed twenty-  
 17 five million one hundred thousand (25,100,00) dollars,  
 18 the remaining cost of the project to be financed by  
 19 capital appropriations or by federal or other funds  
 20 lawfully available; *Now Therefore,*  
 21 *Be It Resolved By The Senate, The House Concurring,*  
 22 That the proposed ten-year building program submitted  
 23 by the state board of regents for each institution of  
 24 higher learning under its jurisdiction is approved;  
 25 and  
 26 *Be It Further Resolved,* That no commitment is  
 27 implied or intended by approval to fund any portion of  
 28 the proposed ten-year building program submitted by  
 29 the state board of regents beyond the portion that is  
 30 financed and approved by the Seventy-second General

**Page 3**

1 Assembly, First Session, and the Governor; and  
 2 *Be It Further Resolved,* That during the biennium  
 3 which commences July 1, 1987, and which ends June 30,  
 4 1989, the maximum amount of bonds which the state  
 5 board of regents expects to issue under chapter 262A,  
 6 unless additional bonding is authorized, is twenty-  
 7 five million one hundred thousand (25,100,000)  
 8 dollars, all or any part of which may be issued during  
 9 the fiscal year ending June 30, 1988, and if all that  
 10 amount should not be issued during the fiscal year  
 11 ending June 30, 1988, any remaining balance may be  
 12 issued during the fiscal year ending June 30, 1989 or  
 13 thereafter, and this plan of financing is approved;  
 14 and  
 15 *Be It Further Resolved,* That the state board of  
 16 regents is authorized to undertake, plan, construct,  
 17 equip, and otherwise carry out the following project  
 18 and to pay all or any part of the cost of carrying out  
 19 the projects by borrowing money and issuing negotiable  
 20 revenue bonds under chapter 262A in a total amount not  
 21 to exceed twenty-five million one hundred thousand  
 22 (25,100,000) dollars:  
 23 State University of Iowa  
 24 Laser laboratories  
 25 Cost of issuance of bonds

Hatch of Polk offered the following amendment H — 3075 filed by  
 the committee on appropriations:

H-3075

1 Amend Senate Concurrent Resolution 4, as passed by  
2 the Senate, as follows:

3 1. By striking page 1, line 5 through page 3,  
4 line 25, and inserting the following:

5 "Whereas, pursuant to section 262A.3, the state  
6 board of regents prepared and within seven days after  
7 the convening of the Seventy-second General Assembly  
8 of the State of Iowa, First Session, submitted to the  
9 Seventy-second General Assembly, First Session, for  
10 approval the proposed ten-year building program for  
11 each institution of higher learning under the  
12 jurisdiction of the board, containing a list of the  
13 buildings and facilities which the board deems  
14 necessary to further the educational objectives of the  
15 institutions, together with an estimate of the cost of  
16 each of the buildings and facilities and an estimate  
17 of the maximum amount of bonds which the board expects  
18 to issue under chapter 262A for each year of the  
19 fiscal biennium beginning July 1, 1987, and ending  
20 June 30, 1989; and

21 *Whereas*, the projects contained in the building  
22 program are deemed necessary for the proper  
23 performance of the instructional, research, and  
24 service functions of the institutions; and

25 *Whereas*, section 262A.4 provides that the state  
26 board of regents, after authorization by a  
27 constitutional majority of each House of the General  
28 Assembly and approval by the Governor, may undertake  
29 and carry out at the institutions of higher learning  
30 under the jurisdiction of the board any project as  
31 defined in chapter 262A; and

32 *Whereas*, chapter 262A authorizes the state board of  
33 regents to borrow money and to issue and sell  
34 negotiable revenue bonds to pay all or any part of the  
35 cost of carrying out projects at any institution  
36 payable solely from and secured by an irrevocable  
37 pledge of a sufficient portion of the student fees and  
38 charges and institutional income received by the  
39 particular institution; and

40 *Whereas*, to further the educational objectives of  
41 the institutions, and to foster economic growth in  
42 this state, the state board of regents requests  
43 authorization to undertake and carry out certain  
44 projects at this time and to finance their costs by  
45 borrowing money and issuing negotiable bonds under  
46 chapter 262A in a total amount not to exceed eighty  
47 million seven hundred twenty-five thousand dollars,  
48 the remaining cost of the projects to be financed by  
49 capital appropriations or by federal or other funds  
50 lawfully available; *Now Therefore*,

## Page 2

1 *Be It Resolved by the Senate, the House Concurring,*  
 2 That the proposed ten-year building program submitted  
 3 by the state board of regents for each institution of  
 4 higher learning under its jurisdiction is approved;  
 5 and

6 *Be It Further Resolved,* That no commitment is  
 7 implied or intended by approval to fund any portion of  
 8 the proposed ten-year building program submitted by  
 9 the state board of regents beyond the portion that is  
 10 financed and approved by the Seventy-second General  
 11 Assembly, First Session, and the Governor; and

12 *Be It Further Resolved,* That during the biennium  
 13 which commences July 1, 1987, and which ends June 30,  
 14 1989, the maximum amount of bonds which the state  
 15 board of regents expects to issue under chapter 262A,  
 16 unless additional bonding is authorized, is eighty  
 17 million seven hundred twenty-five thousand dollars,  
 18 all or any part of which may be issued during the  
 19 fiscal year ending June 30, 1988, and if all that  
 20 amount should not be issued during the fiscal year  
 21 ending June 30, 1988, any remaining balance may be  
 22 issued during the fiscal year ending June 30, 1989, or  
 23 thereafter, and this plan of financing is approved;  
 24 and

25 *Be It Further Resolved,* That upon completion, the  
 26 projects authorized to be carried out under this  
 27 resolution shall not be used for the purpose of  
 28 engaging in classified research; and

29 *Be It Further Resolved,* That the state board of  
 30 regents is authorized to undertake, plan, construct,  
 31 equip, and otherwise carry out the following projects  
 32 and to pay all or any part of the cost of carrying out  
 33 the projects by borrowing money and issuing negotiable  
 34 revenue bonds under chapter 262A in a total amount not  
 35 to exceed eighty million seven hundred twenty-five  
 36 thousand dollars:

37 State University of Iowa

38 Laser laboratories  
 39 Fire and environmental safety projects  
 40 Cost of issuance of bonds

41 Iowa State University

42 Molecular biology building  
 43 Fire and environmental safety projects  
 44 Home economics building—phase I  
 45 Cost of issuance of bonds

46 University of Northern Iowa

47 Latham hall remodeling  
 48 Fire and environmental safety projects  
 49 Wright hall remodeling  
 50 Library addition

## Page 3

1 Cost of issuance of bonds; and  
2 *Be It Further Resolved*, That the contracts for the  
3 construction of the projects authorized by this  
4 resolution shall contain a provision to the effect  
5 that the rate of wage for all persons employed by the  
6 contractors or subcontractors on the construction  
7 project shall be not less than the prevailing rate of  
8 wages for work of a similar nature in the locality in  
9 which the work is performed. If a dispute arises as  
10 to what are the prevailing rates of wages for work of  
11 a similar nature applicable to the contracts which  
12 cannot be adjusted by the contracting officer, the  
13 dispute shall be referred to the labor commissioner,  
14 and the labor commissioner's decision shall be  
15 conclusive on all parties to the contract. Such  
16 prevailing rates shall be stated in the invitation for  
17 bids and shall be included in proposals or bids for  
18 the work; and

19 *Be It Further Resolved*, That as a requirement for  
20 receiving authorization for the projects in this  
21 resolution, the state board of regents shall conduct a  
22 study relating to the appropriate disposition of the  
23 results of research conducted at the institutions  
24 under the state board of regents. Consideration shall  
25 be given during the study as to whether the results of  
26 research shall first be offered to Iowa-based  
27 companies. The study shall also recommend a policy on  
28 the obtaining of appropriate patents for tangible  
29 research results and a policy for conducting  
30 collaborative research between Iowa State University  
31 and the University of Iowa in the fields of laser  
32 technology, molecular biology, and other fields of  
33 common scientific research. A report of the study  
34 together with recommendations shall be submitted to  
35 the general assembly on or before January 15, 1988."

Rosenberg of Story offered the following amendment H—3096, to the committee amendment H—3075, filed by him and Hammond of Story and moved its adoption:

## H—3096

- 1 Amend the amendment, H—3075, to Senate Concurrent
- 2 Resolution 4, as passed by the Senate, as follows:
- 3 1. Page 1, line 46, by striking the word "eighty"
- 4 and inserting the following: "eighty-one".
- 5 2. Page 2, line 16, by striking the word "eighty"
- 6 and inserting the following: "eighty-one".
- 7 3. Page 2, line 35, by striking the word "eighty"
- 8 and inserting the following: "eighty-one".

- 9 4. Page 2, by inserting after line 44 the  
10 following:  
11 "Agronomy building equipment".

A non-record roll call was requested.

The ayes were 26, nays 47.

Amendment H—3096 lost.

Shoultz of Black Hawk offered the following amendment H—3100, to the committee amendment H—3075, filed by him from the floor and moved its adoption:

H—3100

- 1 Amend the amendment, H—3075, to Senate Concurrent  
2 Resolution 4 as passed by the Senate as follows:  
3 1. Page 1, line 46, by striking the word "eighty"  
4 and inserting the following: "ninety".  
5 2. Page 1, line 47, by striking the word "seven"  
6 and inserting the following: "eight".  
7 3. Page 2, line 16, by striking the word "eighty"  
8 and inserting the following: "ninety".  
9 4. Page 2, line 17, by striking the word "seven"  
10 and inserting the following: "eight".  
11 5. Page 2, by striking line 35 and inserting the  
12 following: "to exceed ninety million eight hundred  
13 twenty-five".  
14 6. Page 2, by inserting after line 50 the  
15 following:  
16 "Boiler replacement project".

Amendment H—3100 was adopted.

Maulsby of Calhoun offered the following amendment H—3091, to the committee amendment H—3075, filed by him:

H—3091

- 1 Amend the amendment H—3075 to Senate Concurrent  
2 Resolution 4, as passed by the Senate, as follows:  
3 1. Page 1, by striking lines 46 and 47 and in-  
4 serting the following: "chapter 262A in a total  
5 amount not to exceed sixty-two million six hundred  
6 thousand dollars,".  
7 2. Page 2, by striking lines 16 and 17 and in-  
8 serting the following: "unless additional bonding is  
9 authorized, is sixty-two million six hundred thousand  
10 dollars,".  
11 3. Page 2, by striking lines 25 through 28.  
12 4. Page 2, by striking line 35 and inserting the  
13 following: "to exceed sixty-six million six hundred".  
14 5. Page 2, by striking line 39.

- 15 6. Page 2, by striking lines 43 and 44.  
16 7. By striking page 2, line 46, through page 3,  
17 line 35.

Renaud of Polk in the chair at 11:07 a.m.

Maulsby of Calhoun moved the adoption of amendment H—3091, to the committee amendment H—3075.

A non-record roll call was requested.

The ayes were 37, nays 55.

Amendment H—3091 lost.

Arnould of Scott asked and received unanimous consent to temporarily defer action on Senate Concurrent Resolution 4.

### INTRODUCTION OF BILLS

**House File 327**, by committee on ways and means, a bill for an act increasing the tax on tobacco products and on cigarettes and little cigars and imposing an inventory tax on cigarettes and little cigars, unused tax stamps and metered imprints and providing an effective date.

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

**House File 328**, by committee on human resources, a bill for an act relating to the licensure and regulation of birth centers and providing penalties.

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

The House resumed consideration of Senate Concurrent Resolution 4, relating to the board of regents ten-year building program, and the committee amendment H—3075, as amended, found on pages 415 through 417 of the House Journal.

Harbor of Mills offered the following amendment H—3083, to the committee amendment H—3075, filed by Harbor, et al.:

H—3083

- 1 Amend the amendment, H—3075, to Senate Concurrent
- 2 Resolution 4, as passed by the Senate, as follows:
- 3 1. Page 2, by striking lines 25 through 28.

The House stood at ease at 11:29 a.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—3083, to the committee amendment H—3075, to Senate Concurrent Resolution 4 at 12:09 p.m., Speaker Avenson in the chair.

Harbor of Mills moved the adoption of amendment H—3083, to the committee amendment H—3075.

A non-record roll call was requested.

The ayes were 43, nays 48.

Amendment H—3083 lost.

Hatch of Polk asked and received unanimous consent to temporarily defer action on amendment H—3097.

Corbett of Linn asked and received unanimous consent to temporarily defer action on amendment H—3098.

Halvorson of Clayton offered the following amendment H—3094, to the committee amendment H—3075, filed by him and Harbor of Mills and moved its adoption:

H—3094

- 1 Amend the amendment H—3075 to Senate Concurrent
- 2 Resolution 4, as passed by the Senate, as follows:
- 3 1. Page 3, by striking lines 2 through 18.

Roll call was requested by Pellett of Cass and Schneklath of Scott.

On the question "Shall amendment H—3094, to the committee amendment H—3075, be adopted?" (S.C.R. 4)

The ayes were, 39:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Paulin	Pellett
Petersen, D. F.	Plasier	Renken	Royer
Schneklath	Shoning	Siegrist	Stromer
Stueland	Tyrrell	Van Maanen	

The nays were, 52:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connors	Doderer
Dvorsky	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	May
McKinney	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Poncy	Renaud	Rosenberg

Running	Schrader	Sherzan	Shoultz
Spear	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

Absent or not voting, 9:

Connolly	Cooper	Fey	Koenigs
Mullins	Peterson, M. K.	Platt	Skow
Swearingen			

Amendment H—3094 lost.

Corbett of Linn offered the following amendment H—3098 (temporarily deferred), to the committee amendment H—3075, filed from the floor by him and Lundby of Linn and moved its adoption:

H—3098

1 Amend amendment H—3075 to Senate Concurrent  
 2 Resolution 4, as passed by the Senate, as follows:  
 3 1. Page 3, by striking lines 2 through 18 and  
 4 inserting the following:  
 5 "*Be It Further Resolved*, That in selecting  
 6 contractors and subcontractors to undertake and carry  
 7 out the project authorized in this resolution, the  
 8 state board of regents shall reduce the bids of Iowa-  
 9 based contractors and subcontractors by five percent  
 10 solely in order to compare those bids to bids of non-  
 11 Iowa-based contractors and subcontractors, and the  
 12 state board of regents shall make its selection of  
 13 contractors and subcontractors on that basis; and".

Amendment H—3098 lost.

Halvorson of Clayton asked and received unanimous consent to withdraw amendment H—3088 filed by him and Harbor of Mills on February 18, 1987.

Jochum of Dubuque offered the following amendment H—3104, to the committee amendment H—3075, filed by him from the floor and moved its adoption:

H—3104

1 Amend the amendment, H—3075, to Senate Concurrent  
 2 Resolution 4, as passed by the Senate, as follows:  
 3 1. By striking page 1, line 3, through page 3,  
 4 line 35, and inserting the following:  
 5 "\_\_\_\_\_. By striking page 1, line 5 through page 3,  
 6 line 25, and inserting the following:  
 7 "*Whereas*, pursuant to section 262A.3, the state  
 8 board of regents prepared and within seven days after  
 9 the convening of the Seventy-second General Assembly  
 10 of the State of Iowa, First Session, submitted to the

11 Seventy-second General Assembly, First Session, for  
 12 approval the proposed ten-year building program for  
 13 each institution of higher learning under the  
 14 jurisdiction of the board, containing a list of the  
 15 buildings and facilities which the board deems  
 16 necessary to further the educational objectives of the  
 17 institutions, together with an estimate of the cost of  
 18 each of the buildings and facilities and an estimate  
 19 of the maximum amount of bonds which the board expects  
 20 to issue under chapter 262A for each year of the  
 21 fiscal biennium beginning July 1, 1987, and ending  
 22 June 30, 1989; and

23 *Whereas*, the projects contained in the building  
 24 program are deemed necessary for the proper,  
 25 performance of the instructional, research, and  
 26 service functions of the institutions; and

27 *Whereas*, section 262A.4 provides that the state  
 28 board of regents, after authorization by a  
 29 constitutional majority of each House of the General  
 30 Assembly and approval by the Governor, may undertake  
 31 and carry out at the institutions of higher learning  
 32 under the jurisdiction of the board any project as  
 33 defined in chapter 262A; and

34 *Whereas*, chapter 262A authorizes the state board of  
 35 regents to borrow money and to issue and sell  
 36 negotiable revenue bonds to pay all or any part of the  
 37 cost of carrying out projects at any institution  
 38 payable solely from and secured by an irrevocable  
 39 pledge of a sufficient portion of the student fees and  
 40 charges and institutional income received by the  
 41 particular institution; and

42 *Whereas*, to further the educational objectives of  
 43 the institutions, and to foster economic growth in  
 44 this state, the state board of regents requests  
 45 authorization to undertake and carry out certain  
 46 projects at this time and to finance their costs by  
 47 borrowing money and issuing negotiable bonds under  
 48 chapter 262A in a total amount not to exceed sixty-two  
 49 million dollars, the remaining cost of the projects to  
 50 be financed by capital appropriations or by federal or

**Page 2**

1 other funds lawfully available; *Now Therefore*,  
 2 *Be It Resolved by the Senate, the House Concurring*,  
 3 That the proposed ten-year building program submitted  
 4 by the state board of regents for each institution of  
 5 higher learning under its jurisdiction is approved;  
 6 and

7 *Be It Further Resolved*, That no commitment is  
 8 implied or intended by approval to fund any portion of  
 9 the proposed ten-year building program submitted by

10 the state board of regents beyond the portion that is  
11 financed and approved by the Seventy-second General  
12 Assembly, First Session, and the Governor; and

13 *Be It Further Resolved*, That during the biennium  
14 which commences July 1, 1987, and which ends June 30,  
15 1989, the maximum amount of bonds which the state  
16 board of regents expects to issue under chapter 262A,  
17 unless additional bonding is authorized, is sixty-two  
18 million dollars, all or any part of which may be  
19 issued during the fiscal year ending June 30, 1988,  
20 and if all that amount should not be issued during the  
21 fiscal year ending June 30, 1988, any remaining  
22 balance may be issued during the fiscal year ending  
23 June 30, 1989, or thereafter, and this plan of  
24 financing is approved; and

25 *Be It Further Resolved*, That upon completion, the  
26 projects authorized to be carried out under this  
27 resolution shall not be used for the purpose of  
28 engaging in classified research; and

29 *Be It Further Resolved*, That the state board of  
30 regents is authorized to undertake, plan, construct,  
31 equip, and otherwise carry out the following projects  
32 and to pay all or any part of the cost of carrying out  
33 the projects by borrowing money and issuing negotiable  
34 revenue bonds under chapter 262A in a total amount not  
35 to exceed sixty-two million dollars:

36	<u>State University of Iowa</u>	
37	Laser laboratories . . . . .	\$ 25,100,000
38	Fire and environmental safety projects . . . . .	500,000
39	Engineering building addition . . . . .	1,500,000
40	Old law center remodeling . . . . .	4,325,000
41	Pharmacy remodeling . . . . .	400,000
42	Cost of issuance of bonds	
43	<u>Iowa State University</u>	
44	Molecular biology building—planning . . . . .	2,500,000
45	Fire and environmental safety projects . . . . .	500,000
46	Home economics building—phase I . . . . .	5,100,000
47	Agronomy building equipment . . . . .	2,000,000
48	Animal science, outlying research	
49	centers — planning . . . . .	624,000
50	University research park development . . . . .	2,500,000

Page 3

1	Veterinary medicine research institute	
2	production laboratories . . . . .	1,925,000
3	Electrical interconnection with city	
4	of Ames . . . . .	2,000,000
5	Cost of issuance of bonds	
6	<u>University of Northern Iowa</u>	
7	Latham hall remodeling . . . . .	3,360,000
8	Fire and environmental safety projects . . . . .	450,000

9	Power plant addition .....	9,216,000
10	Cost of issuance of bonds;	
11		\$ 62,000,000

12 and

13 *Be It Further Resolved*, That the contracts for the  
 14 construction of the projects authorized by this  
 15 resolution shall contain a provision to the effect  
 16 that the rate of wage for all persons employed by the  
 17 contractors or subcontractors on the construction  
 18 project shall be not less than the prevailing rate of  
 19 wages for work of a similar nature in the locality in  
 20 which the work is performed. If a dispute arises as  
 21 to what are the prevailing rates of wages for work of  
 22 a similar nature applicable to the contracts which  
 23 cannot be adjusted by the contracting officer, the  
 24 dispute shall be referred to the labor commissioner,  
 25 and the labor commissioner's decision shall be  
 26 conclusive on all parties to the contract. Such  
 27 prevailing rates shall be stated in the invitation for  
 28 bids and shall be included in proposals or bids for  
 29 the work; and

30 *Be It Further Resolved*, That as a requirement for  
 31 receiving authorization for the projects in this  
 32 resolution, the state board of regents shall conduct a  
 33 study relating to the appropriate disposition of the  
 34 results of research conducted at the institutions  
 35 under the state board of regents. Consideration shall  
 36 be given during the study as to whether the results of  
 37 research shall first be offered to Iowa-based  
 38 companies. The study shall also recommend a policy on  
 39 the obtaining of appropriate patents for tangible  
 40 research results and a policy for conducting  
 41 collaborative research between Iowa State University  
 42 and the University of Iowa in the fields of laser  
 43 technology, molecular biology, and other fields of  
 44 common scientific research. A report of the study  
 45 together with recommendations shall be submitted to  
 46 the general assembly on or before January 15, 1988." "

Amendment H—3104 was adopted, placing the following amend-  
 ments out of order:

H—3100, previously adopted, found on page 418 of the House  
 Journal.

H—3097, temporarily deferred, filed by Hatch of Polk on Febru-  
 ary 19, 1987.

On motion by Hatch of Polk, the committee amendment H—3075,  
 as amended, was adopted placing out of order amendment H—3092  
 filed by Maulsby of Calhoun on February 19, 1987.

Skow of Guthrie in the chair at 1:24 p.m.

Speaker Avenson in the chair at 1:30 p.m.

Hatch of Polk moved the adoption of Senate Concurrent Resolution 4, as amended.

Roll call was requested by Hatch of Polk and Stromer of Hancock.

On the question "Shall the resolution, as amended, be adopted?" (S.C.R. 4)

The ayes were, 58:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Cooper	Diemer	Doderer
Dvorsky	Fogarty	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Knapp	Koenigs	Lageschulte
May	McKinney	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Poney	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoultz	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Wise	Mr. Speaker		

The nays were, 37:

Beaman	Bennett	Branstad	Corbett
Corey	Daggett	De Groot	Eddie
Garman	Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Johnson	Kremer	Lundby	Maulsby
McKean	Metcalf	Miller	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Van Camp
Van Maanen			

Absent or not voting, 5:

Connolly	Fey	Mullins	Peterson, M. K.
Swearingen			

The motion prevailed and the resolution, as amended, was adopted.

### IMMEDIATE MESSAGE (Senate Concurrent Resolution 4)

Arnould of Scott asked and received unanimous consent that Senate Concurrent Resolution 4 be immediately messaged to the Senate.

## CORRECTED HOUSE STUDY BILL TITLE

### **H.S.B. 167 Small Business and Commerce**

Relating to nonlocal business entities, particularly transient merchants and out-of-state contractors and providing penalties.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 171 Judiciary and Law Enforcement**

Relating to mortgage foreclosures by establishing an alternative mortgage foreclosure proceeding with final judicial sale and rights in lieu of redemption, and establishing nonjudicial foreclosure proceedings upon waiver of deficiency judgments.

### **H.S.B. 172 State Government**

Relating to the use of public property for political purposes and subjecting violators to a penalty.

### **H.S.B. 173 Education**

Relating to the levying of property taxes in portions of school districts affected by school reorganizations or dissolutions and providing an effective date.

### **H.S.B. 174 Judiciary and Law Enforcement**

To authorize the clerk of the district court to file a decree of foreclosure with the recorder without fee.

### **H.S.B. 175 Judiciary and Law Enforcement**

To authorize the clerk of the district court to charge a filing fee of ten dollars for county or municipal infractions.

### **H.S.B. 176 State Government**

Relating to the publications of ballots and other matters of public importance.

## SUBCOMMITTEE ASSIGNMENTS

### **House File 285**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

### **House File 308**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

House Study Bill 146 (Reassigned)

Local Government: Cooper, Chair; Beatty, Eddie, Fuller, Muhlbauer, Platt and Royer.

House Study Bill 166

Ways and Means: Brammer, Chair; Carpenter, May, Parker and Schnekloth.

House Study Bill 167

Small Business and Commerce: Holveck, Chair; Kremer, McKinney and Metcalf.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

COMMITTEE ON HUMAN RESOURCES

Committee Bill (Formerly House File 96), relating to the licensure and regulation of birth centers and providing penalties.

Fiscal Note is not required.

Recommended Amend and Do Pass February 19, 1987.

COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

House File 188, a bill for an act relating to the caliber of firearms and the type of ammunition permitted during the gun deer hunting season and subjecting violators to a penalty.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3099 February 19, 1987.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly House Study Bill 93), relating to cigarette and tobacco tax assessment periods, penalties and appeal periods, off setting of claims against the state with a person's liabilities to the state, tax return confidentiality, the filing of sales and services tax refund claims, audit periods for sales, services, and use tax returns, use tax penalty, and penalties for interfering with department of revenue and finance employees in the performance of their duties.

Fiscal Note is not required.

Recommended Do Pass February 19, 1987.

Committee Bill (Formerly House Study Bill 166), increasing the tax on tobacco products and on cigarettes and little cigars and imposing an inventory tax on cigarettes and little cigars, unused tax stamps and metered imprints, and providing an effective date.

Fiscal Note is required.

Recommended **Do Pass** February 19, 1987.

#### AMENDMENTS FILED

H—3099	H.F.	188	Committee on Natural Resources and Outdoor Recreation
H—3101	H.F.	318	Spear of Lee
H—3102	S.F.	49	Daggett of Adams
H—3103	H.F.	316	Spear of Lee
H—3105	H.F.	138	Daggett of Adams
H—3106	H.F.	278	Swartz of Marshall

On motion by Arnould of Scott, the House adjourned at 1:45 p.m., until 10:00 a.m., Monday, February 23, 1987.

# JOURNAL OF THE HOUSE

Forty-third Calendar Day — Twenty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, February 23, 1987

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

Prayer was offered by the Honorable Mary C. Neuhauser, state representative from Johnson County.

The Journal of Friday, February 20, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Svoboda of Tama on request of Brammer of Linn; Holveck of Polk, until he returns, on request of Hammond of Story; Groninga of Cerro Gordo, until his arrival, on request of Arnould of Scott.

## INTRODUCTION OF BILLS

**House File 329**, by Adams, a bill for an act relating to the establishment of "Toxic Cleanup Days" in rural counties of the state.

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

**House File 330**, by Brammer, a bill for an act relating to the mental fitness of private investigators and private security agents to carry weapons, providing for tests and certificates of fitness, making penalties applicable, and providing for the applicability of the Act.

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

**House File 331**, by Van Camp, a bill for an act relating to the initiation and administration of a prescription drug subsidization program for elders and the appropriation of video lottery revenues to this program.

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

**House File 332**, by Parker, a bill for an act to prohibit the training or exercising of field or hunting dogs on recreational bikeways designated as wildlife habitat areas, and providing a penalty.

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

**House File 333**, by Shultz, a bill for an act relating to the age requirement for issuance of a motorized bicycle license and required training and demonstration of ability.

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

CONSIDERATION OF BILLS  
Regular Calendar

HOUSE FILE 167 DEFERRED

The House resumed consideration of **House File 167**, a bill for an act relating to fees for and duration of motor vehicle licenses and requiring motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment, deferred and retained on the calendar February 16, 1987.

Stromer of Hancock asked and received unanimous consent to temporarily defer action on amendment H—3074.

Halvorson of Clayton asked and received unanimous consent to temporarily defer action on amendment H—3072.

Shoning of Woodbury offered the following amendment H—3077 filed by him and moved its adoption:

H—3077

- 1 Amend House File 167 as follows:
- 2 1. Page 1, by striking lines 34 and 35 and
- 3 inserting the following: "of issuance if the licensee
- 4 is ~~between the ages of age~~ eighteen and seventy years
- 5 ~~or older~~ on the date of issuance of the license,".
- 6 2. By striking page 2, line 32 through page 3,
- 7 line 2, and inserting the following: "days following
- 8 the license expiration date. ~~However, if the licensee~~
- 9 is seventy years of age or older on the date of
- 10 issuance of the license, the license shall be issued
- 11 to be valid for two years. For any license renewed
- 12 within the thirty-day period, the date of issuance
- 13 shall be considered to be the previous birthday
- 14 anniversary on which it expired. For the".

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 40, nays 53.

Amendment H—3077 lost.

Lageschulte of Bremer offered the following amendment H—3071 filed by him and Fogarty of Palo Alto and moved its adoption:

H—3071

- 1 Amend House File 167 as follows:
- 2 1. Page 3, by striking lines 12 through 19.

A non-record roll call was requested.

The ayes were 42, nays 20.

Amendment H—3071 was adopted.

Van Camp of Scott offered the following amendment H—3074 (temporarily deferred) filed by him:

H—3074

- 1 Amend House File 167 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. NEW SECTION. 312.17 REDUCTION IN
- 5 TRANSFERENCE OF FUNDS FOR IOWA HIGHWAY SAFETY PATROL.
- 6 Moneys appropriated by the general assembly from
- 7 the road use tax fund to the general fund of the state
- 8 to fund the Iowa highway safety patrol shall be
- 9 reduced in the fiscal year beginning July 1, 1987 and
- 10 ending June 30, 1988, and each succeeding fiscal year
- 11 in an amount equal to one-fourth of the amount
- 12 transferred in the fiscal year beginning July 1, 1986
- 13 and ending June 30, 1987. In the fiscal year
- 14 beginning July 1, 1990 and ending June 30, 1991, no
- 15 funds shall be transferred from the road use tax fund
- 16 to the general fund of the state to fund the Iowa
- 17 highway safety patrol."
- 18 2. Title page, line 6, by inserting after the
- 19 word "reenactment" the following: "and directing a
- 20 reduction in an appropriation".
- 21 3. Renumber sections as necessary.

Fogarty of Palo Alto rose on a point of order that amendment H—3074 was not germane.

The Speaker ruled the point well taken and amendment H—3074 not germane.

Arnould of Scott asked and received unanimous consent that House File 167 be deferred and that the bill retain its place on the calendar.

**House File 258**, a bill for an act relating to program grants under the Iowa department of public health for substance abuse programs, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 258)

The ayes were, 86:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Johnson
Knapp	Koenigs	Lageschulte	Lundby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 9:

Branstad	Daggett	De Groot	Hummel
Kremer	Maulsby	Plasier	Schnekloth
Van Maanen			

Absent or not voting, 5:

Groninga	Holveck	Jay	Jochum
Svoboda			

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

**House File 265**, a bill for an act relating to the regulation of industrial loan companies, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 265)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hummel	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrsgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Skow	Spear	Stromer	Stueland
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 2:

Maulsby            Van Maanen

Absent or not voting, 6:

Groninga	Holveck	Jay	Jochum
Siegrist	Svoboda		

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

**House File 277**, a bill for an act relating to residential service contracts by modifying the administrative and rulemaking authority for the residential service contracts chapter, and by changing the security requirement for a licensed service company, was taken up for consideration.

Skow 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. 277)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hummel	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Groninga	Holveck	Jay	Jochum
Sherzan	Shoultz	Svoboda	

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

**House File 47**, a bill for an act relating to the appointment of township officers, with report of committee recommending passage was taken up for consideration.

Kremer of Buchanan offered the following amendment H-3095 filed by him and moved its adoption:

H-3095

- 1 Amend House File 47 as follows:
- 2 1. Page 1, line 20, by inserting after the words
- 3 "to the" the following: "eligible".
- 4 2. Page 1, line 21, by inserting after the word
- 5 "election." the following: "In a township which does
- 6 not include a city, eligible voters shall consist of

7 the voters of the entire township. In a township  
8 which includes a city, eligible voters are those  
9 voters who reside outside the corporate limits of a  
10 city."

11 3. Page 1, line 22, by inserting after the words  
12 "of the" the following: "eligible".

Amendment H-3095 was adopted.

Spear of Lee offered the following amendment H-3090 filed by him and requested division as follows:

H-3090

1 Amend House File 47 as follows:

H-3090A

2 1. Page 1, line 21, by inserting after the word  
3 "election." the following: "The resolution shall  
4 apply to all townships which have not approved a  
5 proposition to fill township offices by appointment."

H-3090B

6 2. Page 2, line 16, by striking the words "of  
7 the" and inserting the following: "of the two or".  
8 3. Page 2, line 17, by striking the word "all"  
9 and inserting the following: "all".

H-3090C

10 4. Page 2, by striking line 18 and inserting the  
11 following: "power to either instruct the county  
12 auditor to may fill the".

H-3090B

13 5. Page 2, line 19, by striking the word "or" and  
14 inserting the following: "or. If the offices of  
15 three trustees are vacant, the board".

H-3090C

16 6. Page 2, lines 23 and 24, by striking the words  
17 "or county auditor".

On motion by Spear of Lee, amendment H-3090A was adopted.

On motion by Spear of Lee, amendment H-3090B was adopted.

On motion by Spear of Lee, amendment H-3090C was adopted.

Muhlbauer 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?" (H.F. 47)

The ayes were, 61:

Adams	Arnould	Beaman	Bisignano
Black	Blanshan	Brammer	Buhr
Cohoon	Connolly	Connors	Cooper
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Hermann	Hester	Jay
Johnson	Koenigs	Kremer	May
McKinney	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Rosenberg	Royer	Running
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Swartz	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 34:

Beatty	Bennett	Branstad	Carpenter
Chapman	Clark	Corbett	Corey
Daggett	De Groot	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hummel	Knapp
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Mullins	Parker
Paulin	Pellett	Plasier	Renken
Schnekloth	Stueland	Swearingen	Taber
Tyrrell	Van Maanen		

Absent or not voting, 5:

Doderer	Groninga	Holveck	Jochum
Svoboda			

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

## HOUSE FILE 138 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 138 be temporarily deferred and that the bill retain its place on the calendar.

**House File 314**, a bill for an act relating to the obstruction of emergency communications and making a penalty applicable, was taken up for consideration.

Rosenberg 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. 314)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 1:

Garman

Absent or not voting, 5:

Groninga	Harbor	Holveck	Jochum
Svoboda			

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

**House File 138**, a bill for an act relating to the issuance of deer and turkey hunting licenses, (temporarily deferred), with report of committee recommending passage, was taken up for consideration.

Stueland of Clinton offered the following amendment H-3093 filed by him and moved its adoption:

H-3093

- 1 Amend House File 138 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "to" the word "the".

Amendment H-3093 was adopted.

Daggett of Adams offered the following amendment H—3105 filed by him:

H—3105

- 1 Amend House File 138 as follows:
- 2 1. Page 1, line 28, by inserting after the word
- 3 "priority," the following: "An applicant for a deer
- 4 license who has a physical disability which prohibits
- 5 walking shall receive the least restrictive deer
- 6 license issued under this section. The license
- 7 application of the disabled person shall include a
- 8 statement of a licensed physician verifying the
- 9 disability."

Diemer of Black Hawk offered the following amendment H—3109, to amendment H—3105, filed by him from the floor and moved its adoption:

H—3109

- 1 Amend amendment H—3105 to House File 138 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the words "has a
- 4 physical disability" and inserting the following: "is
- 5 permanently disabled as defined in section 110.4".

A non-record roll call was requested.

The ayes were 55, nays 22.

Amendment H—3109 was adopted.

On motion by Daggett of Adams, amendment H—3105, as amended, lost.

Stueland 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. 138)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hermann

Hester	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollife
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Schneklath
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Groninga	Harbor	Holveck	Jochum
Running	Svoboda		

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

**House File 278**, a bill for an act authorizing a county to establish a county charter commission, specifying the powers and duties of the charter commission, and providing for the adoption of a county charter, was taken up for consideration.

Renken of Grundy in the chair at 11:18 a.m.

Royer of Page offered amendment H—3076 filed by him and Platt of Muscatine. Division was requested as follows:

H—3076

1 Amend House File 278 as follows:

H—3076A

2 1. Page 1, line 6, by striking the words "may by  
3 resolution, or".

H—3076B

4 2. Page 1, line 8, by striking the word "twenty-  
5 five" and inserting the following: "ten".

On motion by Royer of Page, amendment H—3076A was adopted.

Royer of Page moved the adoption of amendment H—3076B.

A non-record roll call was requested.

The ayes were 39, nays 49.

Amendment H—3076B lost.

Swartz of Marshall offered amendment H—3106 filed by him and requested division as follows:

H—3106

1 Amend House File 278 as follows:

H—3106A

2 1. Page 1, by striking line 35 and inserting the  
3 following: "of a county hospital."  
4 2. Page 2, by striking line 1.

H—3106B

5 3. Page 4, line 5, by inserting after the word  
6 "proposal." the following: "A proposed amendment  
7 requested by petition may include any subject which  
8 may be included in a county charter under this part."

H—3106C

9 4. Page 5, line 21, by inserting after the figure  
10 "331.201" the following: ", but not more than seven  
11 members".  
12 5. Page 6, line 2, by inserting after the number  
13 "331.323." the following: "If a charter or charter  
14 amendment proposes to combine the powers and duties of  
15 elected county officials, the charter or charter  
16 amendment shall specifically identify the officer who  
17 will exercise the powers and duties of the combined  
18 office and any future powers and duties conferred by  
19 state law."

On motion by Swartz of Marshall, amendment H—3106A was adopted.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—3106B.

On motion by Swartz of Marshall, amendment H—3106C was adopted.

Speaker Avenson in the chair at 11:48 a.m.

Spear of Lee asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the consideration of amendment H—3108 filed by him from the floor as follows:

H—3108

1 Amend House File 278 as follows:  
2 1. Page 7, line 32, by striking the words "a  
3 county" and inserting the following: "the county".

On motion by Spear of Lee, amendment H—3108 was adopted.

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

On the question "Shall the bill pass?" (H.F. 278)

The ayes were, 71:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Jay	Johnson	Knapp	Koenigs
Lageschulte	Lundby	May	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Royer
Schrader	Sherzan	Shultz	Siegrist
Spear	Stueland	Swartz	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 25:

Bennett	Branstad	Daggett	Garman
Halvorson, R. N.	Hester	Hummel	Kremer
Maulsby	McKean	Parker	Pavich
Pellett	Peters	Petersen, D. F.	Renken
Running	Schneklath	Shoning	Skow
Stromer	Swearingen	Tabor	Tyrrell
Van Maanen			

Absent or not voting, 4:

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

## INTRODUCTION OF BILL

**House File 334**, by committee on ways and means, a bill for an act relating to cigarette and tobacco tax assessment periods, penalties and appeal periods, offsetting of claims against the state with a person's liabilities to the state, tax return confidentiality, the filing of sales and services tax refund claims, audit periods for sales, services, and use

tax returns, use tax penalty, and penalties for interfering with department of revenue and finance employees in the performance of their duties and providing effective dates.

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

**IMMEDIATE MESSAGE**  
(House File 278)

Arnould of Scott asked and received unanimous consent that House File 278 be immediately messaged to the Senate.

**MOTION TO RECONSIDER**  
(House File 47)

I move to reconsider the vote by which House File 47 passed the House on February 23, 1987.

**STROMER** of Hancock

**SPONSOR ADDED**  
(House File 326)

Hatch of Polk requested to be added as a sponsor of House File 326.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on Friday, February 20, 1987. Had I been present, I would have voted "nay" on amendment H-3094 to Senate Concurrent Resolution 4 and "aye" on House File 92 and Senate Concurrent Resolution 4.

**CONNOLLY** of Dubuque

I was necessarily absent from the House chamber on February 23, 1987. Had I been present, I would have voted "aye" on House Files 138, 258, 265, 277, 278 and 314.

**GRONINGA** of Cerro Gordo

I was necessarily absent from the House chamber on Friday afternoon, February 20, 1987. Had I been present, I would have voted "aye" on amendment H-3097, to the committee amendment H-3075, to Senate Concurrent Resolution 4, and "nay" on Senate Concurrent Resolution 4.

**SWEARINGEN** of Keokuk

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 174 Local Government (Corrected)**

To authorize the clerk of the district court to file a decree of foreclosure with the recorder without fee.

**H.S.B. 175 Local Government (Corrected)**

To authorize the clerk of the district court to charge a filing fee of ten dollars for county or municipal infractions.

**H.S.B. 177 Judiciary and Law Enforcement**

To authorize the parties to a dissolution to waive the filing of a financial statement only after approval by the court.

**H.S.B. 178 Judiciary and Law Enforcement**

To provide office space and other physical facilities for the district court administrator.

**H.S.B. 179 Judiciary and Law Enforcement**

Relating to the subcontractor's right to file a mechanic's lien against the property for which labor is performed or material is furnished.

**H.S.B. 180 Economic Development**

Relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

**H.S.B. 181 Economic Development**

To authorize the imposition of a property tax levy by a city or county for economic development purposes.

**H.S.B. 182 Human Resources**

Relating to juveniles and their placement in correctional or detention facilities.

**H.S.B. 183 Small Business and Commerce**

Relating to consumer frauds and providing penalties.

**SUBCOMMITTEE ASSIGNMENTS****House File 312**

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

**Senate Joint Resolution 2**

Natural Resources and Outdoor Recreation: Johnson, Chair; Cooper and Platt.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 152**

Natural Resources and Outdoor Recreation: Diemer, Chair; Gruhn and Poncy.

**House Study Bill 167 (Corrected)**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

## CERTIFICATE OF RECOGNITION

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

1987-3      Robert Skahill, Dubuque — Celebrating his 30th anniversary with All State Insurance as well as celebrating his 65th birthday.

JOSEPH O'HERN  
Chief Clerk of the House

## AMENDMENTS FILED

H—3107	H.F.	316	Van Camp of Scott
H—3111	H.F.	315	Hummel of Benton Neuhauser of Johnson

On motion by Arnould of Scott, the House adjourned at 11:57 a.m., until 9:00 a.m., Tuesday, February 24, 1987.

# JOURNAL OF THE HOUSE

Forty-fourth Calendar Day — Twenty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, February 24, 1987

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

Prayer was offered by the Reverend George Wertzell, pastor of the Nishna Valley Parish, Emerson.

The Journal of Monday, February 23, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By McKinney of Dallas, from eighty-seven constituents of the eighty-ninth district favoring reducing state expenses and state taxes.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista, until his arrival, on request of Stueland of Clinton; Halvorson of Clayton, until his arrival, on request of Harbor of Mills.

## INTRODUCTION OF BILLS

**House File 335**, by Rosenberg, a bill for an act relating to interstate rendition of persons charged with failure to provide support.

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

**House File 336**, by Hermann, a bill for an act relating to the possession of alcoholic beverages by persons age nineteen or twenty.

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

**House File 337**, by Fuller, a bill for an act to increase the fees paid to jurors.

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

**House File 338**, by Parker, a bill for an act repealing the requirement that retailers sell motor vehicle fuel at a whole-cent price per unit.

Read first time and referred to committee on **small business and commerce.**

● **House File 339**, by Van Maanen, a bill for an act reducing the costs charged against a parcel of real estate subject to tax sale.

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

**House File 340**, by Sherzan, a bill for an act relating to insurance by defining provider discrimination against persons licensed to practice dentistry as an unfair trade practice, if coverage is denied for a service rendered by a dentist within the lawful scope of the dentist's license, which would be a covered service if rendered by a person licensed to practice medicine and surgery.

Read first time and referred to committee on **small business and commerce.**

**House File 341**, by Bisignano, a bill for an act relating to the license fees for food establishments and food service establishments.

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

**House File 342**, by Spear, Tyrrell, Corey, Schrader, Garman, Kremer, Connors, Beaman, Halvorson of Clayton, Norrgard, Metcalf, Stueland, Cooper, Shoning, McKean, Maulsby and Daggett, a bill for an act relating to the prison population cap.

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

**House File 343**, by Brammer, a bill for an act relating to the purchase or sale of a child and providing a penalty.

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

**House File 344**, by Hanson of Delaware, a bill for an act relating to a veteran preference for appointments to the classified service in the office of county sheriff.

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

**House File 345**, by Fogarty and Fuller, a bill for an act relating to the procedures for authorization of drainage district improvements.

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

#### 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 19, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 141, a bill for an act relating to relief under bankruptcy for a judgment debtor from suspension of license, registration, or nonresident operating privilege under the motor vehicle financial responsibility requirements.

Also: That the Senate has on February 19, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 142, a bill for an act to permit employees of the department of human services to transport clients and patients of the department without a chauffeur's license.

Also: That the Senate has on February 19, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 158, a bill for an act relating to the time within which an application for crime victim reparation may be filed.

Also: That the Senate has on February 19, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 160, a bill for an act relating to subpoenas of witnesses in civil cases.

Also: That the Senate has on February 19, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 161, a bill for an act relating to the sentence to be served by a person convicted as an habitual offender of the motor vehicle laws.

JOHN F. DWYER, Secretary

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 6

Arnould of Scott called up for consideration House Concurrent Resolution 6, as follows:

1                                   HOUSE CONCURRENT RESOLUTION 6  
 2                                   By Arnould and Stromer  
 3     A House Concurrent Resolution relating to  
 4     Pioneer Lawmakers.  
 5     *Whereas*, the Seventy-second General Assembly is advised  
 6     of a meeting of the Pioneer Lawmakers Association to be  
 7     held on Wednesday, April 22, 1987; and  
 8     *Whereas*, the Pioneer Lawmakers request the opportunity  
 9     to meet formally with the General Assembly, *Now Therefore*,  
 10    *Be It Resolved by the House of Representatives, The*  
 11    *Senate Concurring*, That the General Assembly meet in joint  
 12    session in the House chamber on Wednesday, April 22, 1987,  
 13    at 1:30 p.m. and that the Pioneer Lawmakers be invited to  
 14    attend and present a program on that occasion, and that the  
 15    Speaker of the House of Representatives and the President  
 16    of the Senate be designated to deliver the invitation to  
 17    them.

On motion by Arnould of Scott, the resolution was adopted.

**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 24th day of February, 1987: House File 129.

**JOSEPH O'HERN**  
Chief Clerk of the House

Report adopted.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber early Monday morning on February 23, 1987. Had I been present, I would have voted "aye" on House Files 258, 265 and 277.

JAY of Appanoose

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS****H.S.B. 184 Small Business and Commerce**

Relating to governmental competition with and purchase of goods and services from private enterprise.

**H.S.B. 185 Judiciary and Law Enforcement**

To raise the prison population cap.

**H.S.B. 186 Transportation**

Supporting business, industrial, and agricultural development through transportation by the establishment of a commercial network of highways funded by an increase in the rate of excise taxes on motor fuel and special fuel, by the creation of a comprehensive transportation development fund consolidating the funding for railroads, aeronautics, bikeways, recreational trails, commercial navigation, and intermodal projects, by establishing an excise tax on transportation fuels used by rail, air, and water transportation, by establishing an excise tax on rail freight transportation and providing for the registration of aircraft.

**H.S.B. 187 Agriculture**

Requiring lenders or other secured parties to provide to debtors copies of documents signed by the debtors.

**H.S.B. 188 Agriculture**

Relating to the grain indemnity fund, by eliminating credit sale contracts from its protection, providing for distribution of receivership assets excluding proceeds of the fund, raising minimum net worth requirements, and providing definitions, eliminating participation by federally licensed warehouses, and providing a penalty for late payment of fees, eligibility standards, adjustment of fees, a procedure for determining the value of losses, requirements for recovery from the fund, and the retroactive applicability of certain of its provisions.

**SUBCOMMITTEE ASSIGNMENTS****House File 271**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Shoning.

**House File 273**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House File 289**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Shoning.

**House File 292**

State Government: Beatty, Chair; Garman and Halvorson of Webster.

**House File 299**

State Government: Pavich, Chair; Blanshan, Renaud, Renken and Van Camp.

**House File 302**

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

**House File 305**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 307**

Energy and Environmental Protection: Holveck, Chair; Diemer and Fuller.

**House File 313**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 321**

Judiciary and Law Enforcement: Poncy/Renaud, Co-Chairs; Carpenter.

**House File 322**

State Government: Running, Chair; Buhr, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House File 330**

State Government: Pavich, Chair; Blanshan, Renaud, Renken and Van Camp.

**Senate File 130**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 142**

State Government: Buhr, Chair; Beatty, Carpenter, Fuller and Lundby.

**House Study Bill 143**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House Study Bill 163**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House Study Bill 164**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House Study Bill 168**

State Government: Knapp, Chair; Beatty, Garman, Hanson of Delaware and Peterson of Carroll.

**House Study Bill 169**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House Study Bill 171**

Judiciary and Law Enforcement: Chapman, Chair; Halvorson of Clayton and Jay.

**House Study Bill 172**

State Government: Running, Chair; Buhr, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House Study Bill 176**

State Government: Running, Chair; Buhr, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House Study Bill 177**

Judiciary and Law Enforcement: Doderer, Chair; Carpenter, Hammond, Poney and Schneklath.

**House Study Bill 178**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House Study Bill 185**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Rosenberg.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON EDUCATION**

**Senate File 49**, a bill for an act relating to school finance including creating a working committee to study school finance and repealing chapter 442 on June 30, 1991.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3113** February 23, 1987.

**COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS**

**Committee Bill** (Formerly House Study Bill 158), a joint resolution to nullify an administrative rule of the department of employment services relating to lockouts.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1987.

**COMMITTEE ON STATE GOVERNMENT**

**Committee Bill** (Formerly House Study Bill 32), relating to public financing of political campaigns, appropriating funds, and providing penalties.

Fiscal Note is required.

Recommended **Amend and Do Pass** February 23, 1987.

**Committee Bill** (Formerly House Study Bill 70), relating to temporary certificates issued by the board of medical examiners.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1987.

**COMMITTEE ON TRANSPORTATION**

**House File 262**, a bill for an act relating to the number of days wherein a vehicle shall not be considered abandoned.

Fiscal Note is not required.

Recommended **Do Pass** February 23, 1987.

**Committee Bill** (Formerly House Study Bill 87), authorizing the state department of transportation to adopt and administer federal motor carrier safety and hazardous materials transportation regulations, making technical corrections, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 23, 1987.

## AMENDMENTS FILED

H—3112	H.F.	327	Tyrrell of Iowa
H—3113	S.F.	49	Committee on Education
H—3114	H.F.	158	Running of Linn
H—3115	H.F.	327	Bennett of Ida
Carpenter of Polk			Petersen of Muscatine
Shoning of Woodbury			Miller of Cherokee
Lageschulte of Bremer			Renken of Grundy
Royer of Page			Metcalf of Polk
Hanson of Delaware			Tyrrell of Iowa
Kremer of Buchanan			Stueland of Clinton
Pellétt of Cass			Beaman of Clarke
			Lundby of Linn

On motion by Arnould of Scott, the House adjourned at 9:17 a.m., until 9:00 a.m., Wednesday, February 25, 1987.

# JOURNAL OF THE HOUSE

Forty-fifth Calendar Day — Twenty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 25, 1987

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

Prayer was offered by the Honorable Daniel Fogarty, state representative from Palo Alto County.

The Journal of Tuesday, February 24, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Gruhn of Dickinson, from eighty-six constituents favoring the full funding of Governor Branstad's \$151 million for the "Educational Excellence Fund."

By Harbor of Mills, from one hundred eight residents of Villisca favoring medical liability insurance changes.

By Johnson of Winneshiek, from thirty-nine constituents and the Senior Citizen's Hospitality Center of Winneshiek County favoring support and full funding of the Long Term Health Care and Community Based Service bill.

By Tyrrell of Iowa, from twenty-five citizens favoring funding comprehensive Long Term Health Care and Community Based Service bill.

## INTRODUCTION OF BILLS

**House File 346**, by committee on state government, a bill for an act relating to temporary certificates issued by the board of medical examiners.

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

**House File 347**, by Dvorsky, Schrader and Tyrrell, a bill for an act relating to park user permits issued at less than the ordinary fee and providing an effective date.

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

**House File 348**, by Buhr, Holveck, Sherzan and Connors, a bill for an act relating to the vote required for approval of bond issues and extended time contracts of school corporations.

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

**House File 349**, by Spear, a bill for an act providing for the use of vintage Iowa registration plates.

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

**House File 350**, by Hansen of Woodbury, a bill for an act relating to sexual abuse in the third degree.

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

**House File 351**, by Koenigs, a bill for an act eliminating the sales, services, and use tax on veterinary tests.

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

**House File 352**, by Stueland, a bill for an act relating to the teaching of water resource conservation and water quality improvement in approved and accredited schools.

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

**House File 353**, by Garman and Corbett, a bill for an act relating to claims for noneconomic damages for pain and suffering, loss of consortium, or loss of chance.

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

**House File 354**, by Koenigs, a bill for an act relating to the grain indemnity fund, by eliminating credit sale contracts from its protection, providing for distribution of receivership assets excluding proceeds of the fund, raising minimum net worth requirements, and providing definitions, eliminating participation by federally licensed warehouses, and providing a penalty for late payment of fees, eligibility standards, adjustment of fees, a procedure for determining the value of losses, requirements for recovery from the fund, and the retroactive applicability of certain of its provisions.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 141**, by committee on transportation, a bill for an act relating to relief under bankruptcy for a judgment debtor from suspension of license, registration, or nonresident operating privilege under the motor vehicle financial responsibility requirements.

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

**Senate File 142**, by committee on transportation, a bill for an act to permit employees of the department of human services to transport clients and patients of the department without a chauffeur's license.

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

**Senate File 158**, by committee on judiciary, a bill for an act relating to the time within which an application for crime victim reparation may be filed.

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

**Senate File 160**, by committee on judiciary, a bill for an act relating to subpoenas of witnesses in civil cases.

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

**Senate File 161**, by committee on judiciary, a bill for an act relating to the sentence to be served by a person convicted as an habitual offender of the motor vehicle laws.

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

#### 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 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 105, a bill for an act relating to the degree of evidence required for termination or nonrenewal of a school administrator's contract.

Also: That the Senate has on February 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 106, a bill for an act relating to evaluations of the performance of school administrators including requiring the adoption of job descriptions and evaluation criteria and procedures.

Also: That the Senate has on February 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 155, a bill for an act relating to the implementation of the federal Resource Conservation and Recovery Act permit program for hazardous waste facilities by the department of natural resources.

JOHN F. DWYER, Secretary -

On motion by Arnould of Scott, the House was recessed at 9:17 a.m., until 11:45 a.m.

The House reconvened, Speaker Avenson in the chair.

### INTRODUCTION OF BILLS

**House Joint Resolution 11**, by committee on labor and industrial relations, a joint resolution to nullify an administrative rule of the department of employment services relating to lockouts.

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

**House File 355**, by committee on appropriations, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1986 and ending June 30, 1987 and providing an effective date.

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

On motion by Arnould of Scott, the House was recessed at 11:58 a.m., until 3:15 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### QUORUM CALL

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

### CONSIDERATION OF BILLS

#### Ways and Means Calendar

**House File 266**, a bill for an act relating to the exemption from the state sales, services and use tax of the gross receipts from the sale of foods purchased with federal food stamps and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 266)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter

Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 7:

Garman	Hummel	Maulsby	Renken
Stueland	Tyrrell	Van Maanen	

Absent or not voting, 3:

May	Platt	Swearingen
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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 327**, a bill for an act increasing the tax on tobacco products and on cigarettes and little cigars and imposing an inventory tax on cigarettes and little cigars, unused tax stamps and metered imprints and providing an effective date, was taken up for consideration.

The House stood at ease at 3:42 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 327 at 4:20 p.m., Speaker Avenson in the chair.

Tyrrell of Iowa offered the following amendment H—3112 filed by him and moved its adoption:

H—3112

- 1 Amend House File 327 as follows:
- 2 1. Page 1, by inserting after line 9 the
- 3 following:
- 4 "Sec. \_\_\_\_\_, Section 98.15, Code 1987, is amended by
- 5 adding the following new subsection:

6 NEW SUBSECTION. 7. A distributor or any other  
 7 person who remits taxes under this division shall  
 8 retain five percent of the amount of the tax to be  
 9 remitted as compensation for costs incurred in the  
 10 collection and remittance of taxes under this  
 11 division. However, a distributor or other person who  
 12 receives the discount allowed under section 98.8 shall  
 13 retain three percent of the amount of the tax to be  
 14 remitted as compensation for costs incurred in the  
 15 collection and remittance of taxes under this  
 16 division."

17 2. Renumber sections and correct internal  
 18 references as necessary in accordance with this  
 19 amendment.

Roll call was requested by Tyrrell of Iowa and Kremer of Buchanan.

On the question "Shall amendment H-3112 be adopted?"  
 (H.F. 327)

The ayes were, 32:

Beaman	Bennett	Clark	Corbett
Corey	Daggett	Diemer	Eddie
Garman	Halvorson, R. A.	Halvorson, R. N.	Harbor
Hermann	Hummel	Kremer	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Renken	Royer	Schneklath	Stromer
Stueland	Tyrrell	Van Camp	Van Maanen

The nays were, 64:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Cohon	Connolly
Connors	Cooper	De Groot	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
McKinney	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Peters	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 4:

Branstad	May	Platt	Swearingen
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Amendment H-3112 lost.

Bennett of Ida offered the following amendment H—3115 filed by Bennett, et al.:

H—3115

- 1 Amend House File 327 as follows:
- 2 1. Page 3, by striking lines 2 and 3 and
- 3 inserting the following:
- 4 "Sec. \_\_\_\_\_. This Act takes effect July 1 following
- 5 enactment or thirty days following the funding of the
- 6 governor's educational recommendations for improving
- 7 salaries for primary and secondary teachers at the
- 8 level found in the governor's inaugural address and
- 9 contained in the house and senate journals of January
- 10 16, 1987, whichever date occurs later.
- 11 Sec. \_\_\_\_\_. Section 2 of this Act takes effect
- 12 thirty days prior to the effective date of the
- 13 remainder of the Act."

Harbor of Mills rose on a point of order that amendment H—3115 was not germane.

The Speaker ruled the point not well taken and amendment H—3115 germane.

Doderer of Johnson rose on a point of order that amendment H—3115 was not in order pursuant to Rule 38, relating to irrelevant amendments.

The Speaker ruled the point not well taken and amendment H—3115 in order.

Bennett of Ida moved the adoption of amendment H—3115.

A non-record roll call was requested.

The ayes were 37, nays 52.

Amendment H—3115 lost.

Connors of Polk in the chair at 5:00 p.m.

Speaker Avenson in the chair at 5:20 p.m.

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

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 327)

The ayes were, 46:

Adams

Arnould

Beatty

Black

Blanshan	Buhr	Chapman	Cohoon
Connolly	Connors	Cooper	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammold
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jochum	Johnson	Koenigs
McKinney	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Pavich	Peters
Poncy	Rosenberg	Shoultz	Skow
Spear	Svoboda	Swartz	Teaford
Wise	Mr. Speaker		

The nays were, 51:

Beaman	Bennett	Bisignano	Brammer
Branstad	Carpenter	Clark	Corbett
Corey	Daggett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Jay	Knapp	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Parker	Paulin
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Renaud	Renken	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Siegrist	Stromer	Stueland	Tabor
Tyrrell	Van Camp	Van Maanen	

Absent or not voting, 3:

May	Platt	Swearingen
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The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

The House stood at ease at 5:43 p.m.

The House resumed session at 6:02 p.m., Speaker Avenson in the chair.

### MOTION TO RECONSIDER (House File 327)

I move to reconsider the vote by which House File 327 failed to pass the House on February 25, 1987.

BRAMMER of Linn

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

## LEGISLATIVE EXTENDED ADVISORY GROUP

A report of the impact of recent changes in laws concerning agricultural lending on credit availability in rural Iowa, pursuant to Legislative Council action.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 112 (Revised, 2) Education**

To establish an educational excellence program consisting of three phases relating to the recruitment of quality teachers, the retention of quality teachers, and the enhancement of the quality and effectiveness of teachers, to provide appropriations, and to provide an effective date.

**H.S.B. 186 (Revised, 2) Transportation**

Supporting business, industrial, and agricultural development through transportation by the establishment of a commercial network of highways funded by an increase in the rate of excise taxes on motor fuel and special fuel, by the creation of a comprehensive transportation development fund consolidating the funding for railroads, aeronautics, bikeways, recreational trails, commercial navigation, and intermodal projects, by establishing an excise tax on transportation fuels used by rail, air, and water transportation, by establishing an excise tax on rail freight transportation and providing for the registration of aircraft.

**H.S.B. 189 Energy and Environmental Protection**

Appropriating oil overcharge funds.

**H.S.B. 190 Judiciary and Law Enforcement**

Relating to property exempt from execution.

**H.S.B. 191 Judiciary and Law Enforcement**

Relating to procedures upon violation of probation when the probationer is supervised within this state pursuant to the interstate probation and parole compact.

**H.S.B. 192 Judiciary and Law Enforcement**

Relating to the payment and collection of the criminal penalty surcharge.

**H.S.B. 193 Human Resources**

Relating to educational services and programs for inmates under the jurisdiction of the department of corrections and providing for the financing of these services and programs.

**H.S.B. 194 State Government**

Making statutory corrections and other changes relating to the reorganization of state government.

**H.S.B. 195 Local Government**

Authorizing local government reorganization by the establishment of an alternative form of county government or city-county government, or by consolidating county governments, and making corresponding amendments to the Code.

## SUBCOMMITTEE ASSIGNMENTS

**House File 329**

Energy and Environmental Protection: Osterberg, Chair; Adams, Holveck, McKean, Mullins and Norrgard.

**House File 333**

Transportation: Renaud, Chair; Pavich and Pellett.

**House File 338**

Small Business and Commerce: Skow, Chair; Hansen of Woodbury, Hanson of Delaware, Hatch and Metcalf.

**House File 340**

Small Business and Commerce: Brammer, Chair; Halvorson of Clayton, Schnekloth and Shoultz.

**House File 348**

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

**House File 352**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 157**

Education: Shoultz, Chair; Corbett, Daggett, Ollie and Schrader.

**House Study Bill 170**

Economic Development: Connolly, Chair; Hanson of Delaware and Parker.

**House Study Bill 173**

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

**House Study Bill 180**

Economic Development: Connolly, Chair; Groninga, Hanson of Delaware, Hummel and Parker.

**House Study Bill 181**

Economic Development: Dvorsky, Chair; Beaman, Groninga, Metcalf and Neuhauser.

**House Study Bill 183**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**House Study Bill 184**

Small Business and Commerce: Skow, Chair; Hansen of Woodbury, Hanson of Delaware, Hatch and Metcalf.

**House Study Bill 186 (Revised, 2)**

Transportation: Koenigs, Chair; Connolly, Fey, Lageschulte and Platt.

**House Study Bill 189**

Energy and Environmental Protection: Rosenberg, Chair; Dvorsky, Holveck, Lundby, and Mullins.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON APPROPRIATIONS**

**Committee Bill**, relating to and making supplemental appropriations for the fiscal year beginning July 1, 1986 and ending June 30, 1987 and providing an effective date.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 24, 1987.

**Committee Bill**, relating to and making supplemental appropriations for the fiscal year beginning July 1, 1986 and ending June 30, 1987 and providing an effective date.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 24, 1987.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Committee Bill** (Formerly House Study Bill 40), relating to the decisions of guardians regarding life-sustaining procedures.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 24, 1987.

**COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION**

**Committee Bill**, (Formerly House Study Bill 120), relating to the taking of animals.

Fiscal Note is not required.

Recommended **Do Pass** February 24, 1987.

**COMMITTEE ON SMALL BUSINESS AND COMMERCE**

**Committee Bill**, (Formerly House Study Bill 102), to impose the premium tax on risk retention groups.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 24, 1987.

**RESOLUTION FILED**

**HCR 11**, by De Groot, a concurrent resolution relating to the use of set-aside acres under the federal conservation reserve program.

Laid over under **Rule 25**.

**AMENDMENTS FILED**

H-3116	H.F.	79	Hammond of Story
H-3117	H.F.	355	Hummel of Benton
H-3118	H.F.	355	Halvorson of Clayton Harbor of Mills
H-3119	H.F.	355	Van Maanen of Mahaska Harbor of Mills Hummel of Benton Branstad of Winnebago McKean of Jones Maulsby of Calhoun Halvorson of Clayton Stueland of Clinton Mullins of Kossuth
H-3120	H.F.	341	Bisignano of Polk

On motion by Arnould of Scott, the House adjourned at 6:03 p.m., until 9:00 a.m., Thursday, February 26, 1987.

# JOURNAL OF THE HOUSE

Forty-sixth Calendar Day — Thirtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, February 26, 1987

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

Prayer was offered by the Honorable Bill Royer, state representative from Page County.

The Journal of Wednesday, February 25, 1987 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 12**, by Bennett, Paulin, and Shoning, a joint resolution proposing an amendment to the Constitution of the State of Iowa to establish the ability of the electors to recall elective officers.

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

**House File 356**, by Fogarty, Gruhn, De Groot, Branstad, Skow, and Malsby, a bill for an act relating to the transfer of all, or substantially all, the property or assets of a cooperative association by sale, other disposition, or by merger.

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

**House File 357**, by Hanson of Delaware, a bill for an act relating to the exemption of peace officers from the licensing requirements for private security agents and private investigators.

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

**House File 358**, by Hanson of Delaware, a bill for an act relating to damages from drainage.

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

**House File 359**, by Hanson of Delaware, a bill for an act prohibiting the possession or use of the explosive, nitroglycerin, and providing a penalty.

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

**House File 360**, by committee on judiciary and law enforcement, a bill for an act relating to the decisions of guardians regarding life-sustaining procedures.

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

**House File 361**, by Shoning, a bill for an act relating to the date of the election of directors of local school districts, merged areas, and area education agencies.

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

**House File 362**, by Pellett and Stueland, a bill for an act relating to the official language of the state of Iowa.

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

**House File 363**, by Buhr, a bill for an act requiring storm shelters in certain mobile home parks and providing a penalty.

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

**House File 364**, by Rosenberg, a bill for an act relating to providing workers' compensation coverage for emergency medical personnel and providing authority for their certification.

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

**House File 365**, by Diemer, a bill for an act relating to the disbursement of municipal utility revenues.

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

**House File 366**, by Hanson of Delaware, a bill for an act relating to the employment of snowmobile trail groomers by county conservation boards.

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

**House File 367**, by Stromer, a bill for an act relating to the membership and functions of the county compensation board.

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

**House File 368**, by Blanshan, Hammond and Swearingen, a bill for an act relating to physical therapy by providing that physical therapy evaluation and treatment may be rendered without a prescription or referral.

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

**House File 369**, by Tyrrell, a bill for an act relating to the definition of harassment.

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

**House File 370**, by De Groot, a bill for an act to provide for the distribution of moneys by the department of education to school districts submitting approved plans for career merit increment pay programs for teachers and to provide an appropriation.

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

**House File 371**, by committee on transportation, a bill for an act authorizing the state department of transportation to adopt and administer federal motor carrier safety and hazardous materials transportation regulations, establishing reporting requirements, making technical corrections, providing penalties, and providing an effective date.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 105**, by Horn, a bill for an act relating to the degree of evidence required for termination or nonrenewal of a school administrator's contract.

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

**Senate File 106**, by Horn, a bill for an act relating to evaluations of the performance of school administrators including requiring the adoption of job descriptions and evaluation criteria and procedures.

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

**Senate File 155**, by committee on natural resources, a bill for an act relating to the implementation of the federal Resource Conservation and Recovery Act permit program for hazardous waste facilities by the department of natural resources.

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

## COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

### DEPARTMENT OF HUMAN SERVICES

A Progress Report on the Federal Funding Enhancement Project, pursuant to Chapter 1246 (8)(d) of the Acts of the Seventy-first General Assembly, Second Session.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 196 State Government**

Relating to election procedures governing registering a change of name, address or telephone number and the closing hours of the polls.

#### **H.S.B. 197 Agriculture**

Relating to a state cattle feeding program.

#### **H.S.B. 198 Agriculture**

Relating to the exporting of Iowa grain, by providing for the establishment of an Iowa agricultural export trading company; establishing a certified Iowa grain program; a new division of agricultural inspection within the department of agriculture and land stewardship; a state grain terminal and shippers program; a foreign sale facilitation system; and a sealed carrier receptacle program; and imposing penalties.

#### **H.S.B. 199 Local Government**

Relating to the use of farm-to-market road funds by a county.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 84**

Agriculture: Fogarty, Chair; Branstad, McKinney, Muhlbauer and Pellett.

#### **House File 259**

Judiciary and Law Enforcement: Doderer, Chair; Carpenter, Hammond, Poney and Schnekloth.

#### **House File 300**

Judiciary and Law Enforcement: Doderer, Chair; Carpenter, Hammond, Poney and Schnekloth.

#### **House File 309**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 311**

Judiciary and Law Enforcement: Doderer, Chair; Carpenter, Hammond, Poncey and Schnekloth.

**House File 335**

Judiciary and Law Enforcement: Doderer, Chair; Carpenter, Hammond, Poncey and Schnekloth.

**House File 337**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House File 340 (Corrected)**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House File 341**

State Government: Peterson of Carroll, Chair; Beatty, Garman, Hanson of Delaware and Knapp.

**House File 343**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 350**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 353**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**Senate File 114**

State Government: Blanshan, Chair; Peterson of Carroll and Shoning.

**Senate File 141**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Harbor and Tabor.

**Senate File 158**

Judiciary and Law Enforcement: Tabor, Chair; Paulin and Shoning.

**Senate File 160**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**Senate File 161**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 110**

State Government: Blanshan, Chair; Doderer and Shoning.

**House Study Bill 149 (Corrected)**

Small Business and Commerce: Swartz, Chair; Hummel, Parker, Renken and Sherzan.

**House Study Bill 187**

Agriculture: McKinney, Chair; De Groot and Svoboda.

**House Study Bill 188**

Agriculture: Koenigs, Chair; Eddie, Kremer, Muhlbauer and Skow.

**House Study Bill 190**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Harbor and Tabor.

**House Study Bill 191**

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Knapp and Plasier.

**House Study Bill 192**

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Knapp and Plasier.

**House Study Bill 194**

State Government: Connors, Chair; Halvorson of Webster, Hanson of Delaware, Running and Shoning.

## COMMITTEE RECOMMENDATION

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

**JOSEPH O'HERN**

Chief Clerk of the House

## COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 75), relating to the division of deaf services of the department of human rights.

Fiscal Note is not required.

Recommended **Amend and Do Pass** February 25, 1987.

## AMENDMENTS FILED

H — 3121	H.F.	355	Maulsby of Calhoun
			Van Maanen of Mahaska
H — 3122	H.F.	279	Neuhauser of Johnson

H-3123	H.F.	328	Van Camp of Scott
H-3124	H.F.	181	Rosenberg of Story

On motion by Buhr of Polk, the House adjourned at 9:23 a.m., until 9:00 a.m., Friday, February 27, 1987.

# JOURNAL OF THE HOUSE

Forty-seventh Calendar Day — Thirty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, February 27, 1987

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

Prayer was offered by the Honorable Phil Tyrrell, state representative from Iowa County.

The Journal of Thursday, February 26, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Corey of Louisa, from twenty-nine constituents favoring the Long Term Health Care and Community Based Service bill.

By Norrgard of Des Moines, from members of the Older Iowans Legislature in District 59, fifty constituents from Mt. Pleasant, twenty-one constituents from Winfield and twenty-one constituents from Danville favoring an increase in funding to the State Transit Assistance Fund.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Arnould of Scott on request of Fey of Scott; Holveck of Polk on request of Hammond of Story; Branstad of Winnebago and Swearingen of Keokuk on request of Stromer of Hancock; Jay of Appanoose on request of Rosenberg of Story.

## INTRODUCTION OF BILLS

**House File 372**, by Shoultz, a bill for an act prohibiting the absence of certain students from class for participation in student activities.

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

**House File 373**, by committee on state government, a bill for an act relating to the division of deaf services of the department of human rights.

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

**House File 374**, by committee on ways and means, a bill for an act relating to eligibility for a mobile home reduced tax rate, a military service property tax exemption, the filing of late claims for a

homestead tax credit and military service property tax exemption, an exemption from the real estate transfer tax, continuing education for assessors and deputy assessors, the length of board of review sessions, and appeal rights.

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

**House File 375**, by committee on judiciary and law enforcement, a bill for an act relating to the crime of conspiracy, and providing penalties.

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

**House File 376**, by committee on small business and commerce, a bill for an act to impose the premium tax on risk retention groups.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 181**, a bill for an act relating to lighting devices on law enforcement vehicles, with report of committee recommending passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—3124 filed by him and moved its adoption:

H—3124

- 1 Amend House File 181 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 321.416 LIGHTING BY LAW
- 5 ENFORCEMENT VEHICLES OF CONSERVATION OFFICERS.
- 6 The required usage of lighting devices set out in
- 7 sections 321.384 through 321.409 and section 321.415
- 8 does not apply to official law enforcement vehicles
- 9 operated by conservation officers appointed under
- 10 section 107.13, while these vehicles are being used in
- 11 criminal investigations or while attempting to
- 12 apprehend suspected criminals."
- 13 2. Title page, line 1, by inserting after the
- 14 word "vehicles" the words "of conservation officers".

Amendment H—3124 was adopted.

Rosenberg 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. 181)

The ayes were, 95:

Adams	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hummel	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Arnould	Branstad	Holveck	Jay
Swearingen			

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

**House File 315**, a bill for an act relating to the indemnification of eligible special exhibit items and the limitations of indemnity coverage of these items, was taken up for consideration.

Hummel of Benton offered the following amendment H—3111 filed by him and Neuhauser of Johnson and moved its adoption:

H—3111

- 1 Amend House File 315 as follows:
- 2 1. Page 1, line 21 by striking the word "value"
- 3 and inserting the following: "coverage for loss or
- 4 damage".
- 5 2. Page 1, line 21, by striking the word "or" and
- 6 inserting the following: ", and all idemnity

- 7 agreements entered into by the director shall not.  
 8 3. Page 1, line 22, by striking the word "value"  
 9 and inserting the following: "value coverage for loss  
 10 or damage".

Amendment H—3111 was adopted.

Neuhauser 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. 315)

The ayes were, 90:

Adams	Beaman	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hermann	Hester	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poney
Renaud	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 5:

Bennett	Halvorson, R. A.	Harbor	Renken
Tyrrell			

Absent or not voting, 5:

Arnould	Branstad	Holveck	Jay
Swearingen			

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

### Appropriations Calendar

**House File 355**, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1986 and ending June 30, 1987 and providing an effective date, was taken up for consideration.

The House stood at ease at 9:43 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 355 at 10:16 a.m., Speaker Avenson in the chair.

Halvorson of Clayton offered the following amendment H-3118 filed by him and Harbor of Mills:

H-3118

- 1 Amend House File 355 as follows:
- 2 1. Page 2, by striking lines 20 through 24.
- 3 2. By striking page 2, line 35 through page 4,
- 4 line 22.
- 5 3. Renumber sections and correct internal
- 6 references as necessary in accordance with this
- 7 amendment.

Skow of Guthrie in the chair at 10:37 a.m.

Halvorson of Clayton moved the adoption of amendment H-3118.

A non-record roll call was requested.

The ayes were 29, nays 55.

Amendment H-3118 lost.

Maulsby of Calhoun offered the following amendment H-3121 filed by him and Van Maanen of Mahaska and moved its adoption:

H-3121

- 1 Amend House File 355 as follows:
- 2 1. By striking page 2, line 35 through page 3,
- 3 line 23.
- 4 2. Renumber sections and correct internal
- 5 references as necessary in accordance with this
- 6 amendment.

Roll call was requested by Connors of Polk and Hammond of Story.

Rule 75 was invoked.

On the question "Shall amendment H-3121 be adopted?"  
(H.F. 355)

## The ayes were, 26:

Beaman	Bennett	Corey	Daggett
De Groot	Diemer	Garman	Halvorson, R. A.
Harbor	Hummel	Maulsby	Miller
Ollie	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schnekloth	Shoultz	Stromer	Tyrrell
Van Camp	Van Maanen		

## The nays were, 68:

Adams	Avenson	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hermann
Hester	Jochum	Johnson	Koenigs
Kremer	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Muhlbauer
Mullins	Neuhauser	Norrgard	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Siegrist
Spear	Stueland	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker (Skow)

## Absent or not voting, 6:

Arnould	Branstad	Holveck	Jay
Knapp	Swearingen		

## Amendment H — 3121 lost.

Van Maanen of Mahaska offered the following amendment H — 3119 filed by Van Maanen, et al., and moved its adoption:

H — 3119

- 1 Amend House File 355 as follows:
- 2 1. Page 4, line 22, by inserting after the word
- 3 "renovation." the words "Funds appropriated by this
- 4 section shall not be used for moving the present
- 5 offices of the auditor of state, the secretary of
- 6 state, or the treasurer of state from their present
- 7 location in the state house or for remodeling or
- 8 renovating space to which the offices of the auditor
- 9 of state, the secretary of state or the treasurer of
- 10 state may be moved."

Roll call was requested by Harbor of Mills and Hummel of Benton.

On the question "Shall amendment H—3119 be adopted?"  
(H.F. 355)

The ayes were, 40:

Beaman	Bennett	Carpenter	Clark
Corbett	Corey	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Mullins
Neuhauser	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schneklath	Shoning	Siegrist	Stromer
Stueland	Tyrrell	Van Camp	Van Maanen

The nays were, 54:

Adams	Avenson	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Muhlbauer	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker (Skow)		

Absent or not voting, 6:

Arnould	Branstad	Holveck	Jay
Shoultz	Swearingen		

Amendment H—3119 lost.

Hummel of Benton offered the following amendment H—3117 filed by him:

H—3117

- 1 Amend House File 355 as follows:
- 2 1. Page 4, by striking lines 18 through 22.
- 3 2. Renumber sections and correct internal
- 4 references as necessary in accordance with this
- 5 amendment.

Speaker Avenson in the chair at 11:34 a.m.

Hummel of Benton moved the adoption of amendment H—3117.

Roll call was requested by Hummel of Benton and Harbor of Mills.

On the question "Shall amendment H — 3117 be adopted?"  
(H.F. 355)

The ayes were, 39:

Beaman	Bennett	Carpenter	Clark
Corbett	Corey	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Harbor	Hermann	Hester	Hummel
Kremer	Lageschulte	Lundby	Maulsby
McKean	Metcalf	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schnekloth
Shoning	Siegrist	Stromer	Stueland
Tyrrell	Van Camp	Van Maanen	

The nays were, 56:

Adams	Beatty	Bisignano	Black
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Connors	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 5:

Arnould	Branstad	Holveck	Jay
Swearingen			

Amendment H — 3117 lost.

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

On the question "Shall the bill pass?" (H.F. 355)

The ayes were, 67:

Adams	Beatty	Bisignano	Black
Blanshan	Brammer	Buhr	Carpenter
Chapman	Cohoon	Connolly	Connors
Cooper	Corbett	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller

Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Jochum
Johnson	Knapp	Koenigs	Kremer
Lundby	May	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 28:

Beaman	Bennett	Clark	Corey
Daggett	De Groot	Diemer	Halvorson, R. A.
Harbor	Hester	Hummel	Lageschulte
Maulsby	McKean	Metcalf	Miller
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Royer	Schneklath
Stromer	Stueland	Tyrrell	Van Maanen

Absent or not voting, 5:

Arnould	Branstad	Holveck	Jay
Swearingen			

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

### IMMEDIATE MESSAGE (House File 355)

Buhr of Polk asked and received unanimous consent that House File 355 be immediately messaged to the Senate.

### Regular Calendar

**House File 318**, a bill for an act relating to the use of county and municipal infractions, was taken up for consideration.

Spear of Lee offered the following amendment H—3101 filed by him and moved its adoption:

H—3101

- 1 Amend House File 318 as follows:
- 2 1. Page 1, line 27, by striking the word "shall"
- 3 and inserting the following: "may".
- 4 2. Page 3, line 19, by striking the word "shall"
- 5 and inserting the following: "may".

Amendment H—3101 was adopted.

Platt 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. 318)

The ayes were, 93:

Adams	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 1:

Hummel

Absent or not voting, 6:

Arnould	Branstad	Holveck	Jay
Miller	Swearingen		

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

### INTRODUCTION OF BILLS

**House File 377**, by committee on state government, a bill for an act relating to public financing of political campaigns, appropriating funds, and providing penalties and providing effective dates.

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

**House File 378**, by committee on judiciary and law enforcement, a bill for an act relating to the dissemination and redissemination of criminal history data to the Iowa department of public health for purposes of employment screening for juvenile substance abuse treatment programs, and providing a penalty.

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

**House File 379**, by committee on natural resources and outdoor recreation, a bill for an act relating to the employment of persons in public service jobs.

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

**House File 380**, by committee on natural resources and outdoor recreation, a bill for an act relating to the contracting of indebtedness for county conservation purposes.

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

#### EXPLANATIONS OF VOTE

On February 27, 1987, I inadvertently pushed the wrong button when the vote was taken on amendment H—3121 to House File 355. My vote should have been "nay."

GARMAN of Story

On February 27, 1987, I inadvertently pushed the wrong button when the vote was taken on amendment H—3121 to House File 355. I intended to vote "nay."

SHOULTZ of Black Hawk

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 26, 1987, he approved and transmitted to the Secretary of State the following bills:

House File 129, an act relating to forms of acknowledgements.

Senate File 18, an act to repeal the prohibition relating to price discrimination in the sale or lease of motor vehicles by a motor vehicle manufacturer, distributor, or wholesaler and providing an effective date.

Senate File 39, an act relating to the date on which the certified enrollment count is taken for pupils enrolled in public schools in this state.

#### PRESENTATION OF VISITORS

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

Sixty fifth grade students from Hubbell Elementary School, Des Moines, accompanied by Shirley Brunk and Anne Buckard. By Carpenter of Polk.

Twenty-four seventh and eighth grade students from Lytton Junior-Senior High School, Lytton, accompanied by Katherine Knapp. By Maulsby of Calhoun.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 200 Human Resources**

Relating to interstate agreements for provision of medical assistance services to adoptive families who participate in the subsidized adoption or adoption assistance program.

### **H.S.B. 201 Transportation**

Relating to movement of vehicles of excess size, weight, and load and movement of implements.

### **H.S.B. 202 State Government**

Relating to the licensing and regulation of architects, and providing penalties.

### **H.S.B. 203 Judiciary and Law Enforcement**

Relating to the permanency plan and placement of a child in need of assistance.

### **H.S.B. 204 Judiciary and Law Enforcement**

Relating to the appointment of court appointed special advocates, and providing an effective date.

### **H.S.B. 205 Judiciary and Law Enforcement**

Relating to the crime of assault, and providing penalties.

### **H.S.B. 206 Local Government**

Relating to the general allocation moneys of the state community mental health and mental retardation services fund.

### **H.S.B. 207 Local Government**

Relating to the calculation of interest as a penalty for the delinquent payment of mobile home taxes.

**H.S.B. 208 Local Government**

To cancel all personal property taxes not collected by July 1, 1987, including the removal of tax liens against personal property.

**H.S.B. 209 Local Government**

Relating to the duties of the state board of tax review.

**H.S.B. 210 Local Government**

Relating to the procedures for adopting or amending county zoning ordinances.

**H.S.B. 211 Local Government**

To exempt public officers from preparation of declarations of value on real estate transactions exempt from taxation.

## SUBCOMMITTEE ASSIGNMENTS

**House File 306**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House File 310**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**House File 319**

Local Government: Beatty, Chair; Muhlbauer and Platt.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 182**

Human Resources: Bisignano, Chair; Adams, Clark, Norrgard and Plasier.

**House Study Bill 193**

Human Resources: Spear, Chair; Bisignano, Buhr, Corey and Miller.

## COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

## COMMITTEE ON HUMAN RESOURCES

**House File 111**, a bill for an act relating to personnel and personnel hours of an intermediate care facility.

Fiscal Note is required.

**Recommended Amend and Do Pass with amendment H—3125 February 26, 1987.**

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Committee Bill** (Formerly House Study Bill 94), relating to the crime of conspiracy, and providing penalties.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 26, 1987.

**Committee Bill** (Formerly House Study Bill 116), relating to the dissemination and redissemination of criminal history data to the Iowa department of public health for purposes of employment screening for juvenile substance abuse treatment programs.

Fiscal Note is not required.

**Recommended Do Pass** February 26, 1987.

**COMMITTEE ON LOCAL GOVERNMENT**

**House File 304**, a bill for an act relating to the determination of annual salaries for elected county officers and their deputies.

Fiscal Note is not required.

**Recommended Do Pass** February 26, 1987.

**COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION**

**Committee Bill** (Formerly House Study Bill 125), relating to the contracting of indebtedness for county conservation purposes.

Fiscal Note is not required.

**Recommended Do Pass** February 26, 1987.

**Committee Bill** (Formerly House Study Bill 152), relating to the employment of persons in public service jobs.

Fiscal Note is not required.

**Recommended Do Pass** February 26, 1987.

**COMMITTEE ON SMALL BUSINESS AND COMMERCE**

**Committee Bill** (Formerly House Study Bill 167), relating to out-of-state contractors and providing penalties.

Fiscal Note is not required.

**Recommended Amend and Do Pass** February 26, 1987.

**COMMITTEE ON WAYS AND MEANS**

**Committee Bill** (Formerly House Study Bill 4), relating to eligibility for a mobile home reduced tax rate, a military service property tax exemption, the filing of late claims for a homestead tax credit and military service property tax exemption, an exemption from the real estate transfer tax, continuing education for assessors and deputy assessors, the length of board review sessions, and appeal rights.

Fiscal Note is not required.

Recommended Amend and Do Pass February 26, 1987.

AMENDMENTS FILED

H-3125	H.F.	111	Committee on Human Resources
H-3126	H.F.	188	Diemer of Black Hawk
H-3127	H.F.	316	Dvorsky of Johnson
H-3128	H.F.	334	Rosenberg of Story
H-3129	H.F.	328	Hammond of Story

On motion by Buhr of Polk, the House adjourned at 11:50 a.m., until 10:00 a.m., Monday, March 2, 1987.

# JOURNAL OF THE HOUSE

Fiftieth Calendar Day — Thirty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 2, 1987

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

Prayer was offered by the Honorable Josephine Gruhn, state representative from Dickinson County.

The Journal of Friday, February 27, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hester of Pottawattamie, for the morning session, on request of Stromer of Hancock.

## INTRODUCTION OF BILLS

**House File 381**, by Poncy and Hummel, a bill for an act relating to veterans affairs, providing for the establishment of a department of veterans affairs, transferring the Iowa veterans home to the department of veterans affairs, and providing properly related matters.

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

**House File 382**, by Hatch, a bill for an act to reserve a specific amount of a claim payable on an insurance policy on property located within the corporate limits of a city for the cost of demolition of the property by the city.

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

**House File 383**, by Bisignano and Hatch, a bill for an act relating to the powers of certain counties by making chapters 403 and 404 applicable to counties having a population of one hundred fifty thousand or more.

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

**House File 384**, by Sherzan, a bill for an act relating to the condition of a building as a basis for the filing of a petition or hearing procedure for abatement.

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

**House File 385**, by Van Camp, a bill for an act to abolish civil actions for wrongful birth.

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

**House File 386**, by Hanson of Delaware, a bill for an act allowing licensed chiropractors to certify that a person is unable to wear a safety belt or safety harness.

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

**House File 387**, by Hanson of Delaware and Jay, a bill for an act relating to class 2 grain dealers.

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

**House File 388**, by Teaford, a bill for an act relating to the licensing of marital and family therapists, mental health counselors, and school psychologists.

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

**House File 389**, by Schrader, a bill for an act relating to the reimbursement paid redemption centers and dealers for beverage containers.

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

**House File 390**, by Beatty, Doderer, Teaford, Hatch, Lageschulte, Hester, Clark, Norrgard, Buhr, Parker and Rosenberg, a bill for an act relating to the adoption of a uniform marital property Act with modifications; and providing an effective date.

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

**House File 391**, by Harbor, a bill for an act relating to television franchises, providing for county franchises, providing for access to television service regardless of geographical location within the county, providing for the coordination of franchising activities of cities and counties through intergovernmental agreements, eliminating the requirement for submitting a city television franchise to the voters, and providing properly related matters.

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

**House File 392**, by Connors, Rosenberg and Haverland, a bill for an act relating to human growth and development instruction and parent education and making an appropriation.

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

**House File 393**, by Jay, a bill for an act to require all class "A" wine permit premises and class "A" beer permit premises to be located within the state.

Read first time and referred to committee on state government.

**House File 394**, by committee on small business and commerce, a bill for an act relating to nonlocal business entities, particularly transient merchants and out-of-state contractors and providing penalties.

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 25, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 130, a bill for an act relating to the notice required for forfeiture of real estate contracts.

Also: That the Senate has on February 25, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 70, a bill for an act relating to motor vehicle fuel pumps and public scales by revising provisions governing licensing, inspection, calibration, and sealing by the department of agriculture and land stewardship and providing a penalty.

Also: That the Senate has on February 25, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 137, a bill for an act relating to the pricing of the Code of Iowa and related publications.

Also: That the Senate has on February 25, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 216, a bill for an act allowing therapeutically certified optometrists to employ and supply certain pharmaceutical agents and to treat certain conditions.

JOHN F. DWYER, Secretary

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 346**, a bill for an act relating to temporary certificates issued by the board of medical examiners, was taken up for consideration.

Beatty 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. 346)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hummel	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 4:

Hammond	Lundby	Renken	Teaford
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Absent or not voting, 5:

Clark	Hester	Holveck	Jay
Jochum			

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

The House stood at ease at 10:25 a.m., until the fall of the gavel.

The House resumed session at 12:07 p.m., Speaker Avenson in the chair.

On motion by Arnould of Scott, the House was recessed at 12:08 p.m., until 4:15 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### GOVERNOR'S VETO MESSAGE

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

February 27, 1987

The Honorable JoAnn Zimmerman  
Lieutenant Governor of Iowa  
Statehouse  
Des Moines, Iowa 50319

Dear Governor Zimmerman:

Senate File 19, "An act relating to the giving of gifts to public employees and officials and to candidates and subjecting violators to a penalty and providing an effective date" is hereby disapproved and transmitted to you in accordance with Article III, Section 16, of the Constitution of the State of Iowa.

I have reached this decision after a careful review of the legal implications of this proposed law and after discussions with legislative leaders.

It is incumbent upon state officials to take action to restore public faith and trust in the legislative process. A reformed gift law should close loopholes in the current law. Senate File 19 actually opens new loopholes and effectively legalizes past legislative indiscretions. The General Assembly can do better.

Senate File 19 liberalizes the gift law; it creates new exceptions and new definitions to allow more gifts to slip through the restrictions in the existing law.

For example, Senate File 19:

- opens up a gaping exception for undefined "honoraria" which could, in effect, incongruously exempt all gifts from gift law restrictions — Black's law dictionary defines honoraria as a "free gift";
- allows persons that do business with the state in contracts worth less than \$5,000 to escape the gift law;
- authorizes parties given by lobbyists for legislators and gives individuals in whose honor parties are thrown a way to skirt the restrictions in the gift law;
- allows the acceptance of registration fees and tuition for certain seminars and continuing education classes;
- expands the list of costs which can be paid for in return for a speaking engagement from the "actual" to "reasonable" expenses;

I cannot in good conscience allow these changes to become law. Senate File 19 does contain some language which is more restrictive than current law — reporting by both gift givers and receivers and requirements for local government gift law regulations, for example. However, these restrictions are overwhelmingly counterbalanced by the new loopholes that are opened up in the gift law.

Instead, action should be taken to include additional safeguards to increase public confidence in the legislative process. The General Assembly would do well to eliminate those portions of Senate File 19 which liberalize current law; accept those provisions which tighten it; and adopt a provision on calendar year reporting that is used in Wisconsin. That provision would require the reporting of gifts having a cumulative value of greater than \$50 in any one calendar year from one donor. This will require public disclosure of continuing lobbyist/public official relationships that would otherwise be shielded from public purview.

Further, I would recommend that parties given by registered lobbyists for specific legislators or state officials not be allowed. There should be a ban on these events, not an effort to divide up the contributions so that the event can go on and be authorized by law.

I urge the legislature to take action this session to correct the problems which I have identified in Senate File 19. In the event the General Assembly does not, the status of the law will be as recently announced by the Attorney General. That will reduce the value of allowable gifts for state officials from \$50 to \$25 and maintain the current reporting requirements. Local government officials and employees must abide by the \$50 limit in the 1980 law. And the broader definition of a gift provided for in the 1979 law must be observed.

I will be issuing an executive order next week to implement these and my recommended further restrictions for employees of the executive branch of the state and their immediate family members. I will work with the General Assembly to put these provisions in statute, as well.

In short, Senate File 19 opens new loopholes in the current gift law. Instead of liberalizing the current law, action should be taken to tighten the law in order to help restore public faith and confidence in the legislative process. The General Assembly should act soon to get that important job done.

Sincerely,  
Terry E. Branstad  
Governor

## 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 2, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 266, a bill for an act relating to the affirmation of certain provisions of law concerning judicial procedures and court enforced orders, and providing an effective date:

Also: That the Senate has on March 2, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 268, a bill for an act relating to the affirmation and reenactment of certain provisions of law concerning public employees, including provisions relating to state employee discipline and grievances, the public employment relations board, reprisals against state employees, and the public employees' retirement system, and providing an effective date.

Also: That the Senate has on March 2, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 269, a bill for an act affirming and reenacting certain provisions affecting the criminal laws, and providing an effective date.

Also: That the Senate has on March 2, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 270, a bill for an act affirming and reenacting certain provisions affecting the tax laws, and providing an effective date.

Also: That the Senate has on March 2, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 271, a bill for an act affirming and reenacting certain provisions of law concerning the powers and procedures of public bodies and providing an effective date.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Regular Calendar

The House resumed consideration of **House File 167**, a bill for an act relating to fees for and duration of motor vehicle licenses and requiring motor vehicle licenses and nonoperator's identification cards issued to persons under twenty-one years of age to contain a profile photograph and providing an effective date and conditional repeal and reenactment, deferred and retained on the calendar February 16 and February 23, 1987.

Groninga of Cerro Gordo offered the following amendment H-3072 filed by him:

H-3072

- 1 Amend House File 167 as follows:
- 2 1. Page 1, by inserting before line 16 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 321.189, subsection 1, Code
- 5 1987, is amended by adding the following new
- 6 unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. The use of bioptic
- 8 lenses by an applicant for a motor vehicle license
- 9 does not disqualify the applicant from being issued a
- 10 license, provided the applicant passes an eyesight and
- 11 a driving test administered by the department."
- 12 2. Title page, line 1, by inserting after the
- 13 word "to" the words "issuance of,".
- 14 3. Renumber sections as necessary.

Royer of Page rose on a point of order that amendment H-3072 was not germane.

The Speaker ruled the point well taken and amendment H-3072 not germane.

Lageschulte of Bremer asked and received unanimous consent to reconsider the vote by which amendment H-3071 was adopted by the House on February 23, 1987.

Lageschulte of Bremer asked and received unanimous consent to withdraw amendment H-3071, filed by him and Fogarty of Palo Alto and found on page 431 of the House Journal.

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

On the question "Shall the bill pass?" (H.F. 167)

The ayes were, 64:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	May	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Renaud	Rosenberg	Schrader	Sherzan
Shoultz	Siegrist	Spear	Svoboda
Swartz	Teaford	Wise	Mr. Speaker

The nays were, 35:

Bennett	Branstad	Carpenter	Corbett
Corey	Daggett	De Groot	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Hermann
Hester	Hummel	Maulsby	McKean
Metcalf	Miller	Paulin	Pellett
Plasier	Poncy	Renken	Royer
Running	Schneklath	Shoning	Skow
Stromer	Stueland	Swearingen	Tabor
Tyrrell	Van Camp	Van Maanen	

Absent or not voting, 1:

Holveck

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

**House Joint Resolution 11**, a joint resolution to nullify an administrative rule of the department of employment services relating to lock-outs, was taken up for consideration.

Stromer of Hancock rose on a point of order and invoked Joint Rule 17, requiring a fiscal note, on House Joint Resolution 11.

The Speaker ruled the point well taken and Joint Rule 17 in order.

The House stood at ease at 5:35 p.m., until the fall of the gavel.

The House resumed session and consideration of House Joint Resolution 11 at 6:25 p.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that House Joint Resolution 11 be deferred and that the resolution retain its place on the calendar.

### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 2, 1987, he approved and transmitted to the Secretary of State the following bills:

Senate File 41, an act relating to the reimbursement to a parent or guardian for the cost of transporting the pupil to school when bus transportation is not available, providing for the applicability of the act, and providing an effective date.

Senate File 50, an act relating to the annual report of a school district.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, February 27, 1987. Had I been present, I would have voted "aye" on House Files 181, 315, 318 and 355.

JAY of Appanoose

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### DEPARTMENT OF TRANSPORTATION

The 1986 Quadrennial Need Study, pursuant to Chapter 307A.14, Code of Iowa.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 212 Judiciary and Law Enforcement**

Relating to the jurisdiction of the juvenile court in hospital admission of minors and the admission procedures for minors.

#### **H.S.B. 213 Transportation**

Requiring mobile home dealers to apply for a certificate of title for mobile homes received as a trade-in and making penalties applicable.

#### **H.S.B. 214 Local Government**

Relating to the abatement of taxes by the county.

**H.S.B. 215 Local Government**

Relating to the imposition of countywide local option taxes.

**H.S.B. 216 Natural Resources and Outdoor Recreation**

Urging the President and Congress of the United States to continue federal aid to states for purposes of funding state and local government recreation and conservation programs.

**H.S.B. 217 Small Business and Commerce**

Dealing with lender reporting requirements to the Title Guaranty Division when mortgages covered by title guaranties have been satisfied of record.

**H.S.B. 218 Small Business and Commerce**

To implement the allowance of the Federal low-income housing credit.

**H.S.B. 219 Agriculture**

Relating to the farm crisis program, by providing assistance to borrowers and creditors preparing for mediation, making an appropriation and providing an effective date.

## SUBCOMMITTEE ASSIGNMENTS

**House File 323**

Natural Resources and Outdoor Recreation: Fogarty, Chair; Johnson and Tyrrell.

**House File 332**

Natural Resources and Outdoor Recreation: Koenigs, Chair; Fogarty and Stueland.

**House File 347**

Natural Resources and Outdoor Recreation: Cooper, Chair; Diemer, Gruhn, Johnson and Platt.

## CERTIFICATES OF RECOGNITION

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

- |        |  |
|--------|--|
| 1987-4 | Mrs. Darlene Larson, Elgin — Iowa Mother of the Year, 1987   |
| 1987-5 | Jenny Synhorst, Spencer — One of eight winners in the statewide essay contest, "Write Women Back Into History" |
| 1987-6 | Sarah Stanton, Spencer — One of eight winners in the statewide essay contest, "Write Women Back Into History"  |

**JOSEPH O'HERN**  
Chief Clerk of the House

**RESOLUTION FILED**

**HCR 12**, by Shoultz, Harper, Kremer, Teaford and Diemer, a concurrent resolution to create an interim study committee to identify and make recommendations concerning alternate housing and levels of care for elders.

Laid over under **Rule 25**.

**AMENDMENTS FILED**

H-3130	H.F.	130	Senate Amendment
H-3131	H.F.	304	Spear of Lee
H-3132	H.F.	316	Osterberg of Linn

On motion by Arnould of Scott, the House adjourned at 6:26 p.m., until 9:00 a.m., Tuesday, March 3, 1987.

# JOURNAL OF THE HOUSE

Fifty-first Calendar Day — Thirty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 3, 1987

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

Prayer was offered by the Honorable Lee Plasier, state representative from Sioux County.

The Journal of Monday, March 2, 1987 was approved.

## PETITIONS FILED

The following petitions opposing the Governor's recommended ten cent per pack increase in the cigarette tax, were received and placed on file:

By Fogarty of Palo Alto, from forty-six constituents.

By Tabor of Jackson, from four thousand five hundred four citizens.

The following petitions were received and placed on file:

By Hermann of Scott, from twelve constituents opposing riverboat gambling.

By Maulsby of Calhoun, from seventy-four constituents of the 9th district favoring initiation and supporting a good comprehensive long term health care and Community Based Service Bill.

By Van Camp of Scott, from seventy-three citizens favoring repeal of the seat belt law.

## INTRODUCTION OF BILLS

**House File 395**, by committee on natural resources and outdoor recreation, a bill for an act relating to the taking of animals and subjecting violators to penalties.

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

**House File 396**, by Shoultz, a bill for an act relating to the age of individuals allowed to be present at a bingo occasion and providing a penalty.

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

**House File 397**, by Maulsby, a bill for an act relating to the refund of the state sales, services and use taxes paid on the gross receipts from the purchase or rental of farm machinery and equipment and providing a retroactive effective date, effective upon enactment.

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

**House File 398**, by Muhlbauer and Van Maanen, a bill for an act relating to water districts, by providing for water service by a benefited water district or a rural water district within two miles of a city and the annexation of land within a rural water district.

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

**House File 399**, by Jay, a bill for an act relating to the issuance of citations by the department of inspections and appeals to food establishments, food service establishments, hotels, and vending machine operators for violating laws concerned with the public health, and providing for the establishment of penalties for violations.

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

**House File 400**, by Teaford, a bill for an act requiring physicians to accept the reasonable charge for certain services determined by the secretary of health and human services when treating a beneficiary of health insurance under Title XVIII of the Social Security Act.

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

**House File 401**, by McKean, a bill for an act requiring the state department of transportation to replace destroyed trees in certain circumstances.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 70**, by Priebe, a bill for an act relating to motor vehicle fuel pumps and public scales by revising provisions governing licensing, inspection, calibration, and sealing by the department of agriculture and land stewardship and providing a penalty.

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

**Senate File 137**, by Hutchins, a bill for an act relating to the pricing of the Code of Iowa and related publications.

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

On motion by Arnould of Scott, the House was recessed at 9:26 a.m., until 11:45 a.m.

The House reconvened, Speaker Avenson in the chair.

#### WOMEN'S HISTORY ESSAY CONTEST WINNERS

Hammond of Story announced that eight winners of the National Women's History Month essay contest for 1987 were present in the House chamber. The contest is sponsored by the State Historical Society, the Department of Education and the Commission on the Status of Women for students in grades six through nine and over 3,000 entries were submitted at the local level.

Mullins of Kossuth introduced the following students:

First place — Amy Elizabeth Kujac from Madrid Junior High, Madrid.

Second place — J. C. Dann, Central Elementary, Camanche.

Third place — Koren Lea Schemmel, Farley-Bankston Catholic School, Farley.

Honorable Mention — Linda Sinclair, Lincoln Middle School, Albia; Kathryn Miller, Brody Transitional School, Des Moines; Jenny Urbain, St. John the Baptist School, Epworth; Sarah Stanton, Spencer Middle School, Spencer; and Jenny Synhorst, Spencer Middle School, Spencer.

The House expressed its congratulations to the students for their accomplishments.

On motion by Arnould of Scott, the House was recessed at 11:56 a.m., until 4:15 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### QUORUM CALL

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

#### SENATE MESSAGE CONSIDERED

**Senate File 216**, by committee on state government, a bill for an act allowing therapeutically certified optometrists to employ and supply certain pharmaceutical agents and to treat certain conditions.

Read first time and passed on file.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk, for a portion of the afternoon, on request of Stromer of Hancock.

CONSIDERATION OF BILLS  
Regular Calendar

**House File 375**, a bill for an act relating to the crime of conspiracy, and providing penalties, was taken up for consideration.

Rosenberg 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. 375)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 2:

Chapman            Doderer

Absent or not voting, 1:

Swearingen

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

**House File 373**, a bill for an act relating to the division of deaf services of the department of human rights, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 373)

The ayes were, 99:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 1:

Swearingen

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

**REFERRED TO COMMITTEE**  
(House Joint Resolution 11)

The House resumed consideration of **House Joint Resolution 11**, a joint resolution to nullify an administrative rule of the department of employment services relating to lockouts, deferred and retained on the calendar March 2, 1987.

Arnould of Scott asked and received unanimous consent to refer House Joint Resolution 11 to the committee on labor and industrial relations.

### HOUSE FILE 334 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 334 be deferred and that the bill retain its place on the calendar.

### Regular Calendar

**House File 371**, a bill for an act authorizing the state department of transportation to adopt and administer federal motor carrier safety and hazardous materials transportation regulations, establishing reporting requirements, making technical corrections, providing penalties, and providing an effective date, was taken up for consideration.

Muhlbauer 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?" (H.F. 371)

The ayes were, 100:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

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.

### Ways and Means Calendar

**House File 334**, a bill for an act relating to cigarette and tobacco tax assessment periods, penalties and appeal periods, offsetting of claims against the state with a person's liabilities to the state, tax return confidentiality, the filing of sales and services tax refund claims, audit periods for sales, services, and use tax returns, use tax penalty, and penalties for interfering with department of revenue and finance employees in the performance of their duties and providing effective dates, was taken up for consideration.

Rosenberg of Story offered the following amendment H—3128 filed by him and moved its adoption:

H—3128

- 1 Amend House File 334 as follows:
- 2 1. By striking page 9, line 23 through page 10,
- 3 line 1 and inserting the following:
- 4 "A person who knowingly resists or obstructs anyone
- 5 known by the person to be an officer or employee of
- 6 the department of revenue and finance in the
- 7 performance of any act which is within the scope of
- 8 the lawful duty or authority of that officer or
- 9 employee commits a simple misdemeanor. However, if a
- 10 person commits an interference with official acts, as
- 11 defined in this section, and in so doing inflicts
- 12 bodily injury other than serious injury, that person
- 13 commits a serious misdemeanor. If a person commits an
- 14 interference with official acts, as defined in this
- 15 section, and in so doing inflicts or attempts to
- 16 inflict serious injury, or displays a dangerous
- 17 weapon, as defined in section 702.7, or is armed with
- 18 a firearm, that person commits an aggravated
- 19 misdemeanor. The terms "resist" and "obstruct", as
- 20 used in this section, do not include verbal harassment
- 21 unless the verbal harassment is accompanied by a
- 22 present ability and apparent intention to execute a
- 23 verbal threat physically."

Amendment H—3128 was adopted.

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

## On the question "Shall the bill pass?" (H.F. 334)

The ayes were, 100:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poney	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Taber	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

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 188 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 188 be deferred and that the bill retain its place on the calendar.

## Regular Calendar

**House File 328**, a bill for an act relating to the licensure and regulation of birth centers and providing penalties, was taken up for consideration.

Hammond of Story offered the following amendment H—3129 filed by her and moved its adoption:

H—3129

1 Amend House File 328 as follows:

2 1. Page 1, line 22, by striking the figure "150A"

- 3 and inserting the following: "150A,"
- 4 2. Page 1, line 23, by inserting after the word  
5 "center" the following: "and clients of the birth  
6 center,"
- 7 3. Page 5, line 25, by inserting after the word  
8 "disciplines." the following: "All services provided  
9 to and procedures performed on a client of a birth  
10 center, which are required by statute to be performed  
11 by a licensed or certified person, shall be performed  
12 only by a person so licensed or certified."
- 13 4. Page 8, by striking lines 28 and 29, and  
14 inserting the following: "staff."
- 15 5. Page 9, line 5, by inserting after the word  
16 "center" the following: "and clients of the birth  
17 center,"

Amendment H—3129 was adopted.

Van Camp of Scott offered the following amendment H—3123 filed by him:

H—3123

- 1 Amend House File 328 as follows:
- 2 1. Page 14, by inserting after line 6, the  
3 following:  
4 "Sec. \_\_\_\_\_. There is appropriated from the general  
5 fund of the state to the department of inspections and  
6 appeals for the fiscal year beginning July 1, 1987 and  
7 ending June 30, 1988, thirty-eight thousand nine  
8 hundred (38,900) dollars, or so much thereof as is  
9 necessary, for salaries, support, maintenance, and  
10 expenses necessary for inspections and licensure of  
11 birth centers."
- 12 2. Title page, by striking line 2 and inserting  
13 the following: ", providing penalties, and making an  
14 appropriation."

Hammond of Story rose on a point of order that amendment H—3123 was not germane.

The Speaker ruled the point not well taken and amendment H—3123 germane.

The following amendment H—3140, to amendment H—3123, filed by Van Camp of Scott from the floor was adopted by unanimous consent:

H—3140

- 1 Amend amendment H—3123 to House File 328 as  
2 follows:  
3 1. By striking lines 7 and 8 and inserting the

- 4 following: "ending June 30, 1988, five thousand  
5 (5,000) dollars, or so much thereof as is necessary,  
6 for salaries, support, maintenance, and".

On motion by Van Camp of Scott, amendment H—3123, as amended, lost.

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

On the question "Shall the bill pass?" (H.F. 328)

The ayes were, 89:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groning	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise

Mr. Speaker

The nays were, 11:

Beaman	Bennett	Black	Branstad
Daggett	Hanson, D. R.	Jay	Maulsby
Petersen, D. F.	Pony	Van Maanen	

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.

### 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 3, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 267, a bill for an act relating to the affirmation and reenactment of certain provisions of law concerning the regulation of certain businesses and occupations, and providing an effective date.

JOHN F. DWYER, Secretary

### COMMUNICATIONS RECEIVED

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

#### DEPARTMENT OF MANAGEMENT

The federal funds statement, pursuant to Chapter 8.41(2), Code of Iowa.

#### DEPARTMENT OF PERSONNEL

The Thirty-third Annual Report of the Iowa Public Employees Retirement System (IPERS), pursuant to Chapter 97B.4, Code of Iowa.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 220 Natural Resources and Outdoor Recreation.**

Urging the President and Congress of the United States to enact legislation for the establishment of the National Western Historic Trails Center in Council Bluffs, Iowa.

#### **H.S.B. 221 State Government**

Making statutory changes related to the reorganization of state government and the department of inspections and appeals by providing for the reallocation of certain departmental responsibilities, by providing for approval of certain rules by the state board of health, and by allowing certain license fees to be collected and retained by municipal corporations.

#### **H.S.B. 222 State Government**

Relating to the department of inspections and appeals, its conduct of hearings relative to certain professional and occupational licensing matters, and review of its licensing decisions by the appropriate licensing authorities.

#### **H.S.B. 223 Ways and Means**

Relating to the state sales, services, and use tax and the local option hotel-motel tax on the rental of mobile homes and the spaces within them.

**H.S.B. 224 Economic Development**

Relating to economic development plans and the providing of financial and technical assistance by the department of economic development and the state transportation commission.

**H.S.B. 225 Economic Development**

Relating to regional development projects under the RISE program.

**H.S.B. 226 Economic Development**

Relating to the establishment of enterprise zones and providing tax credits, exemptions, refunds, and other incentives.

**H.S.B. 227 Economic Development**

Relating to a franchise or insurance premiums tax credit for new jobs added by a financial institution or an insurance company or association under the state industrial new jobs training law.

**H.S.B. 228 Local Government**

Relating to the filling of a vacancy in an elected county office.

**H.S.B. 229 Judiciary and Law Enforcement**

Relating to the crime of forgery and related fraudulent criminal acts, and providing penalties.

## SUBCOMMITTEE ASSIGNMENTS

**House File 354**

Agriculture: Koenigs, Chair; Eddie, Kremer, Muhlbauer and Skow.

**House File 356**

Agriculture: Fogarty, Chair; De Groot and Gruhn.

**House File 357**

Judiciary and Law Enforcement: Knapp, Chair; Haverland and Schnekloth.

**House File 359**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 368**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House File 369**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House File 385**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 388**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House File 390**

Judiciary and Law Enforcement: Doderer, Chair; Carpenter, Hammond, Ponce and Schnekloth.

**House File 393**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 196**

State Government: Running, Chair; Buhr, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House Study Bill 197**

Agriculture: Muhlbauer, Chair; De Groot, Fogarty, Koenigs and Stueland.

**House Study Bill 198**

Agriculture: May, Chair; Johnson and Stueland.

**House Study Bill 202**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House Study Bill 203**

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Haverland and Shoning.

**House Study Bill 204**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House Study Bill 205**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 212**

Judiciary and Law Enforcement: Brammer, Chair; Clark, Hammond, Haverland and Shoning.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports

that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

COMMITTEE ON AGRICULTURE

**Committee Bill** (Formerly House Study Bill 188), relating to the grain indemnity fund, by eliminating credit sale contracts from its protection, providing for distribution of receivership assets excluding proceeds of the fund, raising minimum net worth requirements, and providing definitions, eliminating participation by federally licensed warehouses, and providing a penalty for late payment of fees, eligibility standards, adjustment of fees, a procedure for determining the value of losses, requirements for recovery from the fund, and the retroactive applicability of certain of its provisions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1987.

COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 98), relating to state personnel administration by expressly providing for department of personnel supervision of salary, sick leave, and other personnel actions of certain state departments and agencies and by revising statutory provisions governing the administration of the state personnel system.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1987.

COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 224), relating to violations of 321J.2 and the records of such violations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 2, 1987.

RESOLUTION FILED

**HCR 13**, by Hansen of Woodbury, a concurrent resolution requesting a study on mandatory seat belt legislation.

Laid over under **Rule 25**.

AMENDMENTS FILED

H— 3133	H.F.	316	Osterberg of Linn
H— 3134	H.F.	47	Kremer of Buchanan
H— 3135	H.F.	374	Van Camp of Scott
H— 3136	H.F.	304	Connors of Polk
Renken of Grundy			Bisignano of Polk
Sherzan of Polk			Hanson of Delaware
Stueland of Clinton			Pellett of Cass
Platt of Muscatine			Lageschulte of Bremer

Branstad of Winnebago			Mullins of Kossuth
McKean of Jones			Corey of Louisa
H-3137	H.F.	130	McKinney of Dallas
H-3138	H.F.	374	Swartz of Marshall
H-3139	H.F.	188	Diemer of Black Hawk
			Black of Jasper
H-3141	H.F.	316	Cooper of Lucas
Dvorsky of Johnson			Schrader of Marion
Gruhn of Dickinson			Van Camp of Scott
Black of Jasper			Diemer of Black Hawk
Platt of Muscatine			Johnson of Winneshiek

On motion by Arnould of Scott, the House adjourned at 5:56 p.m., until 9:00 a.m., Wednesday, March 4, 1987.

# JOURNAL OF THE HOUSE

Fifty-second Calendar Day — Thirty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 4, 1987

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

Prayer was offered by the Honorable Dennis May, state representative from Worth County.

The Journal of Tuesday, March 3, 1987 was approved.

## INTRODUCTION OF BILLS

**House Joint Resolution 13**, by Schneklath, Branstad, Hummel, Corbett, Harbor, Maulsby, Petersen of Muscatine, McKean, Tyrrell, Eddie, Platt, Kremer, Corey, Hermann, Hester, Shoning, Lundby, Swearingen, Diemer, De Groot, Beaman, Van Maanen, Garman, Renken, Miller, Royer, Stromer, Halvorson of Clayton, Daggett, Paulin, Van Camp, Stueland, Bennett, Pellett and Lageschulte, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to protection of taxpayers' rights by limiting taxes, revenue, and spending of the state and local governments.

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

**House File 402**, by committee on state government, a bill for an act relating to state personnel administration by expressly providing for department of personnel supervision of salary, sick leave, and other personnel actions of certain state departments and agencies and by revising statutory provisions governing the administration of the state personnel system.

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

**House File 403**, by Metcalf, a bill for an act relating to the liability of a municipality for encapsulation or removal of asbestos.

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

**House File 404**, by Van Maanen, a bill for an act relating to the performance of unpaid community service in lieu of a fine.

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

**House File 405**, by Hanson of Delaware, a bill for an act relating to the types of licenses a person may hold for the taking of deer.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 266**, by Hutchins and Hultman, a bill for an act relating to the affirmation of certain provisions of law concerning judicial procedures and court enforced orders, and providing an effective date.

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

**Senate File 268**, by Hutchins and Hultman, a bill for an act relating to the affirmation and reenactment of certain provisions of law concerning public employees, including provisions relating to state employee discipline and grievances, the public employment relations board, reprisals against state employees, and the public employees' retirement system, and providing an effective date.

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

**Senate File 269**, by Hutchins and Hultman, a bill for an act affirming and reenacting certain provisions affecting the criminal laws, and providing an effective date.

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

**Senate File 270**, by Hutchins and Hultman, a bill for an act affirming and reenacting certain provisions affecting the tax laws, and providing an effective date.

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

**Senate File 271**, by Hutchins and Hultman, a bill for an act affirming and reenacting certain provisions of law concerning the powers and procedures of public bodies and providing an effective date.

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

#### CONSIDERATION OF BILLS Regular Calendar

**House File 188**, a bill for an act relating to the caliber of firearms

and the type of ammunition permitted during the gun deer hunting season and subjecting violators to a penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Diemer of Black Hawk asked and received unanimous consent to withdraw amendments H-3099 filed by the committee on natural resources and outdoor recreation on February 20, 1987 and H-3126 filed by him on February 27, 1987.

Diemer of Black Hawk offered the following amendment H-3139 filed by him and Black of Jasper and moved its adoption:

H-3139

- 1 Amend House File 188 as follows:
- 2 1. Page 1, by striking lines 3 through 8 and
- 3 inserting the following:
- 4 "NEW UNNUMBERED PARAGRAPH. A person shall not
- 5 transport or carry on one's person a loaded or uncased
- 6 high-power, centerfire cartridge rifle in an area of
- 7 the state open to deer hunting during the shotgun
- 8 hunting season for deer except as authorized by rule
- 9 by the commission."
- 10 2. Amend the title, by striking lines 1 and 2 and
- 11 inserting the words "An Act relating to the possession
- 12 of high-power, centerfire cartridge rifles during the
- 13 shotgun hunting season for deer and".

Amendment H-3139 was adopted.

Diemer 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. 188)

The ayes were, 90:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	May	McKean	McKinney

Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Rosenberg	Royer	Running
Schneklloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 8:

Beaman	Daggett	Lundby	Maulsby
Pavich	Renken	Tabor	Van Maanen

Absent or not voting, 2:

Jochum	Parker
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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.

### Ways and Means Calendar

**House File 374**, a bill for an act relating to eligibility for a mobile home reduced tax rate, a military service property tax exemption, the filing of late claims for a homestead tax credit and military service property tax exemption, an exemption from the real estate transfer tax, continuing education for assessors and deputy assessors, the length of board of review sessions, and appeal rights, was taken up for consideration.

Van Camp of Scott offered the following amendment H — 3135 filed by him:

H — 3135

- 1 Amend House File 374 as follows:
- 2 1. Page 1, line 6, by striking the word "having"
- 3 and inserting the words "having or an unmarried person
- 4 who has been granted a dissolution of marriage under
- 5 chapter 598 or has been granted a divorce or
- 6 dissolution of marriage recognized in this state and
- 7 the surviving spouse or the unmarried person has".
- 8 2. Page 1, by inserting after line 27 the
- 9 following:
- 10 "Sec. 20. Section 425.17, subsections 5 and 9,
- 11 Code 1987, are amended to read as follows:
- 12 5. "Claimant" means a person filing a claim for
- 13 credit or reimbursement under this division who has
- 14 attained the age of sixty-five years on or before
- 15 December 31 of the base year, or who is a surviving

16 spouse having or an unmarried person who has been  
17 granted a dissolution of marriage under chapter 598 or  
18 has been granted a divorce or dissolution of marriage  
19 recognized in this state and the surviving spouse or  
20 the unmarried person has attained the age of fifty-  
21 five years on or before December 31 of the base year,  
22 or who is totally disabled and was totally disabled on  
23 or before December 31 of the base year, and was  
24 domiciled in this state during the entire base year  
25 and is domiciled in this state at the time the claim  
26 is filed or at the time of the person's death in the  
27 case of a claim filed by the executor or administrator  
28 of the claimant's estate. "Claimant" includes a  
29 vendee in possession under a contract for deed and may  
30 include one or more joint tenants or tenants in  
31 common. In the case of a claim for rent constituting  
32 property taxes paid, the claimant shall have rented  
33 the property during any part of the base year. If a  
34 homestead is occupied by two or more persons, and more  
35 than one person is able to qualify as a claimant, the  
36 persons may determine among them who will be the  
37 claimant. If they are unable to agree, the matter  
38 shall be referred to the director of revenue and  
39 finance not later than October 31 of each year and the  
40 director's decision shall be is final.

41 9. "Property taxes due" means property taxes  
42 including any special assessments, but exclusive of  
43 delinquent interest and charges for services, due on a  
44 claimant's homestead in this state, but includes only  
45 property taxes for which the claimant is liable and  
46 which will actually be paid by the claimant. However,  
47 if the claimant is a person whose property taxes have  
48 been suspended under sections 427.8 and 427.9,  
49 "property taxes due" means property taxes including  
50 any special assessments, but exclusive of delinquent

**Page 2**

1 interest and charges for services, due on a claimant's  
2 homestead in this state, but includes only property  
3 taxes for which the claimant is liable and which would  
4 have to be paid by the claimant if the payment of the  
5 taxes ~~have~~ has not been suspended pursuant to sections  
6 427.8 and 427.9. "Property taxes due" shall be  
7 computed with ~~no~~ without a deduction for any credit  
8 under this division or for any homestead credit  
9 allowed under section 425.1. Each claim shall be  
10 based upon the taxes due during the fiscal year next  
11 following the base year. If a homestead is owned by  
12 two or more persons as joint tenants or tenants in  
13 common, and one or more of the persons are not a  
14 member members of the claimant's household, "property

15 taxes due" is that part of property taxes due on the  
16 homestead which equals the ownership percentage of the  
17 claimant and the claimant's household. The county  
18 treasurer shall include with the tax receipt a  
19 statement that if the owner of the property is sixty-  
20 five years of age or over or is totally disabled, or  
21 is a surviving spouse of such person who or an  
22 unmarried person who has been granted a dissolution of  
23 marriage under chapter 598 or has been granted a  
24 divorce or dissolution of marriage recognized in this  
25 state and the surviving spouse or the unmarried person  
26 is over fifty-five years of age, the person may be  
27 eligible for the credit allowed under this division.  
28 If a homestead is an integral part of a farm, the  
29 claimant may use the total property taxes due for the  
30 larger unit. If a homestead is an integral part of a  
31 multidwelling or multipurpose building the property  
32 taxes due for the purpose of this subsection shall be  
33 prorated to reflect the portion which the value of the  
34 property that the household occupies as its homestead  
35 is to the value of the entire structure. For purposes  
36 of this subsection, "unit" refers to that parcel of  
37 property covered by a single tax statement of which  
38 the homestead is a part."

39 3. Page 6, by inserting after line 30 the  
40 following:

41 "Sec. \_\_\_\_\_. Sections 1 and 20 of this Act take  
42 effect January 1 following enactment."

43 4. Amend the title, line 7, by inserting after  
44 the word "rights" the following: "and providing an  
45 effective date".

46 5. Renumber sections and correct internal  
47 references as necessary in accordance with this  
48 amendment.

Doderer of Johnson rose on a point of order that amendment H—3135 was not germane.

The Speaker ruled the point well taken and amendment H—3135 not germane.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H—3138 filed by him on March 3, 1987.

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

On the question "Shall the bill pass?" (H.F. 374)

The ayes were, 98:

Adams

Arnould

Beaman

Beatty

Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groning	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Taber
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Jochum                      Parker

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

### Regular Calendar

**House File 262**, a bill for an act relating to the number of days wherein a vehicle shall not be considered abandoned, with report of committee recommending passage was taken up for consideration.

Platt 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. 262)

The ayes were, 53:

Arnould	Beaman	Beatty	Bennett
Bisignano	Blanshan	Branstad	Chapman
Cooper	Corey	Daggett	Diemer
Dvorsky	Fey	Fuller	Gruhn
Harper	Hatch	Haverland	Hermann

Holveck	Hummel	Johnson	Koenigs
Lageschulte	Maulsby	May	Metcalf
Miller	Muhlbauer	Neuhauser	Ollie
Osterberg	Paulin	Pavich	Pellett
Petersen, D. F.	Plasier	Platt	Poncy
Renaud	Royer	Schnekloth	Shoning
Spear	Stromer	Stueland	Swearingen
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 44:

Adams	Black	Brammer	Buhr
Carpenter	Clark	Cohoon	Connors
Corbett	De Groot	Doderer	Eddie
Fogarty	Garman	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Hester	Jay	Knapp
Kremer	Lundby	McKean	McKinney
Mullins	Norrgard	Peters	Peterson, M. K.
Renken	Rosenberg	Running	Schrader
Sherzan	Shoultz	Siegrist	Skow
Svoboda	Swartz	Tabor	Tyrrell

Absent or not voting, 3:

Connolly	Jochum	Parker
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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 378**, a bill for an act relating to the dissemination and redissemination of criminal history data to the Iowa department of public health for purposes of employment screening for juvenile substance abuse treatment programs, and providing a penalty, was taken up for consideration.

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. 378)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn

Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Holveck	Hummel	Jay
Johnson	Koenigs	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 2:

Knapp                      Kremer

Absent or not voting, 4:

Hatch                      Hester                      Jochum                      Parker

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

**House File 380**, a bill for an act relating to the contracting of indebtedness for county conservation purposes, was taken up for consideration.

Fuller of Hardin moved that the bill be read a last time 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. 380)

The ayes were, 86:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Hermann	Hester	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	May
McKean	McKinney	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie

Osterberg	Paulin	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Wise	Mr. Speaker		

The nays were, 13:

Bennett	Carpenter	Harbor	Haverland
Hummel	Lundby	Maulsby	Metcalf
Pellett	Plasier	Schnekloth	Van Camp
Van Maanen			

Absent or not voting, 1:

Parker

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

**MOTION TO RECONSIDER PREVAILED**  
(House File 47)

Stromer of Hancock called up for consideration the motion to reconsider House File 47, filed on February 23, 1987, and moved to reconsider the vote by which House File 47, a bill for an act relating to the appointment of township officers, passed the House and was placed on its last reading on February 23, 1987.

A non-record roll call was requested.

The ayes were 81, nays 1.

The motion prevailed and the House reconsidered House File 47.

Kremer of Buchanan offered the following amendment H-3134 filed by him and moved its adoption:

H-3134

- 1 Amend House File 47 as follows:
- 2 1. Page 1, line 24, by inserting after the word
- 3 "expire." the following: "The election of the
- 4 trustees and clerk of a township may be restored after
- 5 approval of the appointment process under this
- 6 subsection by a resolution of the board of supervisors
- 7 submitting the question to the eligible voters of the
- 8 township at the next general election. If the
- 9 proposition to restore the election process is
- 10 approved by a majority of the eligible voters, the
- 11 election of the township officers shall commence with

12 the next primary and general elections. A resolution  
 13 submitting the question of restoring the election of  
 14 township officers at the next general election shall  
 15 be adopted by the board of supervisors upon petition  
 16 of at least ten percent of the eligible voters of a  
 17 township. The initial terms of the trustees shall be  
 18 determined by lot, one for two years, one for three  
 19 years, and one four years. However, if a proposition  
 20 to change the method of selecting township officers is  
 21 adopted by the electorate, a resolution to change the  
 22 method shall not be submitted to the electorate for  
 23 four years."

Amendment H—3134 was adopted.

Muhlbauer 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?" (H.F. 47)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Wise	Mr. Speaker	

The nays were, 4:

Branstad	Hummel	Maulsby	Van Maanen
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Absent or not voting, 1:

Parker

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

The House stood at ease at 10:09 a.m., until the fall of the gavel.

The House resumed session at 10:15 a.m., Speaker Avenson in the chair.

### RULE 34 SUSPENDED

Arnould of Scott asked for unanimous consent to suspend Rule 34, relating to the debate calendars, to consider House File 79.

Objection was raised.

Arnould of Scott moved to suspend Rule 34 to consider House File 79.

A non-record roll call was requested.

The ayes were 53, nays 42.

The motion prevailed and Rule 34 was suspended.

**House File 79**, a bill for an act prohibiting smoking in certain public places and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Cooper of Lucas in the chair at 10:24 a.m.

Hammond of Story offered the following amendment H—3073 filed by the committee on state government:

H—3073

- 1 Amend House File 79 as follows:
- 2 1. Page 1, line 13, by inserting after the word
- 3 "rooms," the following: "lobbies, malls,".
- 4 2. Page 1, line 32, by inserting after the figure
- 5 "8," the following: "or beer as defined in section
- 6 123.3, subsection 9,".
- 7 3. Page 2, line 12, by inserting after the word
- 8 "place." the following: "This prohibition does not
- 9 apply to factories, warehouses, and similar places of
- 10 work not usually frequented by the general public,
- 11 except that an employee cafeteria in such place of
- 12 work shall have a designated nonsmoking area."
- 13 4. Page 2, line 18, by inserting after the word
- 14 "and" the following: "existing".
- 15 5. Page 2, by striking lines 24 through 26 and

16 inserting the following: "area in its entirety. If a  
17 bar has within its premises a nonsmoking area, this  
18 designation shall be posted on all entrances normally  
19 used by the public."

20 6. Page 2, by inserting before line 27, the  
21 following:

22 "If the public place is subject to any state  
23 inspection process or under contract with the state,  
24 the person performing the inspection shall check for  
25 compliance with the posting requirement."

26 7. Page 3, line 1, by inserting after the word  
27 "areas" the following: "and arranging seating  
28 accordingly".

29 8. Page 3, by striking line 2.

30 9. Page 3, by striking lines 3 and 4 and  
31 inserting the following:

32 "2. Asking smokers to refrain from smoking in a  
33 no-smoking area."

34 10. Page 4, line 3, by striking the word "fifty"  
35 and inserting the following: "ten".

Halvorson of Webster offered the following amendment H—3084,  
to the committee amendment H—3073, filed by him and Hanson of  
Delaware:

H—3084

1 Amend the committee amendment, H—3073, to House  
2 File 79 as follows:

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

5 "\_\_\_\_\_. Page 1, line 12, by inserting after the  
6 word "restaurants," the following: "bars,""

7 2. Page 1, by striking lines 4 through 6 and  
8 inserting the following:

9 "\_\_\_\_\_. By striking line 30 on page 1 through page  
10 2, line 2."

11 3. Page 1, by striking lines 15 through 19 and  
12 inserting the following:

13 "\_\_\_\_\_. Page 2, by striking lines 23 through 26 and  
14 inserting the following: "public place shall be  
15 designated as a smoking area in its entirety." "

16 4. By renumbering as necessary.

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

Halvorson of Webster moved the adoption of amendment H—3084,  
to the committee amendment H—3073.

Amendment H—3084 lost.

Renaud of Polk offered the following amendment H—3079, to the  
committee amendment H—3073, filed by him and moved its adoption:

H—3079

- 1 Amend H—3073 to House File 79 as follows:
- 2 1. Page 1, by striking lines 2 and 3 and
- 3 inserting the following:
- 4 "\_\_\_\_\_, Page 1, by striking lines 12 and 13 and
- 5 inserting the following: "but not limited to,
- 6 restaurants, all retail stores, offices containing
- 7 three hundred or more square feet of floor space,
- 8 including waiting rooms of three hundred or more
- 9 square feet of floor space, and other commercial
- 10 establishments;"

Amendment H—3079 was adopted placing out of order amendment H—3082 (to the committee amendment H—3073) filed by Renaud of Polk on February 18, 1987.

Hammond of Story offered the following amendment H—3116, to the committee amendment H—3073, filed by her and moved its adoption:

H—3116

- 1 Amend amendment H—3073 to House File 79 as follows:
- 2 1. Page 1, by striking lines 4 through 6 and
- 3 inserting the following:
- 4 "\_\_\_\_\_, Page 1, line 32, by striking the figure "8"
- 5 and inserting the figure "9"."

Amendment H—3116 was adopted.

On motion by Hammond of Story, the committee amendment H—3073, as amended, was adopted.

Renaud of Polk offered the following amendment H—3078 filed by him and requested division as follows:

H—3078

- 1 Amend House File 79 as follows:

H—3078A

- 2 1. Page 1, line 12, by inserting after the word
- 3 "restaurants" the following: "with a seating capacity
- 4 of fifty or more persons".

H—3078B

- 5 2. Page 1, line 35, by striking the word "thirty-
- 6 two" and inserting the following: "fifty".

The Speaker announced that with the adoption of the committee amendment H—3073, the following amendments are out of order:

H—3078A filed by Renaud of Polk.

H—3080 filed by Renaud of Polk on February 18, 1987.

(House File 79 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 10:55 a.m., until 4:15 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 79**, a bill for an act prohibiting smoking in certain public places and providing a penalty, pending at recess.

Arnould of Scott asked and received unanimous consent that House File 79 be deferred and that the bill retain its place on the calendar.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 112 (Revised, 3) Education**

To establish an educational excellence program consisting of four phases relating to the recruitment of quality teachers, the retention of quality teachers, the enhancement of the quality and effectiveness of teachers; and the measurement of student achievement, to provide appropriations; and to provide an effective date.

#### **H.S.B. 118 (Revised, 3) Energy and Environmental Protection**

Relating to public health and safety by establishing measures to improve and protect groundwater quality and regulate substances which pose health and safety hazards; establishing goals, policies, programs, funding, and administrative provisions; establishing fertilizer and pesticide management programs, fee requirements, and licensing provisions, regulating water and agricultural drainage wells, sinkholes, watersheds, and wetlands; establishing an animal waste grant program; establishing solid waste management policies and fees; imposing a fee on household hazardous waste products and establishing a cleanup program and funding for the program, establishing registration monitoring, and construction guidelines, and fees for aboveground and underground storage tanks; and generally relating to public health and safety including groundwater protection, and providing penalties.

**H.S.B. 230 Ways and Means**

Relating to taxation by limiting the amount of property taxes that may be raised by school districts, cities and counties; increasing the state sales, services and use tax; establishing a state school finance program and providing for the payment of state educational aid to school districts; providing a method for funding the costs of area education agencies; providing for the funding of certain costs of school districts using a combination of a property tax and an income surtax on the state income tax; updating references to the Internal Revenue Code for state income and franchise tax purposes; eliminating certain property tax credits and reimbursements; providing the procedure for using state equalization orders as guidelines for equalization; and providing effective dates.

**H.S.B. 231 Small Business and Commerce**

Relating to the creation of a statewide network of small business economic development corporations to assist in providing financing for small businesses in the state.

**H.S.B. 232 Local Government**

Increasing the penalties for removal or defacing of traffic control devices.

**H.S.B. 233 Judiciary and Law Enforcement**

Relating to certain religious exemptions to the required provision of medical treatment.

**H.S.B. 234 Judiciary and Law Enforcement**

Relating to appeal of a magistrate's decision.

**H.S.B. 235 Labor and Industrial Relations**

Relating to rights and benefits of city civil service employees under collective bargaining agreements.

**SUBCOMMITTEE ASSIGNMENTS****House File 349**

Transportation: Pavich, Chair; Connolly and Harbor.

**House File 364**

Labor and Industrial Relations: Connors, Chair; Running and Schnekloth.

**House File 365**

Local Government: Diemer, Chair; Connors and Cooper.

**House File 366**

Natural Resources and Outdoor Recreation: Tyrrell, Chair; Fuller and Johnson.

**House File 386**

Transportation: Cooper, Chair; Gruhn and Platt.

**House File 392**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**Senate File 142**

Transportation: Cooper, Chair; Beaman and Muhlbauer.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 199**

Local Government: Fuller, Chair; Hester and Muhlbauer.

**House Study Bill 200**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**House Study Bill 201**

Transportation: Cohoon, Chair; De Groot and Gruhn.

**House Study Bill 207**

Local Government: Hester, Chair; Cooper and Spear.

**House Study Bill 208**

Local Government: Royer, Chair; Black and Norrgard.

**House Study Bill 209**

Local Government: Royer, Chair; Cooper and Peters.

**House Study Bill 210**

Local Government: Fuller, Chair; Bisignano and Cooper.

**House Study Bill 213**

Transportation: Renaud, Chair; Connolly and Royer.

**House Study Bill 216**

Natural Resources and Outdoor Recreation: Fogarty, Chair; Diemer and Knapp.

**House Study Bill 217**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 218**

Small Business and Commerce: Shoultz, Chair; Garman, Neuhauser, Parker, Sherzan and Shoning.

## COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

## COMMITTEE ON HUMAN RESOURCES

**House File 39**, a bill for an act making changes in the statutes relating to marriage.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3143** March 3, 1987.

**Committee Bill** (Formerly House Study Bill 138), relating to child abuse.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1987.

## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 209**, a bill for an act relating to the enforcement of protective orders and orders to vacate the homestead in dissolution cases, and providing for the application of penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1987.

**Senate File 158**, a bill for an act relating to the time within which an application for crime victim reparation may be filed.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1987.

**Committee Bill** (Formerly House Study Bill 177), to authorize the parties to a dissolution to waive the filing of a financial statement only after approval by the court.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1987.

## COMMITTEE ON LOCAL GOVERNMENT

**House File 176**, a bill for an act relating to the requirements for the loaning by a library of library materials or equipment having a value of five hundred dollars or more.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1987.

**House File 269**, a bill for an act authorizing a tax levy for city libraries by petition and referendum.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3142 March 3, 1987.

**Pursuant to Rule 31.7, House File 269 was referred to the committee on ways and means.**

**Committee Bill** (Formerly House Study Bill 148), relating to the interest of a city officer or employee in contracts for the purchase of goods and services by a city.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1987.

**Committee Bill** (Formerly House Study Bill 159), relating to the procedures used for the taking of property for public transportation purposes.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1987.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Committee Bill** (Formerly House Study Bill 145), making an appropriation for the acquisition of land encompassing the Blood Run national historic landmark.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1987.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Committee Bill** (Formerly House Study Bill 183), relating to consumer frauds and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 3, 1987.

#### AMENDMENTS FILED

H—3142	H.F.	269	Committee on Local Government
H—3143	H.F.	39	Committee on Human Resources
H—3144	H.F.	395	Johnson of Winneshiek Cooper of Lucas Paulin of Plymouth Black of Jasper Pellett of Cass Fuller of Hardin Tyrrell of Iowa
			Platt of Muscatine Muhlbauer of Crawford Fogarty of Palo Alto Koenigs of Mitchell Branstad of Winnebago
H—3145	H.F.	79	Paulin of Plymouth
H—3146	S.F.	29	Black of Jasper
H—3147	H.F.	79	Renaud of Polk

On motion by Arnould of Scott, the House adjourned at 4:27 p.m., until 9:00 a.m., Thursday, March 5, 1987.

# JOURNAL OF THE HOUSE

Fifty-third Calendar Day — Thirty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 5, 1987

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

Prayer was offered by the Reverend William Peake, pastor of the First Reformed Church, Buffalo Center.

The Journal of Wednesday, March 4, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Fogarty of Palo Alto, from eighty-eight constituents favoring changing the speed limit on Iowa highways from 55 mph to 65 mph.

By Kremer of Buchanan, from thirty-four constituents favoring initiating and supporting the Long Term Health Care and Community Based Service Bill.

By Tyrrell of Iowa, from forty-two teachers of the Brooklyn-Guernsey-Malcom School District favoring Governor Branstad's \$100 million proposal for teachers salaries.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Miller of Cherokee, for March 5 and 6, 1987, on request of Plasier of Sioux.

## INTRODUCTION OF BILLS

**House Joint Resolution 14**, by committee on labor and industrial relations, a joint resolution to nullify an administrative rule of the department of employment services relating to lockouts and providing an effective date.

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

**House File 406**, by committee on natural resources and outdoor recreation, a bill for an act making an appropriation for the acquisition of land encompassing the Blood Run national historic landmark.

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

**House File 407**, by committee on transportation, a bill for an act relating to violations of 321J.2 and retention of records of motor vehicle violations.

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

**House File 408**, by committee on judiciary and law enforcement, a bill for an act to authorize the parties to a dissolution to waive the filing of a financial statement only after approval by the court.

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

**House File 409**, by committee on local government, a bill for an act relating to the procedures used for the taking of property for public transportation purposes.

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

**House File 410**, by committee on local government, a bill for an act relating to the interest of a city officer or employee in contracts for the purchase of goods and services by a city.

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

**House File 411**, by committee on agriculture, a bill for an act relating to the grain indemnity fund, by eliminating credit sale contracts from its protection, providing for distribution of receivership assets excluding proceeds of the fund, raising minimum net worth requirements, and providing definitions, eliminating participation by federally licensed warehouses, and providing a penalty for late payment of fees, eligibility standards, for the appointment of additional members to the Iowa grain indemnity fund board, the adjustment of fees, a procedure for determining the value of losses, requirements for recovery from the fund, and the retroactive applicability of certain of its provisions.

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

**House File 412**, by committee on human resources, a bill for an act relating to child abuse.

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

**House File 413**, by Running and Petersen of Muscatine, a bill for an act relating to compensation of persons suffering loss as a result of medical malpractice, by establishing contingent fee standards, modifying pleading and proof requirements for malicious prosecution actions, prohibiting exemplary or punitive damages, establishing a required form for verdicts, establishing a limitation on noneconomic

damages, requiring insurers to report on payment of claims, affecting the statute of limitations for claims brought by minors and mentally ill persons, and providing for periodic payment of certain judgments for future injuries.

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

**House File 414**, by Osterberg, a bill for an act relating to the maximum unemployment compensation contribution rate paid by new construction employers.

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

**House File 415**, by Brammer, a bill for an act relating to the violation of or interference with civil rights, and providing penalties.

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

**House File 416**, by committee on small business and commerce, a bill for an act relating to consumer frauds and providing penalties.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 267**, by Hutchins and Hultman, a bill for an act relating to the affirmation and reenactment of certain provisions of law concerning the regulation of certain businesses and occupations, and providing an effective date.

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

#### 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, 1987, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 6, a concurrent resolution relating to Pioneer Lawmakers.

Also: That the Senate has on March 4, 1987, amended the House amendment, concurred in the House amendment as amended, and passed the following concurrent resolution in which the concurrence of the Senate was asked:

Senate Concurrent Resolution 4, a concurrent resolution relating to the board of regents ten-year building program.

Also: That the Senate has on March 5, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 15, a concurrent resolution relating to a Biennial Memorial Session.

JOHN F. DWYER, Secretary

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 236 Economic Development**

Relating to the ownership of agricultural land by an authorized farm investment corporation.

### **H.S.B. 237 Education**

Relating to community education and providing an appropriation.

### **H.S.B. 238 Appropriations**

Relating to financing the expansion and renovation of correctional facilities by issuing bonds and by imposing additional criminal surcharges to be used for payment of the bonds.

### **H.S.B. 239 Transportation**

Appropriating moneys to the legislative council for conducting an interim study on the road use tax formula.

### **H.S.B. 240 Small Business and Commerce**

Relating to the regulation of risk retention groups and providing penalties.

### **H.S.B. 241 Small Business and Commerce**

Relating to the regulation of the insurance business conducted in the state by the insurance division of the department of commerce.

### **H.S.B. 242 State Government**

Relating to election procedures.

### **H.S.B. 243 Judiciary and Law Enforcement**

Relating to the distribution, transportation, storage, and use of fireworks, defining fireworks, the presumptions applicable where property is destroyed by fire, and providing penalties.

## SUBCOMMITTEE ASSIGNMENTS

### House File 233

Agriculture: Johnson, Chair; Branstad and Hatch.

**House File 241**

Agriculture: Cooper, Chair; Eddie and Norrgard.

**House File 376**

Ways and Means: Koenigs, Chair; De Groot and Holveck.

**House File 387**

Agriculture: Koenigs, Chair; Eddie, Kremer, Muhlbauer and Skow.

**House File 389**

Energy and Environmental Protection: Schrader, Chair; McKean and Svoboda.

**House File 396**

State Government: Pavich, Chair; Blanshan, Renaud, Renken and Van Camp.

**House File 398**

Local Government: Muhlbauer, Chair; Black and Renken.

**House File 400**

State Government: Buhr, Chair; Beatty and Lundby.

**Senate File 137**

State Government: Fuller, Chair; Buhr and Lundby.

**Senate File 155**

Energy and Environmental Protection: Hatch, Chair; Harper, Petersen of Muscatine, Schrader and Van Camp.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 150**

Ways and Means: Teaford, Chair; Bisignano, Hanson of Delaware, Parker and Siegrist.

**House Study Bill 160**

Agriculture: Skow, Chair; Kremer, Norrgard, Petersen of Muscatine and Svoboda.

**House Study Bill 161**

Agriculture: Johnson, Chair; De Groot and Hatch.

**House Study Bill 162**

Agriculture: Osterberg, Chair; Hatch and Stueland.

**House Study Bill 219**

Agriculture: Norrgard, Chair; Bennett, Cooper, Kremer and Svoboda.

**House Study Bill 221**

State Government: Halvorson of Webster, Chair; Connors, Hanson of Delaware, Running and Shoning.

**House Study Bill 222**

State Government: Halvorson of Webster, Chair; Connors, Hanson of Delaware, Running and Shoning.

**House Study Bill 223**

Ways and Means: Fey, Chair; Chapman and Hanson of Delaware.

**House Study Bill 228**

Local Government: Cooper, Chair; Muhlbauer and Royer.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Committee Bill** (Formerly House Study Bill 187), requiring lenders or other secured parties to provide to debtors copies of documents signed by the debtors.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1987.

**COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS**

**House File 108**, a bill for an act relating to the hours of duty for fire fighters.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3151** March 4, 1987.

**Committee Bill** (Formerly House Joint Resolution 11), to nullify an administrative rule of the department of employment services relating to lockouts.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 4, 1987.

**COMMITTEE ON STATE GOVERNMENT**

**Committee Bill** (Formerly House Study Bill 74), relating to reprisals against state employees for certain disclosures of information.

Fiscal Note is not required.

Recommended **Do Pass** March 4, 1987.

**Committee Bill** (Formerly House Study Bill 110), relating to gender balance in the appointment and election of judicial nominating commissioners.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1987.

## COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House Study Bill 155), to increase the tax in the amount of two cents per gallon on motor fuel, special fuel, and gasohol.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1987.

**Committee Bill** (Formerly House File 211), providing that under certain circumstances the owner of a vehicle which is violating the warning lamps or stop arm of a school bus or a vehicle which is improperly overtaking and passing another vehicle shall be deemed to be the driver and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1987.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 279), authorizing limited gambling boats by establishing an excursion boat gambling commission, by specifying the powers and duties of the commission, by imposing a tax on adjusted gross receipts from gambling, by requiring licenses and imposing fees, by allocating revenue received by making corresponding amendments to the Code, and by providing penalties for violations.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 4, 1987.

## RESOLUTIONS FILED

**HCR 14**, by Koenigs, a concurrent resolution relating to the Farmers Home Administration.

Laid over under **Rule 25**.

**SCR 15**, by committee on rules and administration, a concurrent resolution relating to a Biennial Memorial Session.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-3148	S.C.R.	4	Senate Amendment
H-3149	H.F.	79	Pavich of Pottawattamie
H-3150	H.F.	79	Pavich of Pottawattamie
H-3151	H.F.	108	Committee on Labor and Industrial Relations
H-3152	H.F.	79	Garman of Story

On motion by Arnould of Scott, the House adjourned at 9:25 a.m., until 9:00 a.m., Friday, March 6, 1987.

# JOURNAL OF THE HOUSE

Fifty-fourth Calendar Day — Thirty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 6, 1987

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

Prayer was offered by the Honorable Bob Fuller, state representative from Hardin County.

The Journal of Thursday, March 5, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Bisignano of Polk, from ninety-two citizens favoring House File 110, to initiate and support a good comprehensive Long Term Health Care and Community Based Service bill for the elderly of the state of Iowa.

By Carpenter of Polk, from eighty-five citizens favoring House File 166 and Senate File 99, relating to exemption from the state sales, services, and use tax of the fees paid to cities and counties for privilege of participating in any athletic sports.

By Tyrrell of Iowa, from the city council of Grinnell favoring legislative implementation and funding of 911 systems.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista on request of Stromer of Hancock.

## INTRODUCTION OF BILLS

**House File 417**, by Fogarty, Gruhn, Skow, Maulsby, De Groot and Branstad, a bill for an act relating to the merger and consolidation of cooperative associations, by defining the fair market value of assets held by an association and providing for determining the fair value of an equity interest held by a dissenting member.

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

**House File 418**, by Connolly, a bill for an act allowing a credit toward the registration fee of another vehicle for vehicles which are sold, traded, or junked outside the state.

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

**House File 419**, by Stromer, Mullins, Bennett, Van Maanen, Poncey and Eddie, a bill for an act relating to a property tax abatement for taxes on certain agricultural buildings based upon the value of certain commodities sold.

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

**House File 420**, by Spear, a bill for an act relating to the establishment of a state board and district boards to administer the representation of indigent and incompetent persons by court-appointed attorneys, public defenders, and the appellate defender's office.

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

**House File 421**, by Daggett, a bill for an act to provide for the imposition of an income surtax for payment of one-half the principal and interest due on bonds issued by a school district.

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

**House File 422**, by Hatch, Connors and Bisignano, a bill for an act relating to rights and benefits of city civil service employees under collective bargaining agreements.

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

**House File 423**, by Poncey, a bill for an act to provide a procedure for parents or guardians to enroll their children in the public schools of contiguous school districts without cost to the parents or guardians and to provide an effective date.

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

**House File 424**, by Van Camp, a bill for an act relating to the medical neglect of a child and providing a penalty.

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

**House File 425**, by committee on transportation, a bill for an act to increase the tax in the amount of two cents per gallon on motor fuel, special fuel, and gasohol.

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

**House File 426**, by committee on agriculture, a bill for an act requiring lenders or other secured parties to provide to debtors copies of documents signed by the debtors.

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

**House File 427**, by committee on state government, a bill for an act relating to reprisals against state employees for certain disclosures of information.

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

**House File 428**, by committee on state government, a bill for an act relating to gender balance in the appointment and election of judicial nominating commissioners.

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

**House File 429**, by committee on transportation, a bill for an act providing that under certain circumstances the owner of a vehicle which is violating the warning lamps or stop arm of a school bus shall be deemed to be the driver and making penalties applicable.

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

**House File 430**, by Fuller, a bill for an act relating to the disposition of certain fines, by earmarking fines for OWI first, second, and third offenses, and authorizing the director of the department of corrections to expend the moneys for correctional facilities or community-based correctional programs.

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

**House File 431**, by Running and Renaud, a bill for an act relating to the education, practice, and supervision of cosmetologists and barbers.

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

**House File 432**, by Fey, a bill for an act relating to beverage container redemption.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 360**, a bill for an act relating to the decisions of guardians regarding life-sustaining procedures, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 360)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Eddie	Jay	Jochum	Miller
Shoultz			

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

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton on request of Harbor of Mills.

The House resumed consideration of **House File 79**, a bill for an act prohibiting smoking in certain public places and providing a penalty, deferred and retained on the calendar March 4, 1987.

Renaud of Polk offered the following amendment H—3147 filed by him and moved its adoption:

H—3147

- 1 Amend House File 79 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "include" the following: "a restaurant with a seating
- 4 capacity of less than fifty persons,".
- 5 2. Page 1, line 35, by striking the word "thirty-
- 6 two" and inserting the following: "fifty".

A non-record roll call was requested.

The ayes were 48, nays 39.

Amendment H—3147 was adopted, placing out of order amendment H—3078B, filed by Renaud of Polk and found on page 526 of the House Journal.

Pavich of Pottawattamie offered the following amendment H—3149 filed by him and moved its adoption:

H—3149

- 1 Amend House File 79 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "include" the following: "a retail store at which
- 4 fifty percent or more of the sales result from the
- 5 sale of tobacco or tobacco products,".

Amendment H—3149 was adopted.

Pavich of Pottawattamie offered the following amendment H—3150 filed by him and moved its adoption:

H—3150

- 1 Amend House File 79 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "include" the following: "the portion of a retail
- 4 store where tobacco or tobacco products are sold,".

Amendment H—3150 was adopted.

Garman of Story offered the following amendment H—3152 filed by her and moved its adoption:

H—3152

- 1 Amend House File 79 as follows:
- 2 1. Page 1, line 20, by inserting after the word
- 3 "nonsmokers," the following: "lobbies and malls which
- 4 encompass floor space of three hundred or less square
- 5 feet,".

A non-record roll call was requested.

The ayes were 49, nays 29.

Amendment H—3152 was adopted.

Paulin of Plymouth offered the following amendment H—3145 filed by him and moved its adoption:

H—3145

1 Amend House File 79 as follows:

2 1. Page 1, line 22, by inserting after the word  
3 "facility," the following: "a sleeping room in a  
4 motel or hotel,".

Amendment H—3145 was adopted.

Van Camp of Scott offered the following amendment H—3089 filed by him and moved its adoption:

H—3089

1 Amend House File 79 as follows:

2 1. Page 1, by striking lines 20 through 22 and  
3 inserting the following: "smokers even though the  
4 office may be visited by nonsmokers and does not  
5 include a resident's room in".

A non-record roll call was requested.

The ayes were 14, nays 35.

Amendment H—3089 lost.

Van Camp of Scott offered the following amendment H—3086 filed by him and moved its adoption:

H—3086

1 Amend House File 79 as follows:

2 1. Page 3; line 35, by striking the word "~~or~~" and  
3 inserting the following: "or".

Amendment H—3086 was adopted.

Van Camp of Scott offered the following amendment H—3085 filed by him and moved its adoption:

H—3085

1 Amend House File 79 as follows:

2 1. Page 4, line 3, by inserting after the word  
3 "violation." the following: "Any penalties imposed  
4 under this section shall not be assessed any court  
5 costs."

A non-record roll call was requested.

The ayes were 46, nays 48.

Rule 75 was invoked.

Amendment H—3085 lost.

Koenigs of Mitchell in the chair at 10:23 a.m.

Tyrrell of Iowa offered the following amendment H—3087 filed by him and moved its adoption:

H—3087

- 1 Amend House File 79 as follows:
- 2 1. Page 4, by inserting after line 6 the
- 3 following:
- 4 "Sec \_\_\_\_\_. NEW SECTION. 98A.7 ORDINANCE.
- 5 1. This chapter shall not be effective within the
- 6 limits of a city until the city council adopts an
- 7 ordinance pursuant to section 364.3, subsection 1, to
- 8 prohibit smoking as specified in chapter 98A of the
- 9 Code of Iowa. The city council may repeal the
- 10 ordinance.
- 11 2. This chapter shall not be effective within a
- 12 county until the county board of supervisors adopts an
- 13 ordinance pursuant to section 331.302, subsection 1,
- 14 to prohibit smoking as specified in chapter 98A of the
- 15 Code of Iowa. The county board of supervisors may
- 16 repeal the ordinance."

A non-record roll call was requested.

The ayes were 23, nays 50.

Amendment H—3087 lost.

Speaker Avenson in the chair at 10:35 a.m.

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

On the question "Shall the bill pass?" (H.F. 79)

The ayes were, 77:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. N.	Hammond

Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
May	McKean	McKinney	Metcalf
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pellett
Peterson, M. K.	Plasier	Renken	Rosenberg
Schneklloth	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Swartz
Swearingen	Tabor	Teaford	Wise
Mr. Speaker			

The nays were, 18:

Buhr	Hummel	Maulsby	Muhlbauer
Pawich	Peters	Petersen, D. F.	Platt
Poncy	Renaud	Royer	Running
Schrader	Sherzan	Svoboda	Tyrrell
Van Camp	Van Maanen		

Absent or not voting, 5:

Eddie	Halvorson, R. A.	Jay	Miller
Shoultz			

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

### INTRODUCTION OF BILLS

**House File 433**, by committee on small business and commerce, a bill for an act relating to an exemption from securities registration for securities traded or approved for trade on the national association of securities dealers automated quotations — national market system (NASDAQ/NMS).

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

**House File 434**, by committee on natural resources and outdoor recreation, a bill for an act relating to exemptions from tort liability for political subdivisions by adding an exemption for damages resulting from the use of certain recreational property, and providing for the applicability of the Act.

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

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 316**, a bill for an act relating to park user permits and providing a penalty and an effective date, was taken up for consideration.

Dvorsky of Johnson asked and received unanimous consent to withdraw amendment H—3127 filed by him on February 27, 1987.

Cooper of Lucas offered the following amendment H—3141 filed by Cooper, et al., and moved its adoption:

H—3141

- 1 Amend House File 316 as follows:
- 2 1. Page 1, line 1, by striking the figure "6" and
- 3 inserting the following: "4, 6".
- 4 2. Page 1, lines 34 and 35, by striking the words
- 5 "ten dollars" and inserting the words "tea five
- 6 dollars fifty cents".
- 7 3. Page 2, by striking lines 1 and 2 and
- 8 inserting the words "daily permit."
- 9 4. Page 2, by striking lines 3 through 12.
- 10 5. Page 3, by inserting after line 24 the
- 11 following:
- 12 "Sec. 2. Section 111.85, subsection 5, Code 1987,
- 13 is amended by striking the subsection."
- 14 6. By renumbering to conform with this amendment.

Amendment H—3141 was adopted placing the following amendments out of order:

H—3103 filed by Spear of Lee on February 20, 1987.

H—3107 filed by Van Camp of Scott on February 23, 1987.

H—3132, to amendment H—3107, filed by Osterberg of Linn on March 2, 1987.

H—3133 filed by Osterberg of Linn on March 3, 1987.

Cooper 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. 316)

The ayes were, 58:

Arnould	Beaman	Bisignano	Black,
Blanshan	Chapman	Connolly	Connors
Cooper	De Groot	Diemer	Dvorsky
Fey	Fuller	Garman	Gruhn
Hanson, D. R.	Harbor	Haverland	Hermann
Hester	Hummel	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Maulsby	May	McKinney	Metcalf
Muhlbauer	Mullins	Neuhauser	Norrgard
Parker	Paulin	Pavich	Peterson, M. K.
Plasier	Platt	Poncy	Royer
Running	Schneklath	Schrader	Sherzan

Siegrist	Skow	Stromer	Stueland
Svoboda	Swartz	Tabor	Tyrrell
Wise	Mr. Speaker		

The nays were, 37:

Adams	Beatty	Bennett	Brammer
Branstad	Buhr	Carpenter	Clark
Cohoon	Corbett	Corey	Daggett
Doderer	Fogarty	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Holveck	Lundby	McKean	Ollie
Osterberg	Pellett	Peters	Petersen, D. F.
Renaud	Renken	Rosenberg	Shoning
Spear	Swearingen	Teaford	Van Camp
Van Maanen			

Absent or not voting, 5:

Eddie	Halvorson, R. A.	Jay	Miller
Shoultz			

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

The House stood at ease at 11:18 a.m., until the fall of the gavel.

The House resumed session at 11:25 a.m., Speaker Avenson in the chair.

### IMMEDIATE MESSAGE (House Files 79 and 316)

Arnould of Scott asked and received unanimous consent that House Files 79 and 316 be immediately messaged to the Senate.

### PRESENTATION OF VISITORS

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

Fifty-one seventh and eighth grade students from Wall Lake Junior High School, Wall Lake, accompanied by Mrs. Schroeder. By Maulsby of Calhoun.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 244 Transportation**

Relating to issuance of motor vehicle licenses to users of bioptic lenses.

#### **H.S.B. 245 Local Government**

Relating to the development, requirements, operation, and funding for 911 emergency telephone communication systems, providing a funding mechanism, and providing penalties.

**H.S.B. 246 Agriculture**

Relating to land stewardship policy statements and plans required to be submitted by agricultural lenders and farm managers, providing penalties, and providing that reports relating to agricultural land holdings must be filed by agricultural lenders and farm managers.

**H.S.B. 247 Local Government**

Relating to powers and duties of certain political subdivisions in relation to their operational procedures and financial arrangements, and providing an effective date.

**H.S.B. 248 Local Government**

Relating to the financial authority of political subdivisions by authorizing loan agreements, the issuance of bonds for additional purposes, and the payment of interest from bond proceeds.

**H.S.B. 249 Small Business and Commerce**

Relating to the licensing and examination of first mortgage bankers and mortgage brokers, and regulation of other mortgage lenders, and providing penalties.

**H.S.B. 250 Small Business and Commerce**

Relating to including consumer rental purchase agreements in the consumer credit code.

**H.S.B. 251 Small Business and Commerce**

Relating to the regulation of membership campgrounds, membership camping operators, and membership camping contracts, requiring registration and disclosures, providing for cancellation of membership camping contracts, providing remedies, providing penalties, and providing properly related matters.

**H.S.B. 252 Small Business and Commerce**

To regulate the solicitation of funds for charitable purposes.

**H.S.B. 253 Small Business and Commerce**

Relating to financial institutions, by providing for the acquisition of an interest in one or more banks located in Iowa or bank holding companies controlling one or more banks located in Iowa by an out-of-state bank holding company located in a midwestern state, including civil penalties, and conditioned upon community reinvestment standards,

net new funds requirements, and other conditions; providing community reinvestment standards applicable to financial institutions; and establishing a community reinvestment task force.

#### SUBCOMMITTEE ASSIGNMENTS

##### **House File 223**

Economic Development: Groninga, Chair; Connolly, Hanson of Delaware, Miller and Parker.

##### **House File 298**

Economic Development: Groninga, Chair; Connolly, Hanson of Delaware, Miller and Parker.

##### **House File 320**

Economic Development: Jochum, Chair; Corbett and Pavich.

##### **House File 331**

Economic Development: Jochum, Chair; Corbett and Pavich.

##### **House File 361**

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

##### **House File 370**

Education: Ollie, Chair; Connolly, Daggett, Maulsby, Miller, Shoultz and Swartz.

##### **House File 372**

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

##### **House File 403**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

##### **House File 404**

Judiciary and Law Enforcement: Poncey/Renaud, Co-Chairs; Carpenter.

##### **House File 405**

Natural Resources and Outdoor Recreation: Poncey, Chair; Dvorsky and Stueland.

##### **Senate File 105**

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

##### **Senate File 106**

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

##### **Senate File 266**

Judiciary and Law Enforcement: Siegrist, Chair; Peterson of Carroll.

**Senate File 268**

Judiciary and Law Enforcement: Clark, Chair; Sherzan.

**Senate File 269**

Judiciary and Law Enforcement: Carpenter, Chair; Peterson of Carroll.

**Senate File 270**

Judiciary and Law Enforcement: Sherzan, Chair; Siegrist.

**Senate File 271**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Clark.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 220**

Natural Resources and Outdoor Recreation: Branstad, Chair; Gruhn and Johnson.

**House Study Bill 224**

Economic Development: Connolly, Chair; Hermann and Parker.

**House Study Bill 225**

Economic Development: Connolly, Chair; Fey and Hanson of Delaware.

**House Study Bill 226**

Economic Development: Parker, Chair; Connolly and Hanson of Delaware.

**House Study Bill 227**

Economic Development: Groninga, Chair; Cohoon, Lundby, Miller and Ollie.

**House Study Bill 231**

Small Business and Commerce: Skow, Chair; Hansen of Woodbury, Hanson of Delaware, Hatch and Metcalf.

**House Study Bill 233**

Judiciary and Law Enforcement: Shoning, Chair; Paulin and Plasier.

**House Study Bill 234**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House Study Bill 236**

Economic Development: Parker, Chair; Bennett, Halvorson of Webster, Hanson of Delaware and Wise.

**House Study Bill 243**

Judiciary and Law Enforcement: Harbor, Chair; Halvorson of Clayton, Hansen of Woodbury, Jay and Peterson of Carroll.

## COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

### COMMITTEE ON LOCAL GOVERNMENT

**House File 365**, a bill for an act relating to the disbursement of municipal utility revenues.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3154** March 5, 1987.

### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Committee Bill** (Formerly House Study Bill 144), relating to exemptions from tort liability for political subdivisions by adding an exemption for damages resulting from the use of certain recreational property, and providing for the applicability of the Act.

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1987.

### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Committee Bill** (Formerly House Study Bill 126), relating to electronic funds transfers by providing for limiting liability of financial institutions for unauthorized electronic funds transfers involving the customer's account, altering restrictions on the establishment, location, and use of satellite terminals, adding definitions, and requiring that all satellite terminals in this state or their data processing centers be directly connected to a central routing unit.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 5, 1987.

**Committee Bill** (Formerly House Study Bill 149), relating to an exemption from securities registration for securities traded or approved for trade on the national association of securities dealers automated quotations — national market system (NASDAQ/NMS).

Fiscal Note is not required.

Recommended **Do Pass** March 5, 1987.

### AMENDMENTS FILED

H-3153	H.F. 304	Garman of Story
H-3154	H.F. 365	Committee on Local Government

H—3155	H.F.	394	Metcalf of Polk Chapman of Linn
H—3156	H.F.	394	Hummel of Benton

On motion by Arnould of Scott, the House adjourned at 11:25 a.m., until 10:00 a.m., Monday, March 9, 1987.

# JOURNAL OF THE HOUSE

Fifty-seventh Calendar Day — Thirty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 9, 1987

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

Prayer was offered by the Honorable Joan Hester, state representative from Pottawattamie County.

The Journal of Friday, March 6, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Corey of Louisa, from thirty-four constituents of Kalona favoring the Long Term Health Care and Community Based Service bill for the Elderly.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton, until his return, on request of Harbor of Mills; Eddie of Buena Vista, for the morning session, on request of Stromer of Hancock; Schnekloth of Scott on request of Hummel of Benton; Knapp of Dubuque on request of Connolly of Dubuque.

## INTRODUCTION OF BILLS

**House File 435**, by Teaford, a bill for an act relating to dissolution of marriage and related proceedings, providing for mediation of contested issues of child custody, visitation, property division, and support, revising provisions on investigations and joint custody, providing confidentiality, and authorizing a supplemental levy to cover costs of mediation procedures.

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

**House File 436**, by Metcalf and Garman, a bill for an act relating to the effect of replacement or indemnification of actual economic losses on damage awards for personal injury.

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

**House File 437**, by Osterberg, a bill for an act prohibiting the outdoor advertising of cigarettes and tobacco products.

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

**House File 438**, by Black, a bill for an act relating to the definition of a snowmobile.

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

**House File 439**, by Haverland, Buhr and Carpenter, a bill for an act relating to the calculation of total contact hours in a cost center under the state area school funding plan.

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

**House File 440**, by Schneklóth, a bill for an act relating to the establishment of the Iowa municipal bond bank.

Read first time and referred to committee on **small business and commerce**.

**House File 441**, by Daggett, Hermann, Van Maanen, Corey, Lundby, Shoning, Siegrist, Clark, Hester, Bennett, Plasier, Kremer, Beaman, De Groot, Royer, Renken, Schneklóth, Maulsby, McKean, Miller, Tyrrell and Van Camp, a bill for an act relating to obscene material, and providing penalties.

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

**House File 442**, by Running and Renaud, a bill for an act relating to enrollment at cosmetology and barber schools, and providing penalties.

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

**House File 443**, by Maulsby, a bill for an act to authorize games of skill, games of chance, or raffles to be conducted by a qualified organization on the premises of a liquor control licensee or beer permittee in cities with a population of twenty-five hundred or less subject to certain restrictions.

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

**House File 444**, by Fogarty and De Groot, a bill for an act relating to the teaching of vocational agriculture in this state and providing an appropriation.

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

**House File 445**, by Pavich, a bill for an act relating to changes of address in election registration.

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 March 5, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 298, a bill for an act relating to the sale of alcoholic beverages, by allowing the alcoholic beverages division to assess a split-case charge when alcoholic liquor is sold in quantities which require a case to be split, by lowering the maximum mark-up on liquor sold by the division to class "E" licensees from sixty to fifty percent, by setting the bond for a class "E" license at a maximum of fifteen thousand dollars, by not requiring a bond from class "E" licensees who purchase alcoholic liquor from the division on a cash basis or by means that ensures that the division will receive full payment in advance of delivery, by providing for the issuance of a class "E" liquor control license to a city council in certain circumstances, by further restricting the issuance of a class "E" license to premises on or near which gasoline is sold, by allowing the division to deposit all the license fees collected from class "E" licensees in the beer and liquor control fund, by allowing the advertisement of alcoholic liquor for sale, by repealing the fifty percent goods and services test to qualify for Sunday sales of alcoholic beverages or beer under a liquor control license or class "B" beer permit, by providing that a corporation only placing alcoholic liquor in bailment with the division is not doing business in Iowa for the purpose of determining its tax liability and making the provision retroactive, by requiring class "E" licensees to collect and refund the beverage container deposit on containers of alcoholic liquor, by striking a standing appropriation for the treatment of alcoholics, by allowing the division to sell liquor inventories in state stores to class "E" licensees at reduced prices as state stores are closed, and by allowing the division to continue sales of wine to class "A" and "B" wine permittees until inventories are depleted, and providing an effective date.

JOHN F. DWYER, Secretary

### HOUSE FILE 394 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 394 be deferred and that the bill retain its place on the calendar.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House Joint Resolution 14**, a joint resolution to nullify an administrative rule of the department of employment services relating to lock-outs and providing an effective date, was taken up for consideration.

Ollie of Clinton in the chair at 10:56 a.m.

Speaker Avenson in the chair at 11:11 a.m.

Sherzan of Polk moved that the joint resolution be read a last time now and placed upon its adoption which motion prevailed and the resolution was read a last time.

On the question "Shall the joint resolution be adopted and agreed to?" (H.J.R. 14)

The ayes were, 56:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Corbett	Doderer	Dvorsky	Fey
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Koenigs	Lundby	McKinney
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

The nays were, 40:

Beaman	Bennett	Branstad	Carpenter
Clark	Cooper	Corey	Daggett
De Groot	Diemer	Fogarty	Garman
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Maulsby
May	McKean	Metcalfe	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Shoning	Siegrist	Stromer	Stueland
Swearingen	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 4:

Eddie	Halvorson, R. A.	Knapp	Schneklath
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The joint resolution having received a constitutional majority was declared to have been adopted and agreed to by the House.

**House File 394**, a bill for an act relating to nonlocal business entities, particularly transient merchants and out-of-state contractors and providing penalties, was taken up for consideration.

Metcalfe of Polk offered the following amendment H—3155 filed by her and Chapman of Linn:

H—3155

1 Amend House File 394 as follows:

- 2 1. Page 1, line 9, by striking the words "file a  
3 return or".
- 4 2. Page 1, line 12, by striking the words  
5 "assessment and".
- 6 3. Page 1, line 21, by striking the words "a tax  
7 is due" and inserting the following: "the applicant  
8 has failed to pay the total of all taxes payable and  
9 the bond is forfeited".
- 10 4. Page 1, line 22, by striking the word "tax"  
11 and inserting the word "taxes".
- 12 5. Page 1, line 23, by striking the words "and  
13 due, including penalties and interest." and inserting  
14 the following: "or the amount of the bond. The  
15 surety shall not have standing to contest the amount  
16 of any taxes payable. For purposes of this section  
17 "taxes payable" means all tax, penalties, interest,  
18 and fees that the department has previously determined  
19 to be due by assessment or in an appeal of an  
20 assessment."
- 21 6. Page 1, lines 25 and 26, by striking the words  
22 "The office of the attorney general is responsible for  
23 enforcement of this chapter."
- 24 7. Page 1, lines 33 and 34, by striking the words  
25 "corporation whose articles of incorporation are filed  
26 in another state and" and inserting the following:  
27 "person".
- 28 8. Page 2, line 3, by striking the figure  
29 "103A.50" and inserting the following: "103A.24".

Black of Jasper in the chair at 11:41 a.m.

Metcalf of Polk offered the following amendment H—3157, to amendment H—3155, filed from the floor by her and Chapman of Linn and moved its adoption:

H—3157

- 1 Amend the amendment, H—3155, to House File 394 as  
2 follows:
- 3 1. Page 1, after line 29, by inserting the  
4 following:
- 5 "\_\_\_\_\_. Page 2, by striking lines 8 through 11, and  
6 inserting the following: "state's office. The bond  
7 shall be in the sum of the greater of the following:  
8 1. One thousand dollars.  
9 2. Five percent of the contract price.  
10 Release of the bond shall be conditioned upon the  
11 payment of all taxes, including contributions due  
12 under the unemployment compensation insurance system,  
13 penalties, interest, and related fees, which may

14 accrue to the state of Iowa or its subdivisions on  
15 account of the execution and performance of the  
16 contract. If at any time during the term of the bond  
17 the department of revenue and finance determines that  
18 the amount of the bond is not sufficient to cover the  
19 tax liabilities accruing to the state of Iowa or its  
20 subdivisions, the department shall require the bond to  
21 be increased by an amount the department deems  
22 sufficient to cover the tax liabilities accrued and to  
23 accrue under the contract. The department shall adopt  
24 rules for the collection of the forfeiture. Notice  
25 shall be provided to the surety and to the contractor.  
26 Notice to the contractor shall be mailed to the  
27 contractor's last known address and to the  
28 contractor's registered agent for service of process,  
29 if any, within the state. The contractor or surety  
30 shall have the opportunity to apply to the director of  
31 revenue and finance for a hearing within thirty days  
32 after the giving of such notice. Upon the failure to  
33 timely request a hearing, the bond shall be forfeited.  
34 If, after the hearing upon timely request, the  
35 department of revenue and finance finds that the  
36 contractor has failed to pay the total of all taxes  
37 payable, the department shall order the bond  
38 forfeited. The amount of the forfeiture shall be the  
39 amount of taxes payable or the amount of the bond.  
40 The surety shall not have standing to contest the  
41 amount of any taxes payable. For purposes of this  
42 section "taxes payable" means all tax, penalties,  
43 interest, and fees that the department has previously  
44 determined to be due to the state or a subdivision of  
45 the state by assessment or in an appeal of an  
46 assessment, including contributions to the  
47 unemployment compensation insurance system."

Amendment H—3157 was adopted.

On motion by Metcalf of Polk, amendment H—3155, as amended, was adopted.

Hummel of Benton offered the following amendment H—3156 filed by him and moved its adoption:

H—3156

- 1 . Amend House File 394 as follows:
- 2 1. Page 2, line 5, by striking the words "any
- 3 business" and inserting the following: "a contract in
- 4 excess of five thousand dollars in value".

Amendment H—3156 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. 394)

The ayes were, 96:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker (Black)

The nays were, none.

Absent or not voting, 4:

Eddie	Halvorson, R. A.	Knapp	Schnekloth
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE (House Joint Resolution 14)

Arnould of Scott asked and received unanimous consent that House Joint Resolution 14 be immediately messaged to the Senate.

### HOUSE FILE 412 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 412 be deferred and that the bill retain its place on the calendar.

**House File 176**, a bill for an act relating to the requirements for a loaning by a library of library materials or equipment having a value of five hundred dollars or more, with report of committee recommending passage, was taken up for consideration.

Connors 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. 176)

The ayes were, 96:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker (Black)

The nays were, none.

Absent or not voting, 4:

Eddie	Halvorson, R. A.	Knapp	Schneklath
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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 407**, a bill for an act relating to violations of 321J.2 and retention of records of motor vehicle violations, was taken up for consideration.

Speaker Avenson in the chair at 11:52 a.m.

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

On the question "Shall the bill pass?" (H.F. 407)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Taber	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Eddie	Halvorson, R. A.	Knapp	Schnekloth
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**REFERRED TO COMMITTEE ON  
SMALL BUSINESS AND COMMERCE  
(House File 426)**

The Speaker announced that House File 426, presently on the **regular calendar**, was rereferred to the committee on **small business and commerce**.

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Friday, March 6, 1987. Had I been present, I would have voted "aye" on House

Files 316 and 360; "nay" on House File 79.

JAY of Appanoose

### PRESENTATION OF VISITORS

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

Thirty-one, sixth grade students from Lenox Elementary School, Lenox, accompanied by Mrs. Reed. By Daggett of Adams.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 254 Small Business and Commerce**

Relating to the development, requirements, operation, and local option funding for 911 emergency telephone communication systems, providing a funding mechanism, and providing penalties.

#### **H.S.B. 255 Education**

To establish a teacher advancement program to be administered by the department of education and to provide an appropriation.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 414**

Labor and Industrial Relations: Brammer, Chair; Connors and Tyrrell.

#### **House File 418**

Transportation: Koenigs, Chair; Branstad and Cohoon.

#### **House File 422**

Labor and Industrial Relations: Connors, Chair; Peters and Van Maanen.

#### **House File 432**

Energy and Environmental Protection: Fuller, Chair; McKean and Schrader.

### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

#### **House Study Bill 235**

Labor and Industrial Relations: Connors, Chair; Peters and Van Maanen.

#### **House Study Bill 240**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

#### **House Study Bill 241**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House Study Bill 244**

Transportation: Cohoon, Chair; Maulsby and Pavich.

**House Study Bill 249**

Small Business and Commerce: Parker, Hummel, Renken, Sherzan and Shoultz.

**House Study Bill 250**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**House Study Bill 251**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**House Study Bill 252**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**House Study Bill 253**

Small Business and Commerce: Parker, Hummel, Renken, Sherzan and Skow.

**CERTIFICATES OF RECOGNITION**

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

- |        |  |
|--------|--|
| 1987-7 | Jeannie Demers, Storm Lake—A student of Buena Vista College, for scoring more points (3,171) than any other player in NCAA women's basketball history. |
| 1987-8 | Amy Elizabeth Kujac, Madrid—Selected as the first-place winner in the National Women's History Month essay contest, 1987.                              |
| 1987-9 | Amanda Kerns, Fenton—Celebrating her 103rd birthday on February 22, 1987.  |

**JOSEPH O'HERN**  
Chief Clerk of the House

**RESOLUTION FILED**

**HR 5**, by Fogarty, a resolution relating to an interim study committee to develop alternatives to the plugging of agricultural drainage wells.

Laid over under **Rule 25**.

**AMENDMENTS FILED**

H—3158	H.F. 427	Connors of Polk
H—3159	H.F. 304	Garman of Story

H-3160	H.F.	402	Connors of Polk Doderer of Johnson Carpenter of Polk
H-3161	H.F.	304	Van Camp of Scott
H-3162	H.F.	428	Blanshan of Greene Doderer of Johnson
H-3163	H.F.	412	Buhr of Polk
H-3164	H.F.	412	Buhr of Polk
H-3165	H.F.	412	Buhr of Polk

On motion by Arnould of Scott, the House adjourned at 11:59 a.m., until 9:00 a.m., Tuesday, March 10, 1987.

# JOURNAL OF THE HOUSE

Fifty-eighth Calendar Day — Thirty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 10, 1987

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

Prayer was offered by the Honorable Ron Corbett, state representative from Linn County.

The Journal of Monday, March 9, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Corey of Louisa, from thirty-eight constituents of Louisa County opposing riverboat gambling.

Also: From twenty constituents of Washington favoring House File 110, supporting Long Term Care and Community Based Service for the elderly.

By Van Camp of Scott, from fifty citizens favoring repeal of the seat belt law.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doderer of Johnson, until her arrival, on request of Arnould of Scott; Siegrist of Pottawattamie, until his arrival, on request of Peterson of Carroll.

## INTRODUCTION OF BILLS

**House File 446**, by Groninga, a bill for an act relating to the distribution of federal funds under Title III of the Job Training Partnership Act of 1982.

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

**House File 447**, by Tyrrell, a bill for an act to allow the retailer a credit or discount in paying sales and services tax receipts due the state or a political subdivision.

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

**House File 448**, by Maulsby, a bill for an act relating to the valuation for property tax purposes of livestock facilities which are not used for economic gain.

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

**House File 449**, by Neuhauser, a bill for an act to prohibit school districts from charging rental fees for textbooks.

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

**House File 450**, by Rosenberg and Hammond, a bill for an act relating to student involvement in activities of the state board of regents, including membership, meeting locations, and deadlines for determining tuition increases.

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

**House File 451**, by Neuhauser, a bill for an act relating to tentative approval of a project or site location for a project by a city or county before initiation of condemnation proceedings.

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

**House File 452**, by Paulin and Eddie, a bill for an act to reduce the fee for a class "E" liquor control license for premises located in a city of less than two thousand five hundred in population.

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

**House File 453**, by Peterson of Carroll and Black, a bill for an act relating to the grounds for termination of parental rights under the juvenile justice code.

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

**House File 454**, by Hansen of Woodbury, a bill for an act relating to property tax exemptions for natural resource areas.

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

**House File 455**, by Paulin, Beaman, Pellett and Metcalf, a bill for an act relating to the production and sale of nursery stock by the state nursery and providing an appropriation.

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

**House File 456**, by Hermann, a bill for an act relating to the jurisdiction over county or municipal ordinance violations.

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

**House File 457**, by Schneklath, a bill for an act relating to property taxes on agricultural property placed in the federal conservation reserve program.

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

**House File 458**, by Van Maanen, a bill for an act relating to payment for autopsies.

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

**House File 459**, by Wise, a bill for an act to realign the boundaries of the judicial election districts within the eighth judicial district and providing an effective date.

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

**House File 460**, by Siegrist and Pavich, a bill for an act relating to the contract provisions for certain certificated employees of certain institutions governed by the state board of regents.

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

**House File 461**, by Hatch and Gruhn, a bill for an act to establish the family farm diversification program.

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

**House File 462**, by McKean, a bill for an act relating to the Iowa main street program.

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

**House File 463**, by Siegrist and Pavich, a bill for an act to authorize truck stops to increase issuance fees for issuing trip permits.

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

**House File 464**, by Black, a bill for an act relating to the receipt and sale of protected game by a nonprofit corporation.

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

**House File 465**, by Shoning and Hansen of Woodbury, by a bill for an act authorizing a city to establish an administrative agency to manage and control a city airport.

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

**House File 466**, by Brammer, a bill for an act relating to domestic abuse, assaults involving an act of domestic abuse, and court orders issued and enforced pursuant to the domestic abuse law, and providing penalties.

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

**House File 467**, by committee on small business and commerce, a bill for an act relating to electronic funds transfers by providing for limiting liability of financial institutions for unauthorized electronic funds transfers involving the customer's account, altering restrictions on the establishment, location, and use of satellite terminals, adding definitions, and requiring that all satellite terminals in this state or their data processing centers be directly connected to a central routing unit.

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

#### SENATE MESSAGE CONSIDERED

**Senate File 298**, a bill for an act relating to the sale of alcoholic beverages, by allowing the alcoholic beverages division to assess a split-case charge when alcoholic liquor is sold in quantities which require a case to be split, by lowering the maximum markup on liquor sold by the division to class "E" licensees from sixty to fifty percent, by setting the bond for a class "E" license at a maximum of fifteen thousand dollars, by not requiring a bond from class "E" licensees who purchase alcoholic liquor from the division on a cash basis or by means that ensures that the division will receive full payment in advance of delivery, by providing for the issuance of a class "E" liquor control license to a city council in certain circumstances, by further restricting the issuance of a class "E" license to premises on or near which gasoline is sold, by allowing the division to deposit all the license fees collected from class "E" licensees in the beer and liquor control fund, by allowing the advertisement of alcoholic liquor for sale, by repealing the fifty percent goods and services test to qualify for Sunday sales of alcoholic beverages or beer under a liquor control license or class "B" beer permit, by providing that a corporation only placing alcoholic liquor in bailment with the division is not doing business in Iowa for the purpose of determining its tax liability and making the provision retroactive, by requiring class "E" licensees to collect and refund the beverage container deposit on containers of alcoholic liquor, by striking a standing appropriation for the treatment of alcoholics, by

allowing the division to sell liquor inventories in state stores to class "E" licensees at reduced prices as state stores are closed, and by allowing the division to continue sales of wine to class "A" and "B" wine permittees until inventories are depleted, and providing an effective date.

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

### CONSIDERATION OF BILLS Regular Calendar

**House File 412**, a bill for an act relating to child abuse, was taken up for consideration.

Buhr of Polk asked and received unanimous consent to withdraw amendment H—3163 filed by her on March 9, 1987.

Buhr of Polk offered the following amendment H—3165 filed by her and moved its adoption:

H—3165

- 1 Amend House File 412 as follows:
- 2 1. Page 1, by striking lines 8 and 9 and
- 3 inserting the following: "person who meets the
- 4 following requirements:
- 5 a. Holds at least a master's degree in a mental
- 6 health field, including, but not limited to,
- 7 psychology, counseling, nursing, or social work; or is
- 8 licensed to practice medicine pursuant to chapter 148,
- 9 150, or 150A.
- 10 b. Holds a license to practice in the appropriate
- 11 profession.
- 12 c. Has at least two years of postdegree
- 13 experience, supervised by a mental health
- 14 professional, in assessing mental health problems and
- 15 needs of individuals used in providing appropriate
- 16 mental health services for those individuals."

Amendment H—3165 was adopted.

Buhr of Polk offered the following amendment H—3164 filed by her and requested division as follows:

H—3164

- 1 Amend House File 412 as follows:

H—3164A

- 2 1. Page 1, line 16, by inserting after the figure
- 3 "135C.1," the following: "licensed or".

H—3164B

- 4 2. Page 1, line 21, by striking the words "or  
 5 paramedic," and inserting the following: "paramedic,  
 6 or mental health professional,".

Buhr of Polk asked and received unanimous consent to withdraw amendment H—3164A.

On motion by Buhr of Polk, amendment H—3164B was adopted.

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

On the question "Shall the bill pass?" (H.F. 412)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Doderer	Groninga	Halvorson, R. A.	Jochum
Siegrist			

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

**House File 410**, a bill for an act relating to the interest of a city officer or employee in contracts for the purchase of goods and services by a city, was taken up for consideration.

Peters 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. 410)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabar	Teaford	Tyrrell
Van Maanen	Wise	Mr. Speaker	

The nays were, 1:

Van Camp

Absent or not voting, 4:

Groninga	Halvorson, R. A.	Jochum	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.

### HOUSE FILE 209 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 209 be deferred and that the bill retain its place on the calendar.

**Senate File 158**, a bill for an act relating to the time within which an application for crime victim reparation may be filed, with report of committee recommending passage was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 158)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Brammer	Groninga	Halvorson, R. A.	Jochum
Osterberg	Siegrist		

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

**House File 416**, a bill for an act relating to consumer frauds and providing penalties, was taken up for consideration.

Spear of Lee asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the consideration of amendment H—3166 filed by him from the floor as follows:

H—3166

- 1 Amend House File 416 as follows:
- 2 1. Page 2, line 2, by striking the word
- 3 "advertisements" and inserting the following:
- 4 "advertisement".
- 5 2. Page 2, line 3, by striking the words
- 6 "advertisements were" and inserting the following:
- 7 "advertisement was".
- 8 3. Page 2, line 6, by striking the words
- 9 "advertisements were" and inserting the following:
- 10 "advertisement was".

On motion by Spear of Lee, amendment H—3166 was adopted.

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

On the question "Shall the bill pass?" (H.F. 416)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Bennett	Brammer	Doderer	Groninga
Halvorson, R. A.	Jochum	Osterberg	Siegrist

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

**House File 304**, a bill for an act relating to the determination of annual salaries for elected county officers and their deputies, with report of committee recommending passage, was taken up for consideration.

Connors of Polk offered the following amendment H—3136 filed by Connors, et al. :

H—3136

1 Amend House File 304 as follows:

2 1. Page 1, by inserting before line 1 the  
3 following:

4 "Section 1. Section 331.215, subsection 1, Code  
5 1987, is amended to read as follows:

6 1. The supervisors shall receive an set their  
7 annual salary salaries or per diem compensation by  
8 resolution as determined under section 331.907 a part  
9 of the budget process specified under section 331.434.  
10 The annual salary or per diem shall be full payment  
11 for all services rendered to the county except for  
12 reimbursement for mileage and other expenses  
13 authorized in subsection 2.

14 Sec. 2. Section 331.321, subsection 1, paragraph  
15 n, Code 1987, is amended by striking the paragraph.

16 Sec. 3. Section 331.322, subsection 6, Code 1987,  
17 is amended by striking the subsection and inserting in  
18 lieu thereof the following:

19 6. Determine the annual salaries of county  
20 auditor, treasurer, recorder, attorney, and sheriff.  
21 The salaries shall be set by resolution of the board  
22 adopted when the budget and certificate of taxes is  
23 adopted under section 331.434. The proposed salaries  
24 are subject to public comment or objection in the same  
25 manner as other budget proposals. The board may  
26 appoint a citizens advisory board on compensation to  
27 make recommendations to it.

28 Sec. 4. Section 331.322, subsection 7, Code 1987,  
29 is amended by striking the subsection.

30 Sec. 5. Section 331.323, subsection 1, unnumbered  
31 paragraph 5, Code 1987, is amended to read as follows:

32 When the duties of an officer or employee are  
33 assigned to one or more elected officers, the board  
34 shall set the initial salary for each elected officer  
35 which shall not exceed the recommendation of the  
36 county compensation board. The county auditor shall  
37 call a special meeting of the county compensation  
38 board for this purpose and the county compensation  
39 board shall make a recommendation within thirty days  
40 of the call. The board may reduce the salary  
41 recommendation but not below the existing salary of

42 the affected elective officer. Thereafter, the salary  
 43 shall be determined as provided in section ~~331.907~~  
 44 331.322, subsection 6.

45 Sec. 6. Section 331.502, subsection 32, Code 1987,  
 46 is amended by striking the subsection.

47 Sec. 7. Section 331.752, subsection 4, Code 1987,  
 48 is amended to read as follows:

49 4. The resolution changing the status of a county  
 50 attorney shall state the initial annual salary to be

**Page 2**

1 paid to the county attorney when the full-time or  
 2 part-time status is effective. The annual salary  
 3 specified in the resolution shall remain effective  
 4 until changed as provided in section ~~331.907~~ 331.322,  
 5 subsection 6. The annual salary of a full-time county  
 6 attorney shall be an amount which is between forty-  
 7 five percent and one hundred percent of the annual  
 8 salary received by a district court judge."

9 2. By striking page 1, line 18 through page 3,  
 10 line 11 and inserting the following:

11 "Sec. \_\_\_\_\_. The terms of office of members of  
 12 county compensation boards serving unexpired terms  
 13 immediately prior to the effective date of this Act  
 14 expire on the effective date of this Act.

15 Sec. \_\_\_\_\_. Sections 331.905 through 331.907, Code  
 16 1987, are repealed."

17 3. By renumbering sections as necessary.

Van Camp of Scott offered the following amendment H—3161, to  
 amendment H—3136, filed by him and moved its adoption:

**H—3161**

1 Amend amendment, H—3136, to House File 304 as  
 2 follows:

3 1. Page 1, line 9, by inserting after the figure  
 4 "331.434." the following: "An increase in the annual  
 5 salaries or per diem of the supervisors shall not be  
 6 effective until January 1 following the next general  
 7 election."

Amendment H—3161 was adopted.

Connors of Polk moved the adoption of amendment H—3136, as  
 amended.

Roll call was requested by Cooper of Lucas and Black of Jasper.

On the question "Shall amendment H—3136, as amended, be  
 adopted?" (H.F. 304)

## The ayes were, 49:

Adams	Beaman	Beatty	Bennett
Bisignano	Blanshan	Branstad	Carpenter
Chapman	Clark	Connors	Diemer
Doderer	Dvorsky	Groninga	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Haverland
Hermann	Holveck	Hummel	Jay
Kremer	Lageschulte	Maulsby	McKean
Metcalf	Miller	Mullins	Neuhauser
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Renaud	Renken	Rosenberg
Schneklath	Sherzan	Shoning	Shultz
Stueland	Svoboda	Tabor	Teaford
Van Camp			

## The nays were, 47:

Arnould	Black	Brammer	Buhr
Cohoon	Connolly	Cooper	Corbett
Daggett	De Groot	Eddie	Fey
Fogarty	Fuller	Garman	Gruhn
Harbor	Harper	Hatch	Hester
Johnson	Knapp	Koenigs	Lundby
May	McKinney	Muhlbauer	Norrgard
Ollie	Parker	Paulin	Pavich
Plasier	Poncy	Royer	Running
Schrader	Siegrist	Skow	Spear
Stromer	Swartz	Swearingen	Tyrrell
Van Maanen	Wise	Mr. Speaker	

## Absent or not voting, 4:

Corey	Halvorson, R. A.	Jochum	Osterberg
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Amendment H — 3136, as amended, was adopted.

Arnould of Scott asked and received unanimous consent that House File 304 be deferred and that the bill retain its place 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 March 9, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 219, a bill for an act providing for public grants and public education relating to adolescent pregnancy prevention and services by establishing a task force on adolescent pregnancy prevention and services, providing for pilot project grants relating to adolescent pregnancy prevention and services, and establishing a local advisory committee to public school boards regarding the inclusion or exclusion of human growth and development instruction in the school curriculum.

JOHN F. DWYER, Secretary

**MOTION TO RECONSIDER**  
(Amendment H—3136 to House File 304)

I move to reconsider the vote by which amendment H—3136, as amended, to House File 304 was adopted by the House on March 10, 1987.

**BISIGNANO** of Polk

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on March 6 and March 9, 1987. Had I been present, I would have voted "aye" on House Files 79, 176, 316, 360, 394 and 407 and "nay" on House Joint Resolution 14.

**EDDIE** of Buena Vista

I was necessarily absent from the House chamber on March 10, 1987. Had I been present, I would have voted "aye" on House Files 410, 412 and 416 and Senate File 158.

**GRONINGA** of Cerro Gordo

I was necessarily absent from the House chamber on Tuesday morning, March 10, 1987. Had I been present, I would have voted "aye" on House Files 410, 412 and 416 and Senate File 158.

**SIEGRIST** of Pottawattamie

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 256 Judiciary and Law Enforcement**

Relating to child in need of assistance proceedings.

**H.S.B. 257 State Government**

Relating to the payment of expenses for certain health profession examining boards administered through the professional licensing division of the Iowa department of public health.

**H.S.B. 258 State Government**

Relating to the payment of expenses for the boards of medical examiners, dental examiners, and pharmacy examiners, and the board of nursing.

**H.S.B. 259 Energy and Environmental Protection**

Prohibiting certain rate-regulated electric public utilities from including in their charges or rates to customers costs of construction of electric generating power plants which have not been placed in commercial operation with exceptions for certain prudently incurred costs.

**H.S.B. 260 Education**

Relating to appropriations for educational purposes.

**H.S.B. 261 State Government**

Relating to elections.

**H.S.B. 262 Education**

To require completion of an approved course of driver education to qualify for a minor's school license.

**SUBCOMMITTEE ASSIGNMENTS**

**House File 383**

Local Government: Bisignano, Chair; Diemer, Norrgard, Platt and Spear.

**House File 413**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 420**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House File 424**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**House File 430**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Renaud.

**House File 434**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 435**

Judiciary and Law Enforcement: Doderer, Chair; Carpenter, Hammond, Poncey and Schnekloth.

**House File 436**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 437**

Local Government: Beatty, Chair; Cooper and Norrgard.

**House File 440**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House File 441**

Judiciary and Law Enforcement: Renaud, Chair; Carpenter and Poncey.

**House File 453**

Human Resources: Bisignano, Chair; Adams, Clark, Norrgard and Plasier.

**Senate File 267**

Judiciary and Law Enforcement: Peterson of Carroll, Chair; Carpenter.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 229**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 247**

Local Government: Hatch, Chair; Bisignano and Daggett.

**House Study Bill 248**

Local Government: Hatch, Chair; Bisignano and Daggett.

**House Study Bill 249 (Corrected)**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Committee Bill** (Formerly House Study Bill 124), relating to occupational health and safety.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 9, 1987.

**COMMITTEE ON EDUCATION**

**Committee Bill** (Formerly House Study Bill 112), to establish an educational excellence program consisting of three phases relating to the recruitment of quality teachers, the retention of quality teachers, and the enhancement of the quality and effectiveness of teachers, to provide appropriations, and to provide an effective date.

Fiscal Note is required.

**Recommended Amend and Do Pass** March 9, 1987.

**Committee Bill** (Formerly House Study Bill 134), relating to the payment of expenses of merged area schools by the board secretary.

Fiscal Note is not required.

Recommended **Do Pass** March 9, 1987.

**COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS**

**Committee Bill** (Formerly House File 63), to prohibit drug testing of employees and applicants for employment as a condition of employment and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 1987.

**COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS  
CORRECTED COMMITTEE REPORT**

**Committee Bill** (Formerly House File 108), relating to the hours of duty for fire fighters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 4, 1987.

**COMMITTEE ON TRANSPORTATION**

**Committee Bill** (Formerly House Study Bill 213), requiring mobile home dealers to apply for a certificate of title for mobile homes received as a trade-in and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 9, 1987.

**RESOLUTIONS FILED**

**HCR 15**, by Van Maanen, a concurrent resolution providing for an interim study of school reorganization procedures.

Laid over under **Rule 25**.

**HR 6**, by Harbor, a resolution relating to the Iowa Hawkeye Basketball Team.

Laid over under **Rule 25**.

**HR 7**, by Harbor, a resolution relating to the Iowa Hawkeye Wrestling Team.

Laid over under **Rule 25**.

**HR 8**, by Harbor, a resolution relating to the Iowa Hawkeye Women's Basketball Team.

Laid over under **Rule 25**.

**AMENDMENTS FILED**

H - 3167

H.F. 427

Doderer of Johnson  
Blanshan of Greene

H-3168	H.F.	427	Doderer of Johnson Blanshan of Greene
H-3169	H.F.	429	Neuhauser of Johnson
H-3170	H.F.	183	Neuhauser of Johnson
H-3171	H.F.	395	Tyrrell of Iowa

On motion by Arnould of Scott, the House adjourned at 10:41 a.m., until 9:00 a.m., Wednesday, March 11, 1987.

# JOURNAL OF THE HOUSE

Fifty-ninth Calendar Day — Thirty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 11, 1987

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

Prayer was offered by the Honorable Dennis Cohoon, state representative from Des Moines County.

The Journal of Tuesday, March 10, 1987 was approved.

## INTRODUCTION OF BILLS

**House File 468**, by committee on ways and means, a bill for an act authorizing limited gambling on excursion gambling boats, by specifying additional powers and duties of the state racing and gaming commission, by imposing a tax on adjusted gross receipts from gambling, by authorizing and imposing taxes on admissions, by requiring licenses and imposing fees, by allocating revenue received, by making corresponding amendments to the Code, and by providing penalties for violations.

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

**House File 469**, by committee on labor and industrial relations, a bill for an act to regulate the circumstance and procedure under which an employer may request a drug test of an employee or an applicant for employment and providing a penalty.

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

**House File 470**, by committee on education, a bill for an act relating to the payment of expenses of merged area schools by the board secretary.

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

**House File 471**, by committee on labor and industrial relations, a bill for an act to require cities that have established pension systems for police and fire fighters to comply with the applicable provisions of the federal Fair Labor Standards Act as they apply to employees eligible for a pension.

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

**House File 472**, by Teaford, Connolly, Harper, Shoultz and Diemer, a bill for an act to authorize the funding of state park and institutional road projects and county conservation parkway projects from RISE funds.

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

**House File 473**, by Miller, a bill for an act relating to attorneys' fees in actions under the state's workers' compensation, occupational disease compensation, occupational hearing loss, and compensation liability insurance laws.

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

**House File 474**, by Running, a bill for an act relating to the definition of a residential care facility.

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

**House File 475**, by Jay, a bill for an act requiring registration of certain horse-drawn vehicles and making penalties applicable.

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

**House File 476**, by Shoning, a bill for an act relating to the time period during which a person may appeal a decision or order of a school board to the state board of education.

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

**House File 477**, by Rosenberg, a bill for an act relating to victim restitution, and the definition of a victim.

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

**House File 478**, by Bisignano and Hatch, a bill for an act relating to the annexation of territory within certain special districts.

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

**House File 479**, by Stueland, a bill for an act relating to the administration of the law enforcement training reimbursement program.

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

**House File 480**, by Osterberg, a bill for an act relating to the assessment of costs to the owner of real estate subject to tax sale.

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

**House File 481**, by Van Maanen, a bill for an act relating to the issuance of a permit to acquire pistols or revolvers.

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

**House File 482**, by Svoboda, a bill for an act relating to foreclosure and redemption of real property, by removing certain restrictions on redemption in certain cases, providing a cause of action against the receiver in certain cases, permitting the use of independent appraisers to determine the value of the homestead, providing for the right of a former owner to repurchase or lease a farmstead, requiring reports from certain persons having been transferred agricultural land establishing the applicability of the various provisions, and providing an effective date.

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

#### 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 9, 1987, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 5, a concurrent resolution calling upon the Congress of the United States to reauthorize the Federal-aid Highway Act at the earliest possible time.

Also: That the Senate has on March 9, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 173, a bill for an act establishing priorities for deductions from the earnings of residents of community-based correctional facilities.

Also: That the Senate has on March 9, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 265, a bill for an act relating to the publication of notices of public hearings, bond sales, adopted regulations, and elections.

Also: That the Senate has on March 9, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 272, a bill for an act repealing a pilot program regarding second opinions on elective surgery for medical assistance recipients.

Also: That the Senate has on March 9, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 284, a bill for an act relating to transfers to minors.

Also: That the Senate has on March 9, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 14, a concurrent resolution congratulating Deere & Company on its 150th anniversary.

JOHN F. DWYER, Secretary

### REREFERRED TO COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

Arnould of Scott asked and received unanimous consent that House File 108, presently on the **regular calendar**, be rereferred to the committee on **labor and industrial relations**.

### AMENDMENT WITHDRAWN (H—3151 to House File 108)

Arnould of Scott asked and received unanimous consent to withdraw amendment H—3151 to House File 108 filed by the committee on labor and industrial relations on March 5, 1987.

### SPONSORS ADDED (House Resolutions 6, 7 and 8)

The following members requested to be added as sponsors of House Resolutions 6, 7 and 8.

PAULIN of Plymouth	WISE of Lee
HARPER of Black Hawk	CARPENTER of Polk
BLANSHAN of Greene	KOENIGS of Mitchell
MUHLBAUER of Crawford	BRANSTAD of Winnebago
PETERSON of Carroll	PLATT of Muscatine
SIEGRIST of Pottawattamie	FOGARTY of Palo Alto
LUNDBY of Linn	GRUHN of Dickinson
DE GROOT of Lyon	PELLETT of Cass
PARKER of Jasper	ROYER of Page
ARNOULD of Scott	COOPER of Lucas
COHOON of Des Moines	FULLER of Hardin
JAY of Appanoose	VAN CAMP of Scott
ROSENBERG of Story	PONCY of Wapello
BENNETT of Ida	NORRGARD of Des Moines
PETERSEN of Muscatine	CLARK of Cerro Gordo
MAY of Worth	PETERS of Woodbury
DAGGETT of Adams	PLASIER of Sioux
MAULSBY of Calhoun	ADAMS of Hamilton
TABOR of Jackson	HERMANN of Scott

## RULE 25 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 25, which requires resolutions to be laid over for one day, for the consideration of House Resolutions 6, 7 and 8.

### ADOPTION OF HOUSE RESOLUTION 6

Harbor of Mills called up for consideration House Resolution 6, relating to the Iowa Hawkeye Basketball Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

### ADOPTION OF HOUSE RESOLUTION 7

Neuhauser of Johnson called up for consideration House Resolution 7, relating to the Iowa Hawkeye Wrestling Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

### ADOPTION OF HOUSE RESOLUTION 8

Doderer of Johnson called up for consideration House Resolution 8, relating to the Iowa Hawkeye Women's Basketball Team, and moved its adoption.

The motion prevailed and the resolution was adopted.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 209**, a bill for an act relating to the enforcement of protective orders and orders to vacate the homestead, in dissolution cases, and providing for the application of penalties, (deferred and retained on the calendar on March 10, 1987) with report of committee recommending passage, was taken up for consideration.

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. 209)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky

Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Connolly                      Halvorson, R. A.                      Stromer

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

#### HOUSE FILES 304, 395 AND 402 DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 304, 395 and 402 be deferred and that the bills retain their place on the calendar.

**House File 408**, a bill for an act to authorize the parties to a dissolution to waive the filing of a financial statement only after approval by the court, was taken up for consideration.

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. 408)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie

Fogarty	Fuller	Garman	Groninga
Gruhn	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	May	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Royer
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 11:

Corbett	Kremer	Lundby	Maulsby
McKean	Paulin	Renken	Running
Schnekloth	Tyrrell	Van Maanen	

Absent or not voting, 5:

Connolly	Fey	Halvorson, R. A.	Halvorson, R. N.
Stromer			

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

**House File 409**, a bill for an act relating to the procedures used for the taking of property for public transportation purposes, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 409)

The ayes were, 98:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs

Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Connolly                      Halvorson, R. A.

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

**House File 427**, a bill for an act relating to reprisals against state employees for certain disclosures of information, was taken up for consideration.

Doderer of Johnson asked and received unanimous consent to temporarily defer action on amendment H—3168.

Connors of Polk offered the following amendment H—3158 filed by him:

H—3158

- 1 Amend House File 427 as follows:
- 2 1. Page 1, by striking lines 18 through 34 and
- 3 inserting the following:
- 4 "Sec. 2. Section 79.28, Code 1987, is amended to
- 5 read as follows:
- 6 79.28 REPRISALS PROHIBITED — STATE PROHIBITIONS
- 7 RELATING TO CERTAIN ACTIONS BY STATE EMPLOYEES —
- 8 PENALTY.
- 9 1. A person who serves as the head of a state
- 10 department or agency or otherwise serves in a
- 11 supervisory capacity within the executive branch of
- 12 state government shall not prohibit an employee of the
- 13 state from disclosing information to a member of the
- 14 general assembly, the legislative service bureau, the
- 15 legislative fiscal bureau, the citizens' aide, the
- 16 computer support bureau, or the respective caucus
- 17 staffs of the general assembly, or from disclosing
- 18 information which the employee reasonably believes
- 19 evidences a violation of law or rule, mismanagement, a

20 gross abuse of funds, an abuse of authority, or a  
 21 substantial and specific danger to public health or  
 22 safety.

23 2. A person shall not discharge an employee from  
 24 or take or fail to take action regarding an employee's  
 25 appointment or proposed appointment to, promotion or  
 26 proposed promotion to, or any advantage in, a position  
 27 in a state employment system administered by, or  
 28 subject to approval of, a state agency as a reprisal  
 29 for a disclosure of information by that employee to a  
 30 member of the general assembly, the legislative  
 31 service bureau, the legislative fiscal bureau, the  
 32 citizens' aide, the computer support bureau, or the  
 33 respective caucus staffs of the general assembly, or a  
 34 disclosure of information which the employee  
 35 reasonably believes evidences a violation of law or  
 36 rule, mismanagement, a gross abuse of funds, an abuse  
 37 of authority, or a substantial and specific danger to  
 38 public health or safety.

39 PARAGRAPH DIVIDED. 3. This section does  
 40 Subsections 1 and 2 do not apply if the disclosure of  
 41 that the information is prohibited by statute.

42 4. A person who violates subsection 1 or 2 commits  
 43 a simple misdemeanor.

44 5. A person shall not discharge an employee from  
 45 or take or fail to take action regarding an employee's  
 46 appointment or proposed appointment to, promotion or  
 47 proposed promotion to, or any advantage in, a position  
 48 in a state employment system administered by, or  
 49 subject to approval of, a state agency as a reprisal  
 50 for the employee's declining to participate in

**Page 2**

1 contributions or donations to charities or community  
 2 organizations."

3 2. Title page, by striking lines 1 and 2 and  
 4 inserting the following: "An Act relating to  
 5 reprisals and orders with respect to certain  
 6 disclosures of information by state employees, and  
 7 providing a penalty."

Doderer of Johnson offered the following amendment H — 3167, to  
 amendment H — 3158, filed by her and Blanshan of Greene and moved  
 its adoption:

H — 3167

1 Amend amendment, H — 3158, to House File 427 as  
 2 follows:

3 1. Page 1, line 32, by striking the following:  
 4 "the computer support bureau,".

**Amendment H — 3167 lost.**

On motion by Connors of Polk, amendment H—3158 was adopted.

Doderer of Johnson asked and received unanimous consent to withdraw amendment H—3168 (temporarily deferred) filed by her and Blanshan of Greene on March 10, 1987.

Lundby 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. 427)

The ayes were, 98:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Halvorson, R. A. Hermann

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

The House stood at ease at 9:57 a.m., until the fall of the gavel.

The House resumed session at 12:05 p.m., Speaker Avenson in the chair.

**ADOPTION OF SENATE CONCURRENT RESOLUTION 15**

Connors of Polk called up for consideration Senate Concurrent Resolution 15, relating to a Biennial Memorial Session, and moved its adoption.

The motion prevailed and the resolution was adopted.

**APPOINTMENTS**

Speaker Avenson announced the following appointments:

**AGRICULTURAL ENERGY MANAGEMENT ADVISORY COUNCIL**  
(Chapter 467E, Code of Iowa)

David Osterberg . . . . . Appointed to an unexpired term ending June 30, 1988

**CAPITOL PLANNING COMMISSION**  
(Chapter 18A.1 (2), Code of Iowa)

Darrell Hanson . . . . . Appointed to an unexpired term ending June 30, 1989

**COMMISSION ON CHILDREN, YOUTH AND FAMILIES**  
(Chapter 601K.33, Code of Iowa)

Mark Haverland . . . . . Appointed to a term ending December 31, 1988  
Sue Mullins . . . . . Appointed to a term ending December 31, 1988

**COMMUNICATIONS REVIEW COMMISSION**  
(Chapter 2.35, Code of Iowa)

Kyle Hummel . . . . . Appointed to a term ending with the convening of  
the 73rd General Assembly  
Deo Koenigs . . . . . Appointed to a term ending with the convening of  
the 73rd General Assembly  
Dennis Renaud . . . . . Appointed to a term ending with the convening of  
the 73rd General Assembly

**DEPARTMENT OF ELDER AFFAIRS**  
(Chapter 249.11, Code of Iowa)

Patricia Harper . . . . . To fill an unexpired term ending June 30, 1987

**EDUCATION COMMISSION OF THE STATES**  
(Chapter 272B.2, Code of Iowa)

C. Arthur Ollie . . . . . To fill an unexpired term ending June 30, 1987

**INTERSTATE COOPERATION COMMISSION**  
(Chapter 28B.1, Code of Iowa)

John Connors . . . . . Appointed to a term expiring January 31, 1989  
Dan Fogarty . . . . . Appointed to a term expiring January 31, 1989  
Ray Lageschulte . . . . . Appointed to a term expiring January 31, 1989  
Wendell Pellett . . . . . Appointed to a term expiring January 31, 1989  
Jane Teaford . . . . . Appointed to a term expiring January 31, 1989

IOWA ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS  
(Chapter 28C.2 (2), Code of Iowa)

Linda Beatty ..... Appointed to an unexpired term ending June 30, 1987

LAW ENFORCEMENT ACADEMY COUNCIL  
(Chapter 80B.6, Code of Iowa)

Michael Peterson ..... Appointed to an unexpired term ending April 30, 1988

MEDICAL ASSISTANCE ADVISORY COUNCIL  
(Chapter 249A.4 (8), Code of Iowa)

Steve Hansen ..... Appointed to an unexpired term ending June 30, 1987

STATE FUNCTIONAL CLASSIFICATION REVIEW BOARD  
(Chapter 306.6 (2), Code of Iowa)

Dennis Cohoon ..... Serves at the pleasure of the Speaker

SOCIAL SERVICES BLOCK GRANT ADVISORY COMMITTEE

Janet Adams ..... Serves at the pleasure of the Speaker

Clyde Norrgard ..... Serves at the pleasure of the Speaker

HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

**H.S.B. 263 Judiciary and Law Enforcement**

Relating to the penalties for possession and distribution of controlled substances.

**H.S.B. 264 Small Business and Commerce**

Relating to credit unions.

**H.S.B. 265 Economic Development**

Relating to international trade by making appropriations for certain economic development activities and services and establishing an international business research and training center.

**H.S.B. 266 Small Business and Commerce**

Relating to investments of Iowa life insurance companies.

**H.S.B. 267 Small Business and Commerce**

Relating to state banks by permitting a state bank to engage in securities activities and to organize, acquire, or invest in a subsidiary to engage in nondepository activities permitted by state or federal law, and to invest in certain financial contracts and mutual funds for its own account.

**H.S.B. 268 Agriculture**

Relating to restrictions on the number of acres of agricultural land

that certain corporations or trustees may acquire or otherwise obtain or lease.

**H.S.B. 269 Small Business and Commerce**

Relating to financial institutions, by providing for the creation of the bank of Iowa.

SUBCOMMITTEE ASSIGNMENTS

**House File 417**

Agriculture: Fogarty, Chair; De Groot and Gruhn.

**House File 438**

Natural Resources and Outdoor Recreation: Platt, Chair; Dvorsky and Schrader.

**House File 441 (Reassigned)**

Judiciary and Law Enforcement: Tabor, Chair; Carpenter, Halvorson of Clayton, Poney and Renaud.

**House File 446**

Economic Development: Groninga, Chair; Cohoon, Lundby, Miller and Ollie.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 246**

Agriculture: Gruhn, Chair; Bennett and Cooper.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

COMMITTEE ON ECONOMIC DEVELOPMENT

**Committee Bill** (Formerly House Study Bill 181), to authorize the imposition of a property tax levy by a city or county for economic development purposes.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 10, 1987.

COMMITTEE ON HUMAN RESOURCES

**House File 136**, a bill for an act relating to the disclosure of information concerning the family of a health care facility resident to a care review committee member.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1987.

**House File 251**, a bill for an act relating to advocates for certain individuals involuntarily hospitalized.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3173** March 10, 1987.

**Committee Bill** (Formerly House Study Bill 114), relating to adoption decrees for children born outside of the United States.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1987.

**Committee Bill** (Formerly House Study Bill 200), relating to interstate agreements for provision of medical assistance services to adoptive families who participate in the subsidized adoption or adoption assistance program.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1987.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 359**, a bill for an act prohibiting the possession or use of the explosive, nitroglycerin, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3174** March 10, 1987.

**House File 369**, a bill for an act relating to the definition of harassment.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 10, 1987.

**Committee Bill** (Formerly House File 195), relating to ensuring that the title to agricultural land is not affected by the failure of a creditor to receive a mediation release, regardless of its validity.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1987.

**Committee Bill** (Formerly House File 219), to restrict the possession of ballistic knives and providing for the application of a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1987.

**Committee Bill** (Formerly House Study Bill 106), relating to the time period for a hearing on the revocation of a person's license for operating a motor vehicle while under the influence of alcohol or a drug.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1987.

**Committee Bill** (Formerly House Study Bill 165), regarding schedule I and schedule IV controlled substances.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1987.

**Committee Bill** (Formerly House Study Bill 178), to provide office space and other physical facilities for the district court administrator.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1987.

**Committee Bill** (Formerly House Study Bill 192), relating to the payment and collection of the criminal penalty surcharge.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1987.

**Committee Bill** (Formerly House Study Bill 205), relating to the crime of assault, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1987.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 319**, a bill for an act relating to township government by requiring budget approval, by providing for an audit, and by providing for the payment of compensation of township clerks.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 10, 1987.

**Committee Bill** (Formerly House Study Bill 199), relating to the use of farm-to-market road funds by a county.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1987.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Committee Resolution** (Formerly House Study Bill 216), a house concurrent resolution urging the President and Congress of the United States to continue federal aid to states for purposes of funding state and local government recreation and conservation programs.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1987.

**Committee Resolution** (Formerly House Study Bill 220), a house concurrent resolution urging the President and Congress of the United States to enact legislation for the establishment of the National Western Historic Trails Center in Council Bluffs, Iowa.

Fiscal Note is not required.

Recommended **Do Pass** March 10, 1987.

### RESOLUTION FILED

**SCR 14**, by Gettings, a concurrent resolution congratulating Deere & Company on its 150th anniversary.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H-3172	H.F.	429	Harbor of Mills
H-3173	H.F.	251	Committee on Human Resources
H-3174	H.F.	359	Committee on Judiciary and Law Enforcement

On motion by Connors of Polk, the House adjourned at 12:06 p.m., until 9:00 a.m., Thursday, March 12, 1987.

# JOURNAL OF THE HOUSE

Sixtieth Calendar Day — Fortieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 12, 1987

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

Prayer was offered by the Honorable Steve Hansen, state representative from Woodbury County.

The Journal of Wednesday, March 11, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Eddie of Buena Vista, from fifty-five constituents of District 10 opposing Senate File 219, an act providing for public grants and public education relating to adolescent pregnancy prevention and services.

By Johnson of Winneshiek, from twenty-seven constituents of the Winneshiek County Health Care Facility favoring House File 210, supporting control of admissions to county care facilities by the facility administrators.

By Schnekloth of Scott, from twelve citizens from eastern Iowa opposing any form of legalized gambling on the riverboats of Iowa.

## INTRODUCTION OF BILLS

**House File 483**, by Svoboda, a bill for an act to provide for the appropriation and payment of moneys for the costs of educating Indian children on the Sac and Fox Indian settlement.

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

**House File 484**, by Miller, a bill for an act relating to museums, providing for the disposition of loaned or undocumented property in the possession of a museum, notice, reclamation of loaned or undocumented property, and statutes of limitations for actions against museums; prescribing museum obligations; prescribing lender and claimant obligations to museums; and providing for the retroactive applicability of certain sections of the Act.

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

**House File 485**, by Daggett, a bill for an act providing a soil conservation incentive grant for certain uses of agricultural land and providing an effective date.

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

**House File 486**, by Gruhn, Fogarty and Connors, a bill for an act requiring certain motor vehicles operated in this state to have liability insurance coverage, as defined by the Act, and providing a penalty and effective dates.

Read first time and referred to committee on **small business and commerce**.

**House File 487**, by committee on judiciary and law enforcement, a bill for an act relating to the payment and collection of the criminal penalty surcharge.

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

**House File 488**, by committee on judiciary and law enforcement, a bill for an act relating to the time period for a hearing on the revocation of a person's license for operating a motor vehicle while under the influence of alcohol or a drug.

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

**House File 489**, by committee on judiciary and law enforcement, a bill for an act relating to ensuring that the title to agricultural land is not affected by the failure of a creditor to receive a mediation release, regardless of its validity.

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

**House File 490**, by committee on human resources, a bill for an act relating to interstate agreements for provision of medical assistance services to adoptive families who participate in the subsidized adoption or adoption assistance program.

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

**House File 491**, by committee on judiciary and law enforcement, a bill for an act relating to the crime of assault, and providing penalties.

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

**House File 492**, by committee on judiciary and law enforcement, a bill for an act regarding schedule I and schedule IV controlled substances.

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

**House File 493**, by committee on judiciary and law enforcement, a bill for an act to provide office space and other physical facilities for the district court administrator.

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

**House File 494**, by committee on transportation, a bill for an act requiring mobile home dealers to apply for a certificate of title for mobile homes received as a trade-in and making penalties applicable.

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

**House File 495**, by committee on agriculture, a bill for an act relating to occupational health and safety by expanding the coverage of the employee's right to information regarding agricultural chemicals, expanding training requirements for the application of certain pesticides, establishing an agricultural health and safety service, and making an appropriation.

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

**House File 496**, by Groninga, a bill for an act relating to health care providers and patients and providing for the creation of an excess liability fund for health care providers, establishing a surcharge to be deposited in the fund, establishing a special surcharge, establishing qualifications for a health care provider or a patient to be protected by the fund, establishing a maximum limitation on the liability of the fund, creation of a compensation review board, authorization of the fund to procure reinsurance to protect the fund, authorization of the fund to provide primary insurance coverage to health care providers and providing for structured settlements.

Read first time and referred to committee on **small business and commerce**.

#### SENATE MESSAGES CONSIDERED

**Senate File 173**, by Murphy, a bill for an act establishing priorities for deductions from the earnings of residents of community-based correctional facilities.

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

**Senate File 219**, by committee on human resources, a bill for an act providing for public grants and public education relating to adolescent pregnancy prevention and services by establishing a task force on adolescent pregnancy prevention and services, providing for pilot

project grants relating to adolescent pregnancy prevention and services, and establishing a local advisory committee to public school boards regarding the inclusion or exclusion of human growth and development instruction in the school curriculum.

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

**Senate File 265**, by committee on local government, a bill for an act relating to the publication of notices of public hearings, bond sales, adopted regulations, and elections.

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

**Senate File 272**, by committee on human resources, a bill for an act repealing a pilot program regarding second opinions on elective surgery for medical assistance recipients.

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

**Senate File 284**, by committee on judiciary, a bill for an act relating to transfers to minors.

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

### 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 10, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 163, a bill for an act relating to health-related duties within the department of inspections and appeals and the Iowa department of public health.

Also: That the Senate has on March 11, 1987, amended and passed the following bill in which the concurrence of the Senate was asked:

House File 355, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1986 and ending June 30, 1987 and providing an effective date.

Also: That the Senate has on March 10, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 17, a bill for an act relating to the penalty for cruelty to animals.

Also: That the Senate has on March 10, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 148, a bill for an act relating to gender balance in the appointment and election of judicial nominating commissioners.

Also: That the Senate has on March 10, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 299, a bill for an act relating to podiatry by broadening the scope of practice of podiatry, by including podiatrists in the definition of "physician" for certain purposes, by broadening provisions relating to temporary certificates, by providing for coverage of podiatrists' services under prepaid group plans of health maintenance organizations and providing for data collection and utilization review, and by providing for other properly related matters.

Also: That the Senate has on March 10, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 16, a concurrent resolution urging the President of the United States and the Congress of the United States to enact the Mississippi River National Heritage Corridor Act of 1987.

Also: That the Senate has on March 10, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 17, a concurrent resolution to double the acres of woodland in Iowa.

Also: That the Senate has on March 10, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 18, a concurrent resolution emphasizing the importance of the arts in a complete education.

JOHN F. DWYER, Secretary

### SPECIAL PRESENTATION TO HOUSE PAGES

Speaker Avenson invited the House Pages to the Speaker's station for a special presentation and thanked them for their service to the House of Representatives.

Certificates of excellence for serving with honor and distinction as a House Page during the First Regular Session of the Seventy-second General Assembly were presented to the following Pages by Speaker Avenson and Minority Leader Stromer of Hancock:

Cindy Boland  
Keith Bonnstetter  
Paul Bukta  
Dulcey Ann Caltrider  
Kyle Drefke  
Jill Hemphill

Michael Malloy  
Nancy Maroushek  
Wendy Ogier  
Stephanie Powell  
Kristen Schantz  
Sarah E. Stotts  
Lisa Waldon

The House rose and expressed its thanks to the Pages.

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 1

Hester of Pottawattamie offered the following House Memorial Resolution and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 1

*Whereas, The Honorable Harry R. Gittins of Pottawattamie County, Iowa, who was a member of the Fifty-ninth, Sixtieth, Sixtieth Extra and Sixty-second General Assemblies, passed away July 26, 1986; Now Therefore:*

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

The motion prevailed and the Speaker appointed as such committee Hester of Pottawattamie, Pavich of Pottawattamie and Siegrist of Pottawattamie.

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 2

Corey of Louisa offered the following House Memorial Resolution and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 2

*Whereas, The Honorable Millard F. "Mike" Hicklin of Louisa County, Iowa, who was a member of the Fiftieth, Fiftieth Extra, Fifty-first, Fifty-second, Fifty-second Extra, and Fifty-third General Assemblies, passed away July 4, 1986; Now Therefore,*

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

The motion prevailed and the Speaker appointed as such committee Corey of Louisa, Platt of Muscatine and Petersen of Muscatine.

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 3

Cohon of Des Moines offered the following House Memorial Resolution and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 3

*Whereas, The Honorable Walden T. Smith of Des Moines County, Iowa, who was a member of the Fifty-second and Fifty-second Extra General Assemblies, passed away December 28, 1986; Now Therefore,*

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

The motion prevailed and the Speaker appointed as such committee Cohoon of Des Moines, Spear of Lee and Norrgard of Des Moines.

### IMMEDIATE MESSAGE

(Senate Concurrent Resolution 15)

Arnould of Scott asked and received unanimous consent that Senate Concurrent Resolution 15 be immediately messaged to the Senate.

On motion by Arnould of Scott, the House was recessed at 9:28 a.m., until 1:15 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### INTRODUCTION OF BILLS

**House File 497**, by committee on economic development, a bill for an act to authorize the imposition of a property tax levy by a city or county for economic development purposes.

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

**House File 498**, by committee on judiciary and law enforcement, a bill for an act to restrict the possession of ballistic knives and providing for the application of a penalty.

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

**House File 499**, by committee on education, a bill for an act relating to education including salary increases, efficiencies, and education enhancement, relating to the establishment of an educational excellence program consisting of three phases relating to the recruitment of quality teachers, the retention of quality teachers, and the enhancement of the quality and effectiveness of teachers; collective bargaining; activities of the state board of education relating to the accreditation process; duration of a superintendent's contract; open enrollment of pupils in contiguous school districts; postsecondary enrollment options for certain high school students; redrawing boundary lines of area education agencies; plans for redrawing boundary lines of merged area schools; majority vote for school district bond issues under certain conditions; date of the organizational meeting of school corporations; annual publication of financial statements; sharing interscholastic activity programs; adoption of student achievement goals; provision for intercollegiate athletic activities at merged area schools; procedure for adoption of whole grade sharing; calculation of enrollment

of school districts; establishment of a transportation foundation formula; inclusion of principals in supplementary weighting; to provide appropriations; and provide effective dates.

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

#### ADOPTION OF HOUSE MEMORIAL RESOLUTION 4

Pavich of Pottawattamie offered the following House Memorial Resolution and moved its adoption:

##### HOUSE MEMORIAL RESOLUTION 4

*Whereas, The Honorable Andrew J. Nielsen of Pottawattamie County, Iowa, who was a member of the Forty-ninth, Fiftieth, Fiftieth Extra, Fifty-first, Fifty-second, and Fifty-second Extra General Assemblies, passed away July 13, 1986; Now Therefore,*

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

The motion prevailed and the Speaker appointed as such committee Pavich of Pottawattamie, Harbor of Mills and Siegrist of Pottawattamie.

#### PRESENTATION OF VISITOR

Hatch of Polk presented to the House, his brother, the Honorable Bill Hatch, state representative from New Hampshire.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 270 State Government**

Relating to the disposition and the recovery of unclaimed property.

##### **H.S.B. 271 Small Business and Commerce**

Relating to issuance of collision damage waivers in motor vehicle rental agreements, making penalties applicable, and providing an effective date.

##### **H.S.B. 272 Small Business and Commerce**

To grant the commissioner of insurance the authority to approve discretionary group insurance.

##### **H.S.B. 273 Small Business and Commerce**

Relating to motor fuel and special fuel marketing and distribution and security deposits required of dealers.

**H.S.B. 274 Local Government**

Relating to the weight and length restrictions on implements of husbandry and farm trailers moved on the highways of this state.

**H.S.B. 275 Natural Resources and Outdoor Recreation**

Relating to the acquisition, development, promotion, and management of land for recreation trails.

**H.S.B. 276 Education**

To require entrepreneurial education to be taught to students in grades one through twelve.

**H.S.B. 277 Small Business and Commerce**

Relating to targeted small businesses, transferring the authority to administer the targeted small business loan guarantee program and the targeted small business procurement program from the department of economic development to the department of management; creating a new division of targeted small business within the department of management; extending the linked deposit program to targeted small businesses and low income housing; setting new affirmative action targets for state agencies, including the board of regents and its institutions, to be enforced by the department of management; and establishing a state of Iowa satisfaction and performance bond program for certain targeted small businesses.

## SUBCOMMITTEE ASSIGNMENTS

**House File 275**

State Government: Halvorson of Webster, Chair; Knapp and Renken.

**House File 415**

Judiciary and Law Enforcement: Brammer, Chair; Jay and Paulin.

**House File 423**

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

**House File 431**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House File 439**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 442**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**House File 443**

State Government: Pavich, Chair; Blanshan, Renaud, Renken and Van Camp.

**House File 444**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House File 445**

State Government: Running, Chair; Buhr, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House File 448**

Agriculture: Muhlbauer, Chair; De Groot, Fogarty, Koenigs and Stueland.

**House File 452**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**House File 458**

State Government: Knapp, Chair; Beatty, Garman, Hanson of Delaware and Peterson of Carroll.

**House File 459**

Judiciary and Law Enforcement: McKinney, Chair; Chapman, Lageschulte, Peterson of Carroll and Siegrist.

**House File 461**

Agriculture: Gruhn, Chair; Hatch and Petersen of Muscatine.

**House File 466**

Judiciary and Law Enforcement: Doderer, Chair; Carpenter, Hammond, Poncey and Schnekloth.

**House File 477**

Judiciary and Law Enforcement: Renaud/Poncey, Co-Chairs; Carpenter.

**House File 481**

Judiciary and Law Enforcement: Renaud/Poncey, Co-Chairs; Carpenter.

**Senate File 298**

State Government: Renaud, Chair; Blanshan, Pavich, Renken and Van Camp.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 237**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House Study Bill 242**

State Government: Running, Chair; Buhr, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House Study Bill 255**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House Study Bill 256**

Judiciary and Law Enforcement: Rosenberg, Chair; Carpenter and Jay.

**House Study Bill 257**

State Government: Peterson of Carroll, Chair; Beatty, Garman, Hanson of Delaware and Knapp.

**House Study Bill 258**

State Government: Peterson of Carroll, Chair; Beatty, Garman, Hanson of Delaware and Knapp.

**House Study Bill 259**

Energy and Environmental Protection: Osterberg, Chair; Rosenberg and Van Camp.

**House Study Bill 261**

State Government: Running, Chair; Buhr, Halvorson of Webster, Hanson of Delaware and Van Camp.

**House Study Bill 263**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Rosenberg.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**House File 356**, a bill for an act relating to the transfer of all, or substantially all, the property or assets of a cooperative association by sale, other disposition, or by merger.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3176** March 11, 1987.

**COMMITTEE ON SMALL BUSINESS AND COMMERCE**

**Committee Bill** (Formerly House Study Bill 241), relating to the regulation of the insurance business conducted in the state by the insurance division of the department of commerce.

Fiscal Note is not required.

Recommended **Do Pass** March 11, 1987.

**Committee Bill** (Formerly House Study Bill 251), relating to the regulation of membership campgrounds, membership camping operators, and membership camping contracts, requiring registration and disclosures, providing for cancellation of membership camping contracts, providing remedies, providing penalties, and providing properly related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 11, 1987.

### RESOLUTIONS FILED

**SCR 16**, by committee on natural resources, a concurrent resolution urging the President of the United States and the Congress of the United States to enact the Mississippi River National Heritage Corridor Act of 1987.

Laid over under **Rule 25**.

**SCR 17**, by committee on natural resources, a concurrent resolution to double the acres of woodland in Iowa.

Laid over under **Rule 25**.

**SCR 18**, by committee on education, a concurrent resolution emphasizing the importance of the arts in a complete education.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H-3175	H.F.	402	Connors of Polk
H-3176	H.F.	356	Committee on Agriculture
H-3177	H.F.	341	Bisignano of Polk
H-3178	H.F.	395	Black of Jasper
H-3179	H.F.	355	Senate Amendment
H-3180	H.F.	466	Doderer of Johnson

On motion by Arnould of Scott, the House adjourned at 1:32 p.m., until 9:00 a.m., Friday, March 13, 1987.

# JOURNAL OF THE HOUSE

Sixty-first Calendar Day — Forty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 13, 1987

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

Prayer was offered by the Honorable Emil Pavich, state representative from Pottawattamie County.

The Journal of Thursday, March 12, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Carpenter of Polk, from thirty constituents favoring passage of House File 110, a bill to establish a Comprehensive Long-Term Care and Community Based Services program for the elderly.

By Connors of Polk, from one hundred thirty-eight constituents favoring initiation and support of a good Comprehensive Long-Term Health Care and Community Based Service bill for the elderly.

By De Groot of Lyon, from two hundred fifty constituents of District 8 opposing Senate File 219, an act providing for public grants and public education relating to adolescent pregnancy prevention and services.

By Maulsby of Calhoun, from three thousand one hundred ninety-nine people favoring tort liability and malpractice legislation.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Halvorson of Clayton on request of Harbor of Mills; Skow of Guthrie on request of Koenigs of Mitchell; Swartz of Marshall on request of Sherzan of Polk.

## INTRODUCTION OF BILLS

**House File 500**, by Buhr, a bill for an act relating to the state civil rights law and the civil rights commission.

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

**House File 501**, by Rosenberg, a bill for an act relating to the public employees' retirement system by revising provisions governing the reduction of benefits upon early retirement and the crediting of interest and dividends to members' accounts.

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

**House File 502**, by Spear, a bill for an act to exempt certain retirement or disability income received by a former member of the United States armed forces from the state individual income tax and providing an effective date.

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

**House File 503**, by Groninga, a bill for an act relating to intermediate care facilities for the mentally ill.

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

**House File 504**, by Kremer, a bill for an act to include state fire marshal inspectors under the special retirement provisions of the Iowa public employees' retirement system, and making an appropriation.

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

**House File 505**, by committee on human resources, a bill for an act relating to adoption decrees for children born outside of the United States.

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

**House File 506**, by committee on small business and commerce, a bill for an act relating to the regulation of the insurance business conducted in the state by the insurance division of the department of commerce.

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

**House File 507**, by Holveck, Brammer, Neuhauser, Corbett, Metcalf and Fey, a bill for an act relating to employment discrimination by employers on the basis of sex, and making a penalty applicable.

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

**House File 508**, by Halvorson of Clayton and Harbor, a bill for an act relating to exemptions from execution and attachment by revising provisions governing the exemption of insurance policies, proceeds, and benefits, cash, and certain other personal property, and providing other properly related matters.

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

**House File 509**, by Tyrrell, a bill for an act providing for a homestead tax credit for an individual who acquires ownership of a homestead during the year for which the homestead credit applies.

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

**House File 510**, by Fogarty, a bill for an act requiring the state vehicle dispatcher and other state agencies to solicit bids for ethanol-blended gasoline when advertising for bids for gasoline.

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

**House File 511**, by Lundby, a bill for an act creating a fine and civil penalty structure for overloaded vehicles.

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

**House File 512**, by Beatty, a bill for an act authorizing the establishment of a benefited recreation district and its dissolution, the election of trustees, the levy of a tax, and the contract of indebtedness.

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

**House File 513**, by committee on judiciary and law enforcement, a bill for an act relating to interstate rendition of persons charged with failure to provide support.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 17**, by Riordan, a bill for an act relating to the penalty for cruelty to animals.

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

**Senate File 148**, by Lloyd-Jones, a bill for an act relating to gender balance in the appointment and election of judicial nominating commissioners.

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

**Senate File 299**, a bill for an act relating to podiatry by broadening the scope of practice of podiatry, by including podiatrists in the definition of "physician" for certain purposes, by broadening provisions relating to temporary certificates, by providing for coverage of podiatrists' services under prepaid group plans of health maintenance organizations and providing for data collection and utilization review, and by providing for other properly related matters.

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

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 411**, a bill for an act relating to the grain indemnity fund, by eliminating credit sale contracts from its protection, providing for distribution of receivership assets excluding proceeds of the fund, raising minimum net worth requirements, and providing definitions, eliminating participation by federally licensed warehouses, and providing a penalty for late payment of fees, eligibility standards, for the appointment of additional members to the Iowa grain indemnity fund board, the adjustment of fees, a procedure for determining the value of losses, requirements for recovery from the fund, and the retroactive applicability of certain of its provisions, was taken up for consideration.

Hanson of Delaware in the chair at 9:58 a.m.

Speaker Avenson in the chair at 10:18 a.m.

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?" (H.F. 411)

The ayes were, 82:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Spear	Svoboda	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 11:

Bennett	Corey	Harbor	Hummel
Lundby	Maulsby	Renken	Royer
Schnekloth	Stueland	Van Maanen	

Absent or not voting, 7:

Fey	Halvorson, R. A.	Hermann	Plasier
Skow	Stromer	Swartz	

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

### SENATE AMENDMENTS CONSIDERED House Refused to Concur

Hatch of Polk called up for consideration Senate Concurrent Resolution 4, relating to the board of regents ten-year building program, (found on pages 413 through 414 of the House Journal) amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-3148 to the House amendment:

H-3148

- 1 Amend the House amendment, S-3062, to Senate
- 2 Concurrent Resolution 4, as passed by the Senate, as
- 3 follows:
- 4 1. Page 1, lines 46 and 47, by striking the
- 5 words "sixty-two million" and inserting the
- 6 following: "ninety-eight million five hundred
- 7 thousand".
- 8 2. Page 2, by striking lines 15 through 17 and
- 9 inserting the following: "unless additional bonding
- 10 is authorized, is ninety-eight million five hundred
- 11 thousand dollars, up to and including sixty-two
- 12 million dollars of which may be issued at any time
- 13 during the fiscal year ending June 30, 1988, and the
- 14 remainder of which may be issued on or after January
- 15 1, 1988 until June 30, 1988,".
- 16 3. Page 2, line 32, by inserting after the
- 17 figure "262A" the following: "during the fiscal year
- 18 beginning July 1, 1987, except as otherwise provided
- 19 in this resolution,".
- 20 4. By striking page 2, line 35, through page 3,
- 21 line 10, and inserting the following:
- 22 "Laser laboratories
- 23 Fire and environmental safety projects
- 24 Engineering building addition
- 25 Old law center remodeling
- 26 Pharmacy remodeling
- 27 Cost of issuance of bonds

- 28 Iowa State University  
 29 Molecular biology building—planning  
 30 Fire and environmental safety projects  
 31 Home economics building—phase I  
 32 Agronomy building equipment  
 33 Animal science, outlying research  
 34 centers — planning  
 35 University research park development  
 36 Veterinary medicine research institute  
 37 laboratories  
 38 Electrical interconnection with city  
 39 of Ames  
 40 Cost of issuance of bonds  
 41 University of Northern Iowa  
 42 Latham hall remodeling  
 43 Fire and environmental safety projects  
 44 Power plant addition  
 45 Cost of issuance of bonds; and.  
 46 5. Page 3, by inserting after line 10 the  
 47 following:  
 48 *Be It Further Resolved*, That the state board of  
 49 regents is authorized to undertake, plan, construct,  
 50 equip, and otherwise carry out the following projects

**Page 2**

- 1 and to pay all or any part of the cost of carrying  
 2 out the projects by borrowing money and issuing  
 3 negotiable revenue bonds under chapter 262A during  
 4 the fiscal period beginning January 1, 1988 and  
 5 ending June 30, 1988, except as otherwise provided in  
 6 this resolution, in a total amount not to exceed  
 7 thirty-six million five hundred thousand dollars:  
 8 Iowa State University  
 9 Molecular biology building — construction  
 10 Meat irradiation facility  
 11 Cost of issuance of bonds; and".  
 12 6. Page 3, by striking lines 11 through 27.  
 13 7. By renumbering, relettering, or redesignating  
 14 and correcting internal references as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 48, nays 48.

The motion lost and the House refused to concur in the Senate amendment H—3148.

Peterson of Carroll called up for consideration **House File 355**, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1986 and ending June 30, 1987 and

providing an effective date, amended by the Senate, and moved that the House concur in the following Senate amendment H—3179:

H—3179

1 Amend House File 355, as passed by the House, as  
2 follows:

3 1. Page 1, line 3, by inserting after the word  
4 "services," the following: "if the department of  
5 human services cooperates with and assists the  
6 judicial department in the transfer and establishment  
7 of a uniform collection services system for the  
8 receipt and disbursement of child support payments in  
9 the judicial department,".

10 2. Page 2, by inserting after line 11 the follow-  
11 ing:

12 "Sec. \_\_\_\_\_. The department of human services shall  
13 not implement any mandatory coverage system for Title  
14 XIX recipients for enrollment in health maintenance  
15 organizations. The department shall work to develop  
16 policies and guidelines to implement on a pilot basis  
17 a special case management program for Title XIX  
18 enrollees, after reviewing programs in place in other  
19 states. The department, in consultation with the  
20 legislative fiscal bureau and under monitoring by the  
21 fiscal committee of the legislative council, shall  
22 develop a methodology to evaluate and compare the  
23 effectiveness of the provision of Title XIX services  
24 through case management and through health maintenance  
25 organizations, in terms of both cost and health  
26 outcomes. The evaluation shall continue for at least  
27 eighteen months subsequent to the implementation of  
28 the programs. Administrative rule 498—88.3(3) is  
29 rescinded."

30 3. Page 2, by inserting after line 19 the follow-  
31 ing:

32 "Sec. \_\_\_\_\_. 1986 Iowa Acts, chapter 1246, section  
33 1, subsection 4, unnumbered paragraph 1, is amended to  
34 read as follows:

35 For establishment and maintenance  
36 of an ambassador's program ..... \$ 1,000,000  
37 500,000

38 Sec. \_\_\_\_\_. 1986 Iowa Acts, chapter 1246, section 1,  
39 subsection 6, unnumbered paragraph 1, is amended to  
40 read as follows:

41 For establishment and maintenance  
42 of an export finance program ..... \$ 1,000,000  
43 500,000 "

44 4. By striking page 2, line 35 through page 3,  
45 line 23.

46 5. Page 3, by striking lines 24 through 31.

47 6. Page 4, by inserting after line 3 the follow-  
 48 ing:  
 49 "Sec. \_\_\_\_\_. 1986 Iowa Acts, chapter 1246, section  
 50 501, subsection 3, is amended to read as follows:

Page 2

1 3. INDEMNITY FUND AND ESCROW.

2 From the general fund of the state as an  
 3 advance for administration of the indemnity  
 4 fund and escrow provision created by the 1986  
 5 Iowa Acts, Senate File 2116, for not more than  
 6 five full-time equivalent positions ..... \$ 100,000  
 7 50,000

8 It is a condition of the funds appropriated by this  
 9 subsection that the general fund be reimbursed from  
 10 the interest accruing to the indemnity fund, no later  
 11 than June 30, 1987, for the advance made by this  
 12 subsection. Notwithstanding 1986 Iowa Acts, Senate  
 13 File 2116, section 33, only interest accruing to the  
 14 indemnity fund may be used for administration costs of  
 15 the indemnity fund. In addition, interest accruing to  
 16 the indemnity fund may be used for the expenses of  
 17 administration of the escrow provision, subject to the  
 18 approval of the Iowa grain indemnity fund board,  
 19 notwithstanding 1986 Iowa Acts, Senate File 2116,  
 20 section 33.

21 Sec. \_\_\_\_\_. 1986 Iowa Acts, chapter 1246, section  
 22 713, is amended to read as follows:

23 SEC. 713. 1985 Iowa Acts, chapter 254, section 1,  
 24 subsection 1, paragraph b, is amended to read as  
 25 follows:

26 b. For the fiscal year beginning  
 27 July 1, 1986 ..... \$ 44,000,000  
 28 40,500,000

29 Sec. \_\_\_\_\_. There is appropriated from the general  
 30 fund of the state for the fiscal year beginning July  
 31 1, 1986 and ending June 30, 1987, to the department of  
 32 agriculture and land stewardship, the following  
 33 amounts, or so much thereof as is necessary, to be  
 34 used for the following purposes:

	1986-1987
	Fiscal Year
37 1. Startup funding for the Iowa	
38 grain quality program .....	\$ 25,000
39 2. Startup funding of an organic	
40 farming demonstration-education pro-	
41 gram .....	\$ 25,000

42 Sec. \_\_\_\_\_. 1986 Iowa Acts, chapter 1249, section 4,  
 43 subsection 9, is amended to read as follows:

44 9. For a solar an ethanol and corn  
 45 starch project to be administered by

46 the center for industrial research and  
 47 service ..... \$ 150,000"  
 48 7. Page 4, by striking lines 4 through 10.  
 49 8. Page 4, line 22, by inserting after the word  
 50 "renovation." the following: "Notwithstanding section

**Page 3**

1 8.33, funds appropriated by this section which are  
 2 unexpended or unencumbered shall carry forward to the  
 3 1987-1988 fiscal year for the same purpose as  
 4 originally appropriated."

5 9. Page 4, by inserting after line 22 the  
 6 following:

7 "Sec. \_\_\_\_\_. There is appropriated from the general  
 8 fund of the state for the fiscal year beginning July  
 9 1, 1986 and ending June 30, 1987 to the department of  
 10 justice the sum of one hundred thousand (100,000)  
 11 dollars, or so much thereof as is necessary, to be  
 12 used for the same purposes and to supplement funds  
 13 appropriated by 1986 Iowa Acts, chapter 1246, section  
 14 414.

15 Sec. \_\_\_\_\_. Notwithstanding section 8.55, the moneys  
 16 in the Iowa economic emergency fund on the effective  
 17 date of this Act are transferred to the general fund  
 18 of the state. Funds transferred to the general fund  
 19 of the state shall be used to defray expenses incurred  
 20 for the fiscal year beginning July 1, 1986 and ending  
 21 June 30, 1987.

22 Sec. \_\_\_\_\_. The department of general services shall  
 23 not obtain a letter of credit to enter into lease-  
 24 purchase agreements for the fiscal period beginning  
 25 July 1, 1986 and ending June 30, 1988, and the  
 26 department shall not enter into any new lease-purchase  
 27 agreements for any expenditure in excess of \$100,000  
 28 for the fiscal period beginning July 1, 1986 and  
 29 ending June 30, 1988.

30 Sec. \_\_\_\_\_. The transportation commission may  
 31 authorize the temporary transfer of funds between the  
 32 department's share of the RISE fund under section  
 33 315.4 to the primary road fund in an amount not to  
 34 exceed twenty-five million dollars. Transferred funds  
 35 shall be repaid within ninety days to the fund from  
 36 which they came upon receipt of federal highway trust  
 37 fund reimbursements and not later than July 1, 1988.  
 38 However, the commission shall not authorize the  
 39 transfer of any RISE funds already allocated for  
 40 expenditure on a specific RISE project prior to July  
 41 1, 1988.

42 Sec.

43 1. The transportation commission may issue  
 44 anticipatory certificates in an amount not to exceed

45 fifty million dollars prior to July 1, 1987. If by  
46 July 1, 1987, the state has not received the full  
47 allotment of the appropriate federal highway trust  
48 funds, the transportation commission may issue  
49 additional anticipatory certificates. However, the  
50 commission shall not issue more than one hundred fifty

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1 million dollars in anticipatory certificates. The  
2 certificates shall be retired as federal highway trust  
3 funds are received but not later than July 1, 1988.  
4 2. The certificates shall be authorized by a  
5 resolution adopted by the commission which shall  
6 specify:  
7 a. The primary road funds, specifying the year or  
8 years, which are to be anticipated.  
9 b. The amount of certificates authorized.  
10 c. The denomination of each certificate.  
11 d. The rate of interest which each certificate  
12 shall bear which shall not exceed that permitted by  
13 chapter 74A, payable annually.  
14 e. The authorization for the chairperson of the  
15 commission and the treasurer of state to sign and  
16 countersign the certificates.  
17 3. Each certificate shall specify on its face the  
18 following information:  
19 a. The annual accruing primary road funds, naming  
20 the year, of which the certificate is anticipatory.  
21 b. That the certificate shall be payable on or  
22 before December 31 of a specified year.  
23 c. That the certificate is payable solely from  
24 accruing primary road funds.  
25 4. The series of certificates which anticipate the  
26 accruing of primary road funds during a specified year  
27 shall be numbered consecutively and paid in the order  
28 of the numbering.  
29 5. Upon the signing of each of the certificates by  
30 the chairperson of the commission, the certificates  
31 shall be delivered to the treasurer of state, who  
32 shall countersign the certificates and pay the amount  
33 of the certificates to the state department of  
34 transportation.  
35 6. The certificates shall be exempt from taxation.  
36 7. The treasurer of state shall sell the  
37 certificates. If the treasurer of state is unable to  
38 sell the certificates for face value plus interest,  
39 the treasurer of state may apply the certificates at  
40 face value plus interest in payment of any warrants  
41 duly authorized and issued for primary road work.  
42 8. The treasurer of state shall enter on a record  
43 to be kept and maintained by the treasurer of state

44 the name and address of all persons to whom the  
45 certificates are issued, with a particular designation  
46 of the certificate delivered to each person.

47 9. Any subsequent holder of a certificate may  
48 present the certificate to the treasurer of state who  
49 shall enter the subsequent holder's name and address  
50 in place of the name and address of the previous

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1 holder.

2 10. When the accruing funds on deposit with the  
3 treasurer of state in the primary road fund, for a  
4 year covered by the anticipatory certificates, are  
5 sufficient to pay the first retirable certificate or  
6 certificates, the treasurer of state shall, by  
7 ordinary mail to the holder's address, as shown on the  
8 records, promptly notify the holder of a certificate  
9 of such fact. Thirty days following the mailing of  
10 the notice to the holder of the certificate, all  
11 interest on the certificate shall cease.

12 Sec. \_\_\_\_\_. Section 598.22, Code 1987, is amended to  
13 read as follows:

14 598.22 SUPPORT PAYMENTS — CLERK OF COURT —  
15 COLLECTION SERVICES CENTER — DEFAULTS — SECURITY.

16 This section applies to all initial or modified  
17 orders for support entered under this chapter, chapter  
18 234, 252A, 252C, 675, or any other chapter of the  
19 Code. All orders or judgments for support entered on  
20 or before March 31, 1987, entered under chapter 252A,  
21 chapter 675, or this chapter which provide for  
22 temporary or permanent support payments shall direct  
23 the payment of those sums to the clerk of the district  
24 court for the use of the person for whom the payments  
25 have been awarded. All orders or judgments for  
26 support entered on or after April 1, 1987, shall  
27 direct the payment of those sums to the collection  
28 services center established pursuant to section  
29 252B.13. Payments to persons other than the clerk of  
30 the district court and the collection services center  
31 do not satisfy the support obligations created by the  
32 orders or judgments, except as provided for trusts in  
33 section 252D.1, 598.23, or this section or for tax  
34 refunds or rebates in section 602.8102, subsection 47.

35 Upon a finding of previous failure to pay child  
36 support, the court may order the person obligated for  
37 permanent child support to make an assignment of  
38 periodic earnings or trust income to the clerk of  
39 court or the collection services center established  
40 pursuant to section 252B.13 for the use of the person  
41 for whom the assignment is ordered. The assignment of  
42 earnings ordered by the court shall not exceed the

43 amounts set forth in 15 U.S.C. § 1673(b)(1982). The  
44 assignment is binding on the employer, trustee, or  
45 other payor of the funds two weeks after service upon  
46 that person of notice that the assignment has been  
47 made. The payor shall withhold from the earnings or  
48 trust income payable to the person obligated the  
49 amount specified in the assignment and shall transmit  
50 the payments to the clerk or the collection services

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1 center, as appropriate. However, for trusts governed  
2 by the federal Retirement Equity Act of 1984, Pub. L.  
3 No. 98-397, the payor shall transmit the payments to  
4 the alternate payee in accordance with the federal  
5 Act. The payor may deduct from each payment a sum not  
6 exceeding two dollars as a reimbursement for costs.  
7 An employer who dismisses an employee due to the entry  
8 of an assignment order commits a simple misdemeanor.  
9 An order or judgment entered by the court for  
10 temporary or permanent support or for an assignment  
11 shall be filed with the clerk. The orders have the  
12 same force and effect as judgments when entered in the  
13 judgment docket and lien index and are records open to  
14 the public. The clerk or the collection services  
15 center, as appropriate, shall disburse the payments  
16 received pursuant to the orders or judgments within  
17 ten working days of the receipt of the payments. All  
18 moneys received or disbursed under this section shall  
19 be entered in a record book kept by the clerk, or the  
20 collection services center, as appropriate, which  
21 shall be open to the public. The clerk or the  
22 collection services center shall not enter any moneys  
23 paid in the record book if not paid directly to the  
24 clerk or the center, as appropriate, except as  
25 provided for trusts in section 252D.1, 598.23 or this  
26 section or for tax refunds or rebates in section  
27 602.8102, subsection 47.  
28 If the sums ordered to be paid in a support payment  
29 order are not paid to the clerk or the collection  
30 services center, as appropriate, at the time provided  
31 in the order or judgment, the clerk or the collection  
32 services center, as appropriate, shall certify a  
33 default to the court which may, on its own motion,  
34 proceed as provided in section 598.23.  
35 Prompt payment of sums required to be paid under  
36 sections 598.11 and 598.21 shall be the essence of  
37 such orders or judgments and the court may act  
38 pursuant to section 598.23 regardless of whether the  
39 amounts in default are paid prior to the contempt  
40 hearing.  
41 Upon entry of an order for support or upon the

42 failure of a person to make payments pursuant to an  
 43 order for support, the court may require the person to  
 44 provide security, a bond, or other guarantee which the  
 45 court determines is satisfactory to secure the payment  
 46 of the support. Upon the person's failure to pay the  
 47 support under the order, the court may declare the  
 48 security, bond, or other guarantee forfeited.  
 49 Sec. \_\_\_\_\_ NEW SECTION. 602.1614 COLLECTION  
 50 SERVICES FOR SUPPORT PAYMENTS.

**Page 7**

1 The judicial department shall establish a uniform  
 2 collection services system for the receipt and  
 3 disbursement of all support payments as defined in  
 4 section 598.1. The judicial department shall submit  
 5 an annual report to the governor and the general  
 6 assembly on the operations of the system.  
 7 Sec. \_\_\_\_\_, Sections 252B.13 through 252B.17, and  
 8 252D.6, Code 1987, are repealed. 1986 Iowa Acts,  
 9 chapter 1246, sections 317 and 323, are repealed.  
 10 Sec. \_\_\_\_\_. By January 1, 1988, the judicial depart-  
 11 ment shall standardize the procedures to be used by  
 12 the clerks of the district court in the collection and  
 13 disbursement of support obligations ordered by the  
 14 court and a detailed report of these procedures shall  
 15 be submitted to the general assembly."  
 16 10. Renumber sections and correct internal refer-  
 17 ences as are necessary in accordance with this  
 18 amendment.

The motion lost and the House refused to concur in the Senate amendment H—3179.

**MOTION TO RECONSIDER PREVAILED**

Senate Amendment H—3148 to Senate Concurrent Resolution 4  
 Further Considered

Renaud of Polk called up for consideration the motion to reconsider filed by him from the floor and moved to reconsider the vote by which the House refused to concur in the Senate amendment H—3148 (to the House amendment) to Senate Concurrent Resolution 4, relating to the board of regents ten-year building program.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 49, nays 47.

The motion prevailed and the House reconsidered the Senate amendment H—3148, to the House amendment.

Hatch of Polk moved that the House concur in the Senate amendment H—3148, to the House amendment.

A non-record roll call was requested.

The ayes were 47, nays 46.

The motion prevailed and the House concurred in the Senate amendment H—3148, to the House amendment.

The House stood at ease at 11:00 a.m., until the fall of the gavel.

The House resumed session and consideration of Senate Concurrent Resolution 4 at 11:32 a.m., Speaker Avenson in the chair.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Mullins of Kossuth on request of Connors of Polk; Branstad of Winnebago on request of Pellett of Cass, both for the remainder of the day.

Hatch of Polk moved the adoption of Senate Concurrent Resolution 4, as amended.

Roll call was requested by Stromer of Hancock and Peterson of Carroll.

On the question "Shall the resolution, as amended, be adopted?" (S.C.R. 4)

The ayes were, 62:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cohoon	Connolly
Connors	Cooper	Daggett	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hermann	Holveck
Jay	Jochum	Koenigs	Lageschulte
May	McKinney	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Siegrist	Spear
Svoboda	Swearingen	Tabor	Teaford
Wise	Mr. Speaker		

The nays were, 32:

Bennett	Carpenter	Clark	Corbett
Corey	De Groot	Halvorson, R. N.	Hanson, D. R.
Harbor	Hester	Hummel	Johnson
Knapp	Kremer	Lundby	McKean
Metcalf	Miller	Paulin	Pellett

Petersen, D. F.	Plasier	Platt	Renken
Royer	Schnekloth	Shoning	Stromer
Stueland	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 6:

Branstad	Halvorson, R. A.	Maulsby	Mullins
Skow	Swartz		

The motion prevailed and the resolution, as amended, was adopted.

### INTRODUCTION OF BILLS

**House File 514**, by committee on judiciary and law enforcement, a bill for an act relating to the issuance of a preliminary injunction in actions for dissolution of marriage, annulment, or separate maintenance, and making penalties applicable.

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

**House File 515**, by committee on judiciary and law enforcement, a bill for an act relating to the appointment of court appointed special advocates, and providing an effective date.

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

**House File 516**, by committee on judiciary and law enforcement, a bill for an act relating to certain religious exemptions to the required provision of medical treatment.

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

**House File 517**, by committee on small business and commerce, a bill for an act relating to requirements for lender reporting to the title guaranty division.

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

**House File 518**, by committee on local government, a bill for an act relating to powers and duties of certain political subdivisions in relation to their operational procedures and financial arrangements, and providing an effective date.

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

**House File 519**, by committee on local government, a bill for an act to cancel all personal property taxes not collected by July 1, 1988, including the removal of tax liens against personal property.

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

**House File 520**, by committee on small business and commerce, a bill for an act relating to the regulation of membership campgrounds, membership camping operators, and membership camping contracts, requiring registration and disclosures, providing for cancellation of membership camping contracts, providing remedies, providing penalties, and providing properly related matters.

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

#### IMMEDIATE MESSAGES

(House File 355 and Senate Concurrent Resolution 4).

Arnould of Scott asked and received unanimous consent that House File 355 and Senate Concurrent Resolution 4 be immediately messaged to the Senate.

#### SPONSOR ADDED

(House File 486)

Van Maanen of Mahaska requested to be added as a sponsor of House File 486.

#### PRESENTATION OF VISITORS

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

Forty-five seventh and eighth grade students from Holy Trinity School, Templeton, accompanied by Sister Phyllis, Duane Sjepker, Mary Jo Wickman and Sally Hodne. By Peterson of Carroll.

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 278 Agriculture**

Relating to livestock and poultry production by authorizing corporations to acquire agricultural land for commercial feedlots and cities and counties to provide a partial property tax exemption for the value added as a result of construction of a livestock or poultry production facility and providing an effective date.

##### **H.S.B. 279 Agriculture**

Relating to restrictions on the number of acres of agricultural land that authorized farm corporations or authorized trusts may acquire or otherwise obtain or lease, and providing a penalty.

##### **H.S.B. 280 Small Business and Commerce**

Relating to the establishment of a buried equipment information center, and providing a penalty.

**H.S.B. 281 Small Business and Commerce**

Relating to motor fuel and special fuel marketing and distribution.

**H.S.B. 282 Small Business and Commerce**

Relating to the federal low-income housing credit allowance.

**H.S.B. 283 Transportation**

Relating to the removal of obstructions of primary road extensions by cities.

**H.S.B. 284 Natural Resources and Outdoor Recreation**

Relating to community cultural grants.

**H.S.B. 285 State Government**

Relating to the maximum age for participation in an organized amateur boxing contest.

**H.S.B. 286 Local Government**

Relating to weight restrictions for vehicles on bridges and culverts and subjecting violators to a penalty.

**H.S.B. 287 Small Business and Commerce**

Relating to the regulation of health clubs and providing penalties.

**H.S.B. 288 Small Business and Commerce**

Relating to financial guaranty insurance.

**H.S.B. 289 Economic Development**

Relating to economic crisis relief by providing for a small business legal services program and a small business mediation program, making appropriations, and providing an effective date.

**H.S.B. 290 Economic Development**

Relating to the use of public funds to aid economic development.

**H.S.B. 291 Economic Development**

Relating to property tax exemptions for certain office facilities.

**SUBCOMMITTEE ASSIGNMENTS****House File 449**

Education: Neuhauser, Chair; Adams and Hester.

**House File 450**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 460**

Education: Siegrist, Chair; Schrader and Wise.

**House File 462**

Economic Development: Groninga, Chair; Cohoon, Lundby, Miller and Ollie.

**House File 476**

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

**House File 482**

Agriculture: Svoboda, Chair; Bennett and Koenigs.

**House File 484**

State Government: Hanson of Delaware, Chair; Fuller and Knapp.

**House File 486**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House File 496**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 260**

Education: Ollie, Chair; Connolly, Daggett, Maulsby, Miller, Shoultz and Swartz.

**House Study Bill 262**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House Study Bill 265**

Economic Development: Skow, Chair; Corbett, Neuhauser, Running and Van Camp.

**House Study Bill 269**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 270**

State Government: Knapp, Chair; Fuller, Garman, Lundby and Running.

**House Study Bill 271**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**House Study Bill 272**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House Study Bill 273**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**House Study Bill 277**

Small Business and Commerce: Brammer, Chair; Beatty, Corbett, Garman and Hatch.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON ECONOMIC DEVELOPMENT**

**Committee Bill** (Formerly House Study Bill 128), relating to the establishment of welcome and visitor service centers in the state and making an appropriation.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1987.

**COMMITTEE ON HUMAN RESOURCES**

**House File 90**, a bill for an act relating to investigations of the cause and manner of death for patients enrolled in a hospice program.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3183** March 12, 1987.

**Committee Bill** (Formerly House Study Bill 121), relating to obstetrical and newborn indigent patient care and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 12, 1987.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Senate File 141**, a bill for an act relating to relief under bankruptcy for a judgment debtor from suspension of license, registration, or nonresident operating privilege under the motor vehicle financial responsibility requirements.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1987.

**Senate File 269**, a bill for an act affirming and reenacting certain provisions affecting the criminal laws, and providing an effective date.

Fiscal Note is not required.

**Recommended Do Pass March 12, 1987.**

**Committee Bill** (Formerly House File 41), relating to the issuance of a preliminary injunction in actions for dissolution of marriage, annulment, or separate maintenance.

Fiscal Note is not required.

**Recommended Do Pass March 12, 1987.**

**Committee Bill** (Formerly House File 335), relating to the interstate rendition of persons charged with failure to provide support.

Fiscal Note is not required.

**Recommended Do Pass March 12, 1987.**

**Committee Bill** (Formerly House Study Bill 204), relating to the appointment of court appointed special advocates, and providing an effective date.

Fiscal Note is not required.

**Recommended Do Pass March 12, 1987.**

**Committee Bill** (Formerly House Study Bill 212), relating to the jurisdiction of the juvenile court in hospital admission of minors and the admission procedures for minors.

Fiscal Note is not required.

**Recommended Do Pass March 12, 1987.**

**Committee Bill** (Formerly House Study Bill 233), relating to certain religious exemptions to the required provision of medical treatment.

Fiscal Note is not required.

**Recommended Do Pass March 12, 1987.**

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 303**, a bill for an act relating to notice given by a city of an election, hearing, or other official action.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—3184 March 12, 1987.**

**House File 319**, a bill for an act relating to township government by requiring budget approval, by providing for an audit, and by providing for the payment of compensation for township clerks.

Fiscal Note is not required.

**Reconsidered and Recommended Amend and Do Pass with amendment H—3186 March 12, 1987.**

**Committee Bill** (Formerly House Study Bill 131), relating to public bonds by specifying requirements for the issuance of certain bonds, providing for the use of bond proceeds, and providing for the security of certain bonds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1987.

**Committee Bill** (Formerly House Study Bill 208), to cancel all personal property taxes not collected by July 1, 1987, including the removal of tax liens against personal property.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1987.

**Committee Bill** (Formerly House Study Bill 209), relating to the duties of the state board of tax review.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1987.

**Committee Bill** (Formerly House Study Bill 247), relating to powers and duties of certain political subdivisions in relation to their operational procedures and financial arrangements, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1987.

**Committee Bill** (Formerly House Study Bill 248), relating to the financial authority of political subdivisions by authorizing loan agreements, the issuance of bonds for additional purposes, and the payment of interest from bond proceeds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1987.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**House File 438**, a bill for an act relating to the definition of a snowmobile.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3181** March 12, 1987.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**House File 338**, a bill for an act repealing the requirement that retailers sell motor vehicle fuel at a whole-cent price per unit.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 12, 1987.

**House File 426**, a bill for an act requiring lenders or other secured parties to provide to debtors copies of documents signed by the debtors.

Fiscal Note is not required.

Recommended **Do Pass** March 12, 1987.

**Committee Bill** (Formerly House Study Bill 184), relating to governmental competition with and purchase of goods and services from private enterprise.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1987.

**Committee Bill** (Formerly House Study Bill 217), amending Section 220.91, 1985 Iowa Code Supplement dealing with lender reporting requirements to the Title Guaranty Division when mortgages covered by title guaranties have been satisfied of record.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 12, 1987.

### RESOLUTIONS FILED

**HCR 16**, by committee on natural resources and outdoor recreation, a concurrent resolution urging the President and Congress of the United States to continue federal aid to states for purposes of funding state and local government recreation and conservation programs.

Laid over under **Rule 25**.

**HCR 17**, by committee on natural resources and outdoor recreation, a concurrent resolution urging the President and Congress of the United States to enact legislation for the establishment of the National Western Historic Trails Center in Council Bluffs, Iowa.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—3181	H.F.	438	Committee on Natural Resources and Outdoor Recreation
H—3182	H.F.	341	Bisignano of Polk
H—3183	H.F.	90	Committee on Human Resources
H—3184	H.F.	303	Committee on Local Government
H—3185	H.F.	264	Neuhauser of Johnson Hummel of Benton
H—3186	H.F.	319	Committee on Local Government
H—3187	H.F.	356	Kremer of Buchanan
H—3188	H.F.	466	Brammer of Linn
H—3189	H.F.	304	Cooper of Lucas Fuller of Hardin Eddie of Buena Vista Black of Jasper Shoning of Woodbury Bisignano of Polk Paulin of Plymouth

On motion by Arnould of Scott, the House adjourned at 11:41 a.m., until 10:00 a.m., Monday, March 16, 1987.

# JOURNAL OF THE HOUSE

Sixty-fourth Calendar Day — Forty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 16, 1987

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

Prayer was offered by the Honorable Linda Beatty, state representative from Warren County.

The Journal of Friday, March 13, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Renaud of Polk from fifty-three constituents favoring long term health care and community based services for the elderly.

By Teaford of Black Hawk, from one hundred fifty-five residents of Polk County favoring Senate File 219, the teenage pregnancy prevention bill.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Harbor of Mills and Royer of Page, until their return, on request of Halvorson of Clayton.

## INTRODUCTION OF BILLS

**House File 521**, by Petersen of Muscatine, a bill for an act to allow the seller of farmland to a beginning farmer to exclude the interest income or capital gain from the sale, in determining net income for state individual income tax purposes, if certain conditions are met, and providing an effective date.

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

**House File 522**, by Bisignano and Hatch, a bill for an act relating to state and local government financial matters by amending or eliminating certain provisions concerning the publication of county financial reports, the payment of costs of supplies for the uniform citation and complaint, and assessments for group insurance for public employees.

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

**House File 523**, by committee on local government, a bill for an act relating to the financial authority of political subdivisions by authorizing loan agreements, the issuance of bonds for additional purposes, and the payment of interest from bond proceeds.

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

**House File 524**, by committee on agriculture, a bill for an act relating to the farm crisis program, by providing assistance to borrowers and creditors preparing for mediation, making an appropriation and providing an effective date.

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

**House File 525**, by committee on judiciary and law enforcement, a bill for an act relating to the jurisdiction of the juvenile court in hospital admission of minors and the admission procedures for minors.

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

**House File 526**, by Siegrist, a bill for an act to provide for the accretion of certain classroom teachers to the faculty employee organization at the University of Northern Iowa.

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

**House File 527**, by Platt, a bill for an act to require owners of vehicles subject to proportional registration to make application to either the state department of transportation or the county treasurer for registration and issuance of certificates of title, and providing an effective date.

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

**House File 528**, by Osterberg, a bill for an act relating to the imposition of a one percent tourism tax on certain gross receipts subject to the sales tax and providing for the appropriation of the revenues to the department of cultural affairs for certain programs.

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

**House File 529**, by committee on small business and commerce, a bill for an act relating to governmental competition with and purchase of goods and services from private enterprise.

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 12, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 264, a bill for an act relating to revocation of a property tax exemption.

Also: That the Senate has on March 12, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 300, a bill for an act relating to procedures upon violation of probation when the probationer is supervised within this state pursuant to the interstate probation and parole compact.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS Regular Calendar

**House File 470**, a bill for an act relating to the payment of expenses of merged area schools by the board secretary, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 470)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hester	Holveck	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stuehl	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Harbor	Hermann	Jay	Royer
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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 491**, a bill for an act relating to the crime of assault, and providing penalties, was taken up for consideration.

Rosenberg 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. 491)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hester	Holveck	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poney
Renaud	Renken	Rosenberg	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hatch of Polk, until his return, on request of Schrader of Marion.

**House File 136**, a bill for an act relating to the disclosure of information concerning the family of a health care facility resident to a care review committee member, with report of committee recommending passage, was taken up for consideration.

Hester 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. 136)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cphoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Haverland	Hester	Holveck	Hummel
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 1:

Chapman

Absent or not voting, 6:

Gruhn	Harbor	Hatch	Hermann
Jay	Royer		

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

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Lundby of Linn, until her return, on request of Lageschulte of Bremer.

The House resumed consideration of **House File 304**, a bill for an act relating to the determination of annual salaries for elected county officers and their deputies, deferred and retained on the calendar March 10, 1987.

Bisignano of Polk called up for consideration the motion to reconsider amendment H—3136, as amended, filed by him on March 10, 1987 and moved to reconsider the vote by which amendment H—3136, found on pages 575 and 576 of the House Journal, was adopted by the House on March 10, 1987.

A non-record roll call was requested.

The ayes were 54, nays 27.

The motion prevailed and the House reconsidered amendment H—3136.

Connors of Polk asked and received unanimous consent to defer action on amendment H—3136.

Cooper of Lucas offered the following amendment H—3189 filed by Cooper, et al. :

H—3189

- 1 Amend House File 304 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 331.321, subsection 1,
- 5 paragraph n, Code 1987, is amended by striking the
- 6 paragraph.
- 7 Sec. 2. Section 331.322, subsection 6, Code 1987,
- 8 is amended by striking the subsection.
- 9 Sec. 3. Section 331.322, subsection 7, Code 1987,
- 10 is amended by striking the subsection.
- 11 Sec. 4. Section 331.323, subsection 1, unnumbered
- 12 paragraph 5, Code 1987, is amended to read as follows:
- 13 When the duties of an officer or employee are
- 14 assigned to one or more elected officers, the board
- 15 shall set the initial salary for each elected officer
- 16 which shall not exceed the recommendation of the
- 17 county compensation board. The county auditor shall
- 18 call a special meeting of the county compensation
- 19 board for this purpose and the county compensation
- 20 board shall make a recommendation within thirty days

21 of the call. The board may reduce the salary  
22 recommendation but not below the existing salary of  
23 the affected elective officer. Thereafter, the salary  
24 shall be determined as provided in section 331.907.

25 Sec. 5. Section 331.502, subsection 32, Code 1987,  
26 is amended by striking the subsection."

27 2. By striking page 1, line 18 through page 3,  
28 line 11 and inserting the following:

29 "Sec. \_\_\_\_\_. Section 331.907, subsections 1 and 2,  
30 Code 1987, are amended by striking the subsections and  
31 inserting in lieu thereof the following:

32 1. The annual compensation of the auditor,  
33 treasurer, recorder, sheriff, county attorney, and  
34 supervisors shall be determined as provided in this  
35 section. The elected county officers shall constitute  
36 a compensation committee who annually shall review the  
37 compensation paid to comparable officers in other  
38 counties of this state, other states, private  
39 enterprise, and the federal government. The  
40 compensation committee shall prepare a compensation  
41 schedule for the elective county officers. A final  
42 compensation schedule requires a majority vote of the  
43 membership of the compensation committee.

44 2. Annually during the month of December, the  
45 compensation committee shall transmit its final  
46 compensation schedule to the board of supervisors for  
47 inclusion in the county budget. If the compensation  
48 committee fails to agree on a final compensation  
49 schedule, the preceding final compensation schedule  
50 shall remain effective until a succeeding final

## Page 2

1 compensation schedule is adopted and takes effect as  
2 provided in this section. A copy of the final  
3 compensation schedule adopted by the compensation  
4 committee shall be filed with the county budget at the  
5 office of the director of the department of  
6 management. The final compensation schedule takes  
7 effect on July 1 following its adoption by the  
8 compensation committee.

9 Sec. \_\_\_\_\_. The terms of office of members of county  
10 compensation boards serving unexpired terms  
11 immediately prior to the effective date of this Act  
12 expire on the effective date of this Act.

13 Sec. \_\_\_\_\_. Sections 331.905 and 331.906, Code 1987,  
14 are repealed."

15 3. By renumbering sections as necessary.

Johnson of Winneshiek in the chair at 11:02 a.m.

Van Camp of Scott offered the following amendment H—3191, to amendment H—3189, filed by him from the floor and moved its adoption:

H—3191

- 1 Amend amendment, H—3189, to House File 304 as
- 2 follows:
- 3 1. Page 1, line 36, by striking the word
- 4 “annually” and inserting the following: “biennially”.
- 5 2. Page 1, line 41, by inserting after the word
- 6 “officers” the following: “for the succeeding fiscal
- 7 biennium”.
- 8 3. Page 1, by striking line 44 and inserting the
- 9 following:
- 10 “2. At a board meeting held during the month of
- 11 October of each even-numbered year, the”.
- 12 4. Page 1, line 46, by inserting after the word
- 13 “schedule” the following: “for the next fiscal
- 14 biennium”.

Amendment H—3191 was adopted.

Arnould of Scott asked and received unanimous consent that House File 304 be deferred and that the bill retain its place on the calendar.

(Amendment H—3189, as amended, pending.)

#### HOUSE FILE 429 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 429 be deferred and that the bill retain its place on the calendar.

Speaker Avenson in the chair at 11:27 a.m.

House File 395, a bill for an act relating to the taking of animals and subjecting violators to penalties, was taken up for consideration.

Black of Jasper offered the following amendment H—3178 filed by him and moved its adoption:

H—3178

- 1 Amend House File 395 as follows:
- 2 1. Page 14, line 4, by inserting after the word
- 3 “permit,” the words “educational project permit.”.
- 4 2. Page 14, line 10, by inserting after the word
- 5 “department.” the words “An educational project permit
- 6 authorizes the permittee to collect, keep, or possess
- 7 for educational purposes birds, fish or wildlife which
- 8 are not endangered, threatened or otherwise specially
- 9 managed according to the rules of the department.”
- 10 3. Page 14, line 21, by inserting after the word

- 11 "permit." the words "Upon a showing of cause the  
 12 department may enter and inspect the premises and  
 13 collections authorized by this section."  
 14 4. Page 14, line 21, by inserting after the word  
 15 "director" the words ", after due notice,".

Amendment H—3178 was adopted.

Johnson of Winneshiek offered the following amendment H—3144 filed by Johnson, et al., and moved its adoption:

H—3144

- 1 Amend House File 395 as follows:  
 2 1. Page 19, line 1, by inserting after the word  
 3 "road" the following: "within one hundred yards of  
 4 the entry to a private drive serving a residence  
 5 without the permission of the occupant".

Amendment H—3144 was adopted.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3171 filed by him on March 10, 1987.

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

On the question "Shall the bill pass?" (H.F. 395)

The ayes were, 86:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Frey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Haverland
Hester	Holveck	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poney
Renaud	Rosenberg	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen

Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 10:

Corey	Daggett	Garman	Hermann
Hummel	Jay	Maulsby	Pellett
Renken	Van Maanen		

Absent or not voting, 4:

Harbor	Hatch	Plasier	Royer
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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 428 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 428 be deferred and that the bill retain its place on the calendar.

**House File 251**, a bill for an act relating to advocates for certain individuals involuntarily hospitalized, with report of committee recommending amendment and passage, was taken up for consideration.

Adams of Hamilton offered the following amendment H—3173 filed by the committee on human resources and moved its adoption:

H—3173

- 1 Amend House File 251 as follows:
- 2 1. Page 1, line 9, by striking the word "all" and
- 3 inserting the following: "all".
- 4 2. Page 1, line 10, by striking the word "that"
- 5 and inserting the following: "that the".
- 6 3. Page 1, by striking lines 12 through 15 and
- 7 inserting the following: "section 229.14 or 229.15.
- 8 The court shall assign the advocate appointed from the
- 9 patient's county of legal settlement to the patient,
- 10 or if the patient has no county of legal settlement,
- 11 the court shall assign the advocate appointed from the
- 12 county where the hospital or facility is located. The
- 13 advocate's responsibility with respect to any".
- 14 4. Page 1, by striking lines 25 through 27 and
- 15 inserting the following: "and an advocate shall be".

The committee amendment H—3173 was adopted.

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

On the question "Shall the bill pass?" (H.F. 251)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer-
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poney
Renaud	Rosenberg	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 4:

Daggett	Renken	Tyrrell	Van Maanen
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Absent or not voting, 3:

Harbor	Hatch	Royer
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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 471**, a bill for an act to require cities that have established pension systems for police and fire fighters to comply with the applicable provisions of the federal Fair Labor Standards Act as they apply to employees eligible for a pension, was taken up for consideration.

Connors 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. 471)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan

Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Running	Schneklath	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

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

### 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 24, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 162, a bill for an act to provide for the establishment of the Iowa corporation for public telecommunications to plan, establish and operate educational radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems to serve the educational needs of the state and to provide an effective date.

Also: That the Senate has on March 16, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 333, a bill for an act relating to the use of telecommunications systems and services for educational instructional purposes and providing an effective date.

JOHN F. DWYER, Secretary

**MOTION TO RECONSIDER**  
(House File 471)

I move to reconsider the vote by which House File 471 passed the House on March 16, 1987.

STROMER of Hancock

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on March 16, 1987. Had I been present, I would have voted "aye" on House Files 136 and 470 and "nay" on House File 491.

HERMANN of Scott

**MEMORIAL COMMITTEE APPOINTED**

Speaker Avenson announced the appointment of the following members to serve on the memorial committee in accordance with Senate Concurrent Resolution 15: The Honorable Mark Haverland, Chair; the Honorable Betty Jean Clark, the Honorable Kenneth De Groot and the Honorable Josephine Gruhn.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 292 Energy and Environmental Protection**

Relating to revenue adjustments and revised revenue requirements to be reflected in rates and charges to customers of certain public utilities based on the federal Tax Reform Act of 1986, with civil penalties applicable and providing an effective date.

**H.S.B. 293 Natural Resources and Outdoor Recreation**

Establishing a resource enhancement trust fund and allocating and appropriating moneys in the fund.

**H.S.B. 294 Judiciary and Law Enforcement**

Relating to the amount of life insurance which a debtor may hold exempt from execution.

**H.S.B. 295 Agriculture**

Relating to organic food, by providing for standards, the enforcement of the standards, and penalties.

**H.S.B. 296 Agriculture**

Providing for the appointment of a person to administer the inspection of meat and poultry under chapter 189A.

**H.S.B. 297 Judiciary and Law Enforcement**

Relating to the liability of persons serving on commissions, associations, boards, and councils created by the state for the purpose of promoting agriculture related products.

**SUBCOMMITTEE ASSIGNMENTS****House File 324**

Local Government: Cooper, Chair; Muhlbauer and Spear.

**House File 384**

Local Government: Bisignano, Chair; Connors and Diemer.

**House File 454**

Natural Resources and Outdoor Recreation: Dvorsky, Chair; Johnson and Royer.

**House File 455**

Natural Resources and Outdoor Recreation: Johnson, Chair; Knapp and Paulin.

**House File 464**

Natural Resources and Outdoor Recreation: Platt, Chair; Dvorsky and Schrader.

**House File 503**

Human Resources: Haverland, Chair; Adams, Corey, Eddie and Spear.

**House File 508**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Harbor and Tabor.

**House File 512**

Local Government: Beatty, Chair; Eddie and Norrgard.

**Senate File 17**

Judiciary and Law Enforcement: Tabor, Chair; Clark and Siegrist.

**Senate File 173**

Human Resources: Spear, Chair; Bisignano, Buhr, Corey and Miller.

**Senate File 219**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**Senate File 272**

Human Resources: Hammond, Chair; Harper, Hermann, Hester, Mullins, Norrgard and Teaford.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 275**

Natural Resources and Outdoor Recreation: Diemer, Chair; Black and Branstad.

**House Study Bill 294**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Harbor and Tabor.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Committee Bill** (Formerly House Study Bill 219), relating to the farm crisis program, by providing assistance to borrowers and creditors preparing for mediation, making an appropriation and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass March 13, 1987.

**COMMITTEE ON STATE GOVERNMENT**

**Senate File 298**, a bill for an act relating to the sale of alcoholic beverages, by allowing the alcoholic beverages division to assess a split-case charge when alcoholic liquor is sold in quantities which require a case to be split, by lowering the maximum markup on liquor sold by the division to class "E" licensees from sixty to fifty percent, by setting the bond for a class "E" license at a maximum of fifteen thousand dollars, by not requiring a bond from class "E" licensees who purchase alcoholic liquor from the division on a cash basis or by means that ensures that the division will receive full payment in advance of delivery, by providing for the issuance of a class "E" liquor control license to a city council in certain circumstances, by further restricting the issuance of a class "E" license to premises on or near which gasoline is sold, by allowing the division to deposit all the license fees collected from class "E" licensees in the beer and liquor control fund, by allowing the advertisement of alcoholic liquor for sale, by repealing the fifty percent goods and services test to qualify for Sunday sales of alcoholic beverages or beer under a liquor control license or class "B" beer permit, by providing that a corporation only placing alcoholic liquor in bailment with the division is not doing business in Iowa for the purpose of determining its tax liability and making the provision retroactive, by requiring class "E" licensees to collect and refund the beverage container deposit on containers of alcoholic liquor, by striking a standing appropriation for the treatment of alcoholics, by allowing the division to sell liquor inventories in state stores to class "E" licensees at reduced prices as state stores are closed, and by allowing the division to continue sales of wine to class "A" and "B" wine permittees until inventories are depleted, and providing an effective date,

Fiscal Note is required.

Recommended Amend and Do Pass with amendment H-3194 March 13, 1987.

**RESOLUTION FILED**

**HR 9**, by Metcalf and Pavich, a resolution relating to the Iowa State Cyclone Wrestling Team.

Laid over under Rule 25.

## AMENDMENTS FILED

H—3190	H.F.	429	Paulin of Plymouth Van Camp of Scott
H—3192	H.F.	469	Connors of Polk Platt of Muscatine Running of Linn Beaman of Clarke
H—3193	H.F.	288	Spear of Lee
H—3194	S.F.	298	Committee on State Government
H—3195	H.F.	304	Muhlbauer of Crawford Van Maanen of Mahaska Eddie of Buena Vista Pavich of Pottawattamie Fuller of Hardin
H—3196	H.F.	520	McKinney of Dallas

On motion by Arnould of Scott, the House adjourned at 11:58 a.m., until 9:00 a.m., Tuesday, March 17, 1987.

# JOURNAL OF THE HOUSE

Sixty-fifth Calendar Day — Forty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 17, 1987

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

Prayer was offered by Dr. Robert Robinson, pastor of the First United Methodist Church, Le Mars.

The Journal of Monday, March 16, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Corey of Louisa, from thirty constituents of Wellman favoring the Comprehensive Long Term Health Care and Community Based Service bill.

By Gruhn of Dickinson, from one hundred fifteen bus drivers and school personnel favoring House File 429, an act concerning the owner of a vehicle which is violating the warning lamps or stop arm of a school bus.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, on request of Hummel of Benton; Cohoon of Des Moines on request of Dvorsky of Johnson, both until their arrival.

## INTRODUCTION OF BILLS

**House File 530**, by Black, a bill for an act relating to purchasing by the state and its political subdivisions by requiring a differential preference for Iowa products and Iowa-based businesses.

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

**House File 531**, by Connors, a bill for an act relating to disability benefits for public safety peace officers and city police officers and fire fighters by revising the requirements for submission of financial information.

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

**House File 532**, by Metcalf, a bill for an act relating to the time within which an action for damages must be brought against a municipality and establishing a limitation on damages awarded in the action.

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

**House File 533**, by Fuller, a bill for an act relating to weight restrictions for vehicles on bridges and culverts and including a penalty.

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

**House File 534**, by Peterson of Carroll, a bill for an act relating to the possession, use, and sale of fireworks and providing a penalty.

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

**House File 535**, by committee on human resources, a bill for an act relating to obstetrical and newborn indigent patient care.

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

**House File 536**, by committee on local government, a bill for an act relating to public bonds by specifying requirements for the issuance of certain bonds, providing for the use of bond proceeds, and providing for the security of certain bonds.

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

**House File 537**, by Fuller and Fogarty, a bill for an act relating to notice requirements for commencing an action for damages from a municipality.

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

**House File 538**, by Daggett, a bill for an act relating to ensuring that persons who volunteer services to the state or a municipality, or a nonprofit organization or persons working for the organization, are not liable for civil damages in tort cases.

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

**House File 539**, by Hatch, a bill for an act requiring that a lender in a loan for the purchase of a single-family or two-family home shall provide a copy of certain loan processing documents to the borrower.

Read first time and referred to committee on **small business and commerce**.

**House File 540**, by committee on economic development, a bill for an act relating to the planning, acquisition, development, and operation of welcome centers on highways and at other locations throughout the state.

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

**House File 541**, by Metcalf, a bill for an act relating to reorganization of school districts of fewer than three hundred enrollment.

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

**House File 542**, by Royer, a bill for an act exempting county care facilities from rules regarding coordination of public transit programs.

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

**House File 543**, by committee on local government, a bill for an act relating to the duties of the state board of tax review.

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

**House File 544**, by Black, a bill for an act relating to the authority of the sheriff to issue permits to acquire pistols or revolvers.

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

**House File 545**, by Black, a bill for an act relating to proof of financial responsibility by private investigative agencies and private security agencies.

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

**House File 546**, by Van Maanen, a bill for an act authorizing members of an ambulance service to use blue flashing lights on their privately owned motor vehicles.

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

**House File 547**, by committee on local government, a bill for an act relating to the use of farm-to-market road funds by a county.

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

**House File 548**, by Hatch, a bill for an act to extend job training tax credits to insurance and financial companies.

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

**House File 549**, by Van Camp, a bill for an act relating to abortions, requiring parental consent under certain circumstances, providing procedures for waiver of the consent requirement, making special provision for evidence and exemplary damages in appropriate civil actions, providing penalties, and providing other properly related matters.

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

**House File 550**, by Van Camp, a bill for an act relating to reciprocity in the licensing of persons to perform building contracting work.

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

**House File 551**, by Hanson of Delaware, a bill for an act authorizing the establishment of a benefited recreational lake district and its dissolution, the election of trustees, the issuance of bonds, and the levy of taxes.

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

**House File 552**, by Paulin and Shoning, a bill for an act prohibiting payment for certain health care to nonlicensed or nonauthorized providers of health care.

Read first time and referred to committee on **small business and commerce**.

**House File 553**, by Rosenberg, a bill for an act expanding the time period for filing applications for a rehearing before the utilities board, and expanding the time in which the utilities board may grant or refuse the application.

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

**House File 554**, by McKean, a bill for an act relating to protected features in highway construction and reconstruction.

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

**House File 555**, by Daggett, Beaman and Harbor, a bill for an act relating to regional venture capital companies, providing certain tax credits, and providing for retroactive applicability.

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

**House File 556**, by McKean, Johnson, Mullins and Osterberg, a bill for an act relating to, and defining, bed and breakfast inns, and subjecting violators to existing penalties.

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

**House File 557**, by Black, a bill for an act relating to indemnification and limitation on liability of directors and officers and to liability of persons who volunteer services to the state or a municipality or a nonprofit organization.

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

### SENATE MESSAGES CONSIDERED

**Senate File 162**, by committee on state government, a bill for an act to provide for the establishment of the Iowa corporation for public telecommunications to plan, establish and operate educational radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems to serve the educational needs of the state and to provide an effective date.

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

**Senate File 264**, by committee on ways and means, a bill for an act relating to revocation of a property tax exemption.

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

**Senate File 300**, by committee on judiciary, a bill for an act relating to procedures upon violation of probation when the probationer is supervised within this state pursuant to the interstate probation and parole compact.

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

**Senate File 333**, by committee on education, a bill for an act relating to the use of telecommunications systems and services for educational instructional purposes and providing an effective date.

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 13, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 170, a bill for an act to authorize the sale of the corporate shell of an insolvent insurance company.

Also: That the Senate has on March 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 194, a bill for an act repealing the prohibition of use of toxic halogenated fire extinguishers in public buildings.

Also: That the Senate has on March 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 265, a bill for an act relating to the regulation of industrial loan companies.

Also: That the Senate has on March 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 314, a bill for an act relating to the obstruction of emergency communications and making a penalty applicable.

Also: That the Senate has, on March 16, 1987, insisted on its amendment to House File 355, an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1986 and ending June 30, 1987 and providing an effective date, and the members of the conference committee, on the part of the Senate are: The Senator from Dubuque, Senator Welsh, Chair; the Senator from Tama, Senator Husak; the Senator from Johnson, Senator Varn; the Senator from Clayton, Senator Tieden; the Senator from Bremer, Senator Jensen.

Also: That the Senate has on March 13, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 179, a bill for an act to provide that a single person may claim a homestead exempt from judicial sale.

Also: That the Senate has on March 13, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 257, a bill for an act relating to the payment for crop damages within the right-of-way of drainage improvements.

Also: That the Senate has on March 13, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 311, a bill for an act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date.

Also: That the Senate has on March 13, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 332, a bill for an act relating to fish, plant life or wildlife species of special concern.

JOHN F. DWYER, Secretary

### SPECIAL PRESENTATION

Fogarty of Palo Alto presented to the House Dr. Michael Grimes, an attorney from Ireland.

Mr. Grimes spoke briefly about the warmth and kindness of Iowans and extended greetings and good wishes to everyone. He presented Speaker Avenson with a shamrock and encouraged the members to promote tourism to Ireland.

Mr. Grimes was in Iowa to attend the annual St. Patrick Day Association's activities in Emmetsburg, which is the sister city to Dublin, Ireland.

The House rose and expressed its welcome.

### RULE 25 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 25, which requires a resolution to be laid over one day, for the immediate consideration of House Resolution 9.

### ADOPTION OF HOUSE RESOLUTION 9

Metcalf of Polk moved the adoption of House Resolution 9, relating to the Iowa State Cyclone Wrestling Team.

The motion prevailed and the resolution was adopted.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 487**, a bill for an act relating to the payment and collection of the criminal penalty surcharge, was taken up for consideration.

Hansen 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. 487)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud

Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Clark	Cohoon	Osterberg	Parker
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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 493**, a bill for an act to provide office space and other physical facilities for the district court administrator, was taken up for consideration.

Lageschulte 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. 493)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Connolly	Connors	Corbett	Corey
De Groot	Diemer	Dvorsky	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Pony	Renaud
Renken	Rosenberg	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 11:

Branstad	Cooper	Daggett	Doderer
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Eddie  
Royer

Fuller  
Tyrrell

Hester  
Van Maanen

Maulsby

Absent or not voting, 4:

Clark

Cohoon

Osterberg

Parker

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

### HOUSE FILE 428 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 428 be deferred and that the bill retain its place on the calendar.

**House File 356**, a bill for an act relating to the transfer of all, or substantially all, the property or assets of a cooperative association by sale, other disposition, or by merger, with report of committee recommending amendment and passage was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H—3176 filed by the committee on agriculture:

H—3176

- 1 Amend House File 356 as follows:
- 2 1. Page 1, lines 4 and 5, by striking the words
- 3 "all, or substantially all,".
- 4 2. Page 1, line 12, by inserting after the word
- 5 "other" the following: "corporation or".

Kremer of Buchanan offered the following amendment H—3187, to the committee amendment H—3176, filed by him and moved its adoption:

H—3187

- 1 Amend amendment, H—3176, to House File 356 as
- 2 follows:
- 3 1. Page 1, by inserting after line 5 the
- 4 following:
- 5 "\_\_\_\_\_. Title page, line 1, by striking the words
- 6 "all, or substantially all,"."

Amendment H—3187 was adopted.

On motion by Fogarty of Palo Alto, the committee amendment H—3176, as amended, was adopted.

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

On the question "Shall the bill pass?" (H.F. 356)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Bisignano	Clark	Cohoon	Osterberg
Parker			

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

Chapman of Linn in the chair at 9:50 a.m.

**House File 489**, a bill for an act relating to ensuring that the title to agricultural land is not affected by the failure of a creditor to receive a mediation release, regardless of its validity, was taken up for consideration.

Hansen 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. 489)

The ayes were, 95:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Madam Speaker (Chapman)	

The nays were, none.

Absent or not voting, 5:

Bisignano	Clark	Cohoön	Parker
Royer			

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

### HOUSE FILE 490 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 490 be deferred and that the bill retain its place on the calendar.

**House File 492**, a bill for an act regarding schedule I and schedule IV controlled substances, was taken up for consideration.

Plasier 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?" (H.F. 492)

The ayes were, 94:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Running	Schneklath
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Madam Speaker (Chapman)		

The nays were, none.

Absent or not voting, 6:

Bisignano	Cphoon	Maulsby	Parker
Royer	Shultz		

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

Speaker Avenson in the chair at 9:56 a.m.

**House File 90**, a bill for an act relating to investigations of the cause and manner of death for patients enrolled in a hospice program, with report of committee recommending amendment and passage, was taken up for consideration.

Harper of Black Hawk offered the following amendment H—3183 filed by the committee on human resources and moved its adoption:

H—3183

- 1 Amend House File 90 as follows:
- 2 1. Page 1, line 6, by striking the word "twenty"
- 3 and inserting the following: "twenty thirty".
- 4 2. Page 1, line 10, by striking the word "twenty"
- 5 and inserting the following: "thirty".

The committee amendment H—3183 was adopted.

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

On the question "Shall the bill pass?" (H.F. 90)

The ayes were, 93:

Arnould	Beaman	Beatty	Bennett
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Chapman	Clark
Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Osterberg	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Adams	Bisignano	Cohoon	Halvorson, R. A.
Jay	Ollie	Parker	

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

**House File 303**, a bill for an act relating to notice given by a city of an election, hearing, or other official action, with report of committee recommending amendment and passage, was taken up for consideration.

Petersen of Muscatine offered the following amendment H—3184 filed by the committee on local government and moved its adoption:

H—3184

- 1 Amend House File 303 as follows:
- 2 1. Page 1, by striking lines 3 through 7 and
- 3 inserting the following:
- 4 "NEW SUBSECTION. 3. In lieu of publishing the
- 5 notice as provided in subsection 1, a city in which no
- 6 newspaper is published and with a population of two
- 7 thousand or less may mail a copy of the notice to each
- 8 address where a qualified elector resides, by first
- 9 class mail if the cost of the mailing is less than
- 10 publication of the notice. The mailing shall be made
- 11 during the time the notice would otherwise be required
- 12 to be published."

The committee amendment H—3184 was adopted.

Petersen 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. 303)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Holveck
Jochum	Johnson	Knapp	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Renaud
Rosenberg	Royer	Schneklloth	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 9:

Black	Fuller	Hester	Hummel
Koenigs	Poncy	Renken	Running
Schrader			

Absent or not voting, 2:

Cohoon                      Jay

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

**House File 426**, a bill for an act requiring lenders or other secured parties to provide to debtors copies of documents signed by the debtors, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 426)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorsón, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Cohoon                      Petersen, D. F.                      Plasier

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

**House File 494**, a bill for an act requiring mobile home dealers to apply for a certificate of title for mobile homes received as a trade-in and making penalties applicable, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 494)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Connolly	Connors
Cooper	Corey	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Joehum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poney
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 6:

Corbett	Daggett	Eddie	Lundby
Maulsby	Van Maanen		

Absent or not voting, 2:

Cohoon	Plasier
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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 490**, a bill for an act relating to interstate agreements for provision of medical assistance services to adoptive families who participate in the subsidized adoption or adoption assistance program, previously deferred, was taken up for consideration.

Clark 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. 490)

The ayes were, 98:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Cohoon Groninga

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

**CONFERENCE COMMITTEE APPOINTED**  
(House File 355)

The Speaker announced the appointment of the conference committee to consider the differences between the House and Senate concerning House File 355: Jochum of Dubuque, Chair; Halvorson of Webster, Peterson of Carroll, Mullins of Kossuth and Van Maanen of Mahaska.

## EXPLANATION OF VOTE

I inadvertently pushed the wrong button when the vote was taken on House File 303. I meant to vote "nay."

LUNDBY of Linn

## COMMUNICATION FROM THE STATE APPEAL BOARD

The following communication was received from the State Appeal Board on March 17, 1987 and is on file in the office of the Chief Clerk:

March 10, 1987

Joseph O'Hern  
Chief Clerk  
House of Representatives  
Statehouse  
L O C A L

Dear Mr. O'Hern:

There are transmitted herewith claims against the State of Iowa to be filed with the Claims Committee of the House.

These include 5 claims of a general nature. This supplements our filing of December 29, 1986.

Index is attached showing number of claim, name and address of claimant, amount of claim, and action taken.

Very truly yours,  
Richard D. Johnson  
Chairman  
STATE APPEAL BOARD

Receipt of the above is hereby acknowledged.

JOSEPH O'HERN, Chief Clerk

DEPARTMENT OF MANAGEMENT  
STATE APPEAL BOARD

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
G86-1306	Alfred C. Meidlinger Council Bluffs, Iowa (License Fee Refund)	\$ 12.00	DENIED
G86-1310	Polk County Sheriff Des Moines, Iowa (Outdated Invoice)	12.00	DENIED
G86-1386	Jerry Lee Elwood Berwick, Iowa (Child Support Payments)	8,800.00	DENIED

Claim Number	Name of Claimant Nature of Claim	Amount of Claim	Amount Approved
G86-1400	Richard J. Hanson Lake Mills, Iowa (Fees Paid to State)	202.00	DENIED
G87-0075	David Bootzin Davenport, Iowa (License Fee Refund)	134.00	DENIED

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 298 Small Business and Commerce**

Relating to the allocation of the state ceiling on private activity bonds for tax exempt purposes and providing an effective date.

### **H.S.B. 299 Small Business and Commerce**

Relating to the immediately prior landowner's right of first refusal to reobtain agricultural land held by a state bank upon foreclosure; upon judgment for debt due; upon conveyance in satisfaction of debt, including conveyance under alternative nonjudicial voluntary foreclosure; or through redemption.

### **H.S.B. 300 Judiciary and Law Enforcement**

Relating to the purchase and possession of a nonmetal handgun and providing a penalty.

### **H.S.B. 301 Education**

Relating to the duration of educational sharing agreements.

### **H.S.B. 302 Transportation**

Relating to windshields and windows of motor vehicles and making penalties applicable.

### **H.S.B. 303 Judiciary and Law Enforcement**

Relating to certain rights, duties, and liabilities of custodians and foster parents of children.

### **H.S.B. 304 Local Government**

Restricting the burning of vegetation or debris within rights-of-way of public roads and providing a penalty for violation.

## SUBCOMMITTEE ASSIGNMENTS

### **House File 324 (Reassigned)**

Local Government: Cooper, Chair; Muhlbauer, Platt, Royer and Spear.

**House File 382**

Local Government: Hatch, Chair; Peters and Renken.

**House File 399**

State Government: Van Camp, Chair; Buhr and Knapp.

**House File 463**

Transportation: Muhlbauer, Chair; Beaman and Pavich.

**House File 472**

Transportation: Koenigs, Chair; Cooper and Harbor.

**House File 475**

Transportation: Jay, Chair; Branstad and Muhlbauer.

**House File 485**

Agriculture: Johnson, Chair; Cooper and Petersen of Muscatine.

**House File 500**

State Government: Buhr, Chair; Beatty, Carpenter, Fuller and Lundby.

**House File 507**

State Government: Buhr, Chair; Beatty, Carpenter, Fuller and Lundby.

**House File 510**

Agriculture: McKinney, Chair; De Groot and Fogarty.

**House File 511**

Transportation: Cohoon, Chair; Beaman and Fey.

**House File 532**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 534**

Judiciary and Law Enforcement: Harbor, Chair; Halvorson of Clayton, Hansen of Woodbury, Jay and Peterson of Carroll.

**House File 537**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 538**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 544**

Judiciary and Law Enforcement: Knapp, Chair; Schnekloth and Sherzan.

**House File 557**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**Senate File 148**

State Government: Blanshan, Chair; Doderer and Shoning.

**Senate File 299**

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

**Senate File 300**

Judiciary and Law Enforcement: Hansen of Woodbury, Chair; Knapp and Plasier.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 278**

Agriculture: Osterberg, Chair; Johnson and Pellett.

**House Study Bill 279**

Agriculture: Osterberg, Chair; Johnson and Pellett.

**House Study Bill 280**

Small Business and Commerce: Blanshan, Chair; Chapman, Groninga, Harbor and Schnekloth.

**House Study Bill 281**

Small Business and Commerce: Skow, Chair; Hansen of Woodbury, Hanson of Delaware, Hatch and Metcalf.

**House Study Bill 282**

Small Business and Commerce: Shoultz, Chair; Garman, Neuhauser, Parker, Sherzan and Shoning.

**House Study Bill 283**

Transportation: Cooper, Chair; Koenigs and Maulsby.

**House Study Bill 284**

Natural Resources and Outdoor Recreation: Royer, Chair; Gruhn and Johnson.

**House Study Bill 285**

State Government: Connors, Chair; Pavich and Renken.

**House Study Bill 287**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**House Study Bill 288**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House Study Bill 293**

Natural Resources and Outdoor Recreation: Johnson, Chair; Black and Diemer.

**House Study Bill 295**

Agriculture: Norrgard, Chair; Eddie and May.

**House Study Bill 296**

Agriculture: Skow, Chair; Koenigs and Petersen of Muscatine.

**House Study Bill 297**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House Study Bill 300**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**House Study Bill 303**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**House File 84**, a bill for an act relating to the security interest in farm products, changing the required method of notice.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

**House File 241**, a bill for an act requiring Iowa state university of science and technology to use resources connected with institutions of the Iowa department of corrections, in order to conduct agricultural research, development, and testing projects.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

**Committee Bill** (Formerly House File 125), providing for the grading and marking of Iowa Seal grain and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1987.

**COMMITTEE ON EDUCATION**

**House File 449**, a bill for an act to prohibit school districts from charging rental fees for textbooks.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 16, 1987.

**Committee Bill** (Formerly House Study Bill 81), relating to the issuance of teaching certificates by the board of educational examiners to certain applicants holding teacher's certificates issued by the national board for professional teaching standards.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1987.

**Committee Bill** (Formerly House Study Bill 173), relating to levying of property taxes in portions of school districts affected by school reorganizations or dissolutions and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

**Committee Bill** (Formerly House Study Bill 262), to require completion of an approved course of driver education to qualify for a minor's school license.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

#### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Committee Bill** (Formerly House File 389), relating to the reimbursement paid redemption centers and dealers for beverage containers.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

#### COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 185**, a bill for an act to prohibit the instruction in and demonstration of the use of dangerous weapons, offensive weapons, and explosives for use in or in furtherance of a civil disorder and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

**Senate File 266**, a bill for an act relating to the affirmation of certain provisions of law concerning judicial procedures and court enforced orders, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3198** March 16, 1987.

**Senate File 268**, a bill for an act relating to the affirmation and reenactment of certain provisions of law concerning public employees, including provisions relating to state employee discipline and grievances, the public employment relations board, reprisals against state employees, and the public employees' retirement system, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

**Senate File 271**, a bill for an act affirming and reenacting certain provisions of law concerning the powers and procedures of public bodies and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

**Committee Bill** (Formerly House Study Bill 203), relating to the permanency plan and placement of a child in need of assistance.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1987.

**Committee Bill** (Formerly House Study Bill 229), relating to the crime of forgery and related fraudulent criminal acts, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1987.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 105**, a bill for an act relating to the appointment of assessors.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3203** March 16, 1987.

**House Study Bill 27**, relating to the office of county sheriff by providing minimum qualifications and minimum salaries.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 16, 1987.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**House File 464**, a bill for an act relating to the receipt and sale of protected game by a nonprofit corporation.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

**Committee Bill** (Formerly House Study Bill 117), authorizing the department of natural resources to establish a system of certificates of title for vessels and snowmobiles.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

**Committee Bill** (Formerly House Study Bill 275), relating to the acquisition, development, promotion, and management of land for recreation trails.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

## COMMITTEE ON SMALL BUSINESS AND COMMERCE

**House File 244**, a bill for an act relating to progress payments, final payments, and retention from payments made to subcontractors on public improvement construction projects.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

**Committee Bill** (Formerly House Study Bill 218), to implement the allowance of the Federal low-income housing credit.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

**Committee Bill** (Formerly House Study Bill 250), relating to including consumer rental purchase agreements in the consumer credit code.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

## COMMITTEE ON STATE GOVERNMENT

**House File 393**, a bill for an act to require all class "A" wine permit premises and class "A" beer permit premises to be located within the state.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

**House File 443**, a bill for an act to authorize games of skill, games of chance, or raffles to be conducted by a qualified organization on the premises of a liquor control licensee or beer permittee in cities with a population of twenty-five hundred or less subject to certain restrictions.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

**Senate File 137**, a bill for an act relating to the pricing of the Code of Iowa and related publications.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

**Committee Bill** (Formerly House Study Bill 143), relating to the regulation of pharmacists and pharmacies and to administration, dispensing, and distribution of certain drugs, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1987.

**Committee Bill** (Formerly House Study Bill 168), relating to sales of funeral services and funeral merchandise, revising regulatory and reporting provisions, requiring disclosures, requiring permits, providing penalties, providing for the applicability of the Act, and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 16, 1987.

**Committee Bill** (Formerly House Study Bill 202), relating to the licensing and regulation of architects, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

#### COMMITTEE ON TRANSPORTATION

**Committee Bill** (Formerly House File 146), allowing issuance of personalized registration plates for trailers regardless of the trailers' gross weight registrations.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1987.

**Committee Bill** (Formerly House File 349), providing for the use of vintage Iowa registration plates.

Fiscal Note is not required.

Recommended **Do Pass** March 16, 1987.

**Committee Bill** (Formerly House Study Bill 59), creating a highway division building program for the department of transportation and making a standing appropriation for the program.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 16, 1987.

**Committee Bill** (Formerly House Study Bill 201), relating to movement of vehicles of excess size, weight, and load and movement of implements.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 1987.

#### AMENDMENTS FILED

H-3197	H.F.	304	Stromer of Hancock Cooper of Lucas
H-3198	S.F.	266	Committee on Judiciary and Law Enforcement
H-3199	H.F.	276	Connors of Polk
H-3200	H.F.	441	Connors of Polk
H-3201	H.F.	402	Blanshan of Greene
H-3202	H.F.	170	Senate Amendment
H-3203	H.F.	105	Committee on Local Government
H-3204	S.F.	17	Black of Jasper

H-3205	S.F.	298	Committee on State Government
H-3206	H.F.	499	Daggett of Adams
H-3207	H.F.	499	Daggett of Adams
H-3208	H.F.	469	Hester of Pottawattamie Connors of Polk
H-3209	H.F.	469	Hester of Pottawattamie Connors of Polk
H-3210	H.F.	469	Connors of Polk Hester of Pottawattamie Corey of Louisa Running of Linn

On motion by Arnould of Scott, the House adjourned at 10:36 a.m., until 9:00 a.m., Wednesday, March 18, 1987.

# JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day — Forty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 18, 1987

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

Prayer was offered by the Honorable Dan Petersen, state representative from Muscatine County.

The Journal of Tuesday, March 17, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Eddie of Buena Vista, from thirty-one constituents of District 10 opposing House Study Bill 67 and Senate File 219, relating to teenage pregnancy prevention.

By Harper of Black Hawk, from two hundred eighty-one constituents favoring the Long Term Health Care and Community Based Services bill for the elderly.

By Koenigs of Mitchell, from one hundred seven employees of Western Dubuque Schools favoring House File 211, relating to bus drivers identifying the vehicle of a violator of the bus stop lights.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Tyrrell of Iowa on request of Kremer of Buchanan; Sherzan of Polk on request of Connors of Polk; Swartz of Marshall on request of Blanshan of Greene, all until their arrival.

## INTRODUCTION OF BILLS

**House File 558**, by Plasier, a bill for an act allowing, under certain circumstances, the holder of a school license to operate a motor vehicle to and from the licensee's place of employment.

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

**House File 559**, by committee on energy and environmental protection, a bill for an act relating to beverage containers.

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

**House File 560**, by Rosenberg, a bill for an act relating to vehicle registrations and motor vehicle licenses issued to persons who have outstanding arrest warrants indicated on the state I.O.W.A. computer system.

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

**House File 561**, by Skow, a bill for an act to require a thirty foot right-of-way along Iowa highway #44 through the corporate limits of the city of Panora, Iowa.

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

**House File 562**, by Black, a bill for an act establishing a motorcycle rider education fund, increasing fees for certain operator's licenses, crediting moneys to the fund, and appropriating moneys from the fund to the department of education to reimburse school districts for the costs of motorcycle education courses.

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

**House File 563**, by Corey and Maulsby, a bill for an act to provide state funding for programs and services of area education agencies, and to make appropriations.

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

**House File 564**, by Skow, a bill for an act allowing nonprofit organizations and civic groups to conduct fundraisers at rest areas.

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

**House File 565**, by committee on education, a bill for an act relating to the issuance of teaching certificates by the board of educational examiners to certain applicants holding teacher's certificates issued by the national board for professional teaching standards.

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

**House File 566**, by committee on education, a bill for an act to require completion of an approved course of driver education to qualify for a minor's school license.

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

#### SENATE MESSAGES CONSIDERED

**Senate File 179**, by Riordan, a bill for an act to provide that a single person may claim a homestead exempt from judicial sale.

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

**Senate File 257**, by committee on local government, a bill for an act relating to the payment for crop damages within the right-of-way of drainage improvements.

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

**Senate File 311**, by committee on transportation, a bill for an act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date.

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

**Senate File 332**, by committee on natural resources, a bill for an act relating to fish, plant life or wildlife species of special concern.

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

### 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 16, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 168, a bill for an act to prohibit a person who intentionally and unjustifiably causes or procures the death of another from receiving any property, benefit, or other interest by reason of the death.

Also: That the Senate has on March 16, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 282, a bill for an act to revise provisions relating to dangerous weapons and the carrying of dangerous weapons and knives, and providing penalties.

JOHN F. DWYER, Secretary

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 5

Koenigs of Mitchell offered the following House Memorial Resolution and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 5

*Whereas*, The Honorable Amos Peterson of Chickasaw County, Iowa, who was a member of the Fifty-fifth and Fifty-sixth General Assemblies, passed away March 7, 1987; *Now Therefore*,

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

The motion prevailed and the Speaker appointed as such committee Koenigs of Mitchell, Johnson of Winneshiek and Lageschulte of Bremer.

### HOUSE FILE 488 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 488 be deferred and that the bill retain its place on the calendar.

### CONSIDERATION OF BILLS Regular Calendar

**House File 498**, a bill for an act to restrict the possession of ballistic knives and providing for the application of a penalty, was taken up for consideration.

Rosenberg 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. 498)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgrund	Ollie
Osterberg	Parker	Paulin	Pavich
Pellet	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swearingen	Tabor	Teaford
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Plasier

Sherzan

Swartz

Tyrrell

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

**House File 402**, a bill for an act relating to state personnel administration by expressly providing for department of personnel supervision of salary, sick leave, and other personnel actions of certain state departments and agencies and by revising statutory provisions governing the administration of the state personnel system, was taken up for consideration.

Connors of Polk offered the following amendment H—3160 filed by Connors, et al.:

H—3160

- 1 Amend House File 402 as follows:
- 2 1. Page 1, by inserting after line 20 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 19A.9, subsection 12, Code
- 5 1987, is amended to read as follows:
- 6 12. For reinstatement of persons who have attained
- 7 permanent status and who resign in good standing or
- 8 who are laid off from their positions without fault or
- 9 delinquency on their part, within a period equal to
- 10 the period of their continuous employment with the
- 11 state but for a period of not longer than two years.
- 12 Reinstatement shall not be to a position which is in a
- 13 job series other than the job series of the position
- 14 previously held by the person."
- 15 2. By renumbering as necessary.

The following amendment H—3214, to amendment H—3160, filed by Connors of Polk from the floor was adopted by unanimous consent:

H—3214

- 1 Amend amendment H—3160 to House File 402 as follows:
- 2 1. By striking line 13 and inserting the following:
- 3 "job family other than the job family of the position".

Connors of Polk asked and received unanimous consent to withdraw amendment H—3175, to amendment H—3160, filed by him March 12, 1987.

On motion by Connors of Polk amendment H—3160, as amended, was adopted.

Blanshan of Greene offered the following amendment H—3201 filed by him and moved its adoption:

H—3201

- 1 Amend House File 402 as follows:  
 2 1. By striking page 1, line 30 through page 2,  
 3 line 6.  
 4 2. Page 2, line 25, by inserting after the word  
 5 "personnel" the following: "for those agencies  
 6 subject to its rules".  
 7 3. By renumbering as necessary.

Amendment H—3201 was adopted.

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

On the question "Shall the bill pass?" (H.F. 402)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Hölveck	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swearingen
Tabor	Teaford	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Brammer	Halvorson, R. A.	Jay	Sherzan
Swartz	Tyrrell		

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

The House stood at ease at 9:45 a.m., until the fall of the gavel.

The House resumed session at 10:34 a.m., Connors of Polk in the chair.

### INTRODUCTION OF BILLS

**House File 567**, by committee on judiciary and law enforcement, a bill for an act relating to the permanency plan and placement of a child in need of assistance.

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

**House File 568**, by committee on economic development, a bill for an act relating to the distribution of federal funds under Title III of the Job Training Partnership Act of 1982.

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

**House File 569**, by Halvorson of Webster, a bill for an act relating to the marketing and distribution of motor fuel and special fuel, by providing for the repeal of chapter 323.

Read first time and referred to committee on **small business and commerce**.

**House File 570**, by Metcalf, a bill for an act relating to home equity loan and sale-leaseback transaction programs for the elderly, and providing penalties.

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

**House File 571**, by Metcalf, a bill for an act to provide for action by the general assembly on the plan developed by the state board of education for restructuring school districts, area education agencies, and merged area schools.

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

**House File 572**, by Skow, a bill for an act prohibiting banks, savings and loan associations, and credit unions from participating in some types of group insurance programs for their depositors.

Read first time and referred to committee on **small business and commerce**.

**House File 573**, by committee on education, a bill for an act relating to the levying of property taxes in portions of school districts affected by school reorganizations or dissolutions and providing an effective date.

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

**House File 574**, by committee on judiciary and law enforcement, a bill for an act relating to the crime of forgery and related fraudulent criminal acts, and providing penalties.

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

**House File 575**, by committee on natural resources and outdoor recreation, a bill for an act relating to the acquisition, development, promotion, and management of land for recreation trails.

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

**House File 576**, by committee on agriculture, a bill for an act providing for the grading and marking of Iowa seal agricultural products, and providing penalties.

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

**House File 577**, by committee on transportation, a bill for an act relating to movement of vehicles of excess size, weight, and load and movement of implements.

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

**House File 578**, by committee on transportation, a bill for an act providing for the use of vintage Iowa registration plates.

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

**House File 579**, by committee on transportation, a bill for an act allowing issuance of personalized registration plates for travel trailers and for trailers regardless of the trailers' gross weight registrations.

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

**House File 580**, by Pavich, Fey, Running, Renaud, Dvorsky, Wise, Bisignano, Jochum, Doderer, Buhr, Hammond, Connolly, Sherzan, Connors, Parker, Hatch, Holveck, Gruhn, Adams, Mullins, Clark, Harper, Teaford, Neuhauser, Carpenter and Halvorson of Webster, a bill for an act relating to the granting of leaves of absence to persons disabled by pregnancy, providing for their reinstatement, and providing a penalty.

Read first time and referred to committee on **labor and industrial relations**.

**House File 581**, by Diemer, a bill for an act to repeal certain requirements relating to the maintenance of improvements along railroad rights-of-way.

Read first time and referred to committee on **agriculture**.

**House File 582**, by Beatty, a bill for an act relating to mandatory guidelines for determining basic child support obligations.

Read first time and referred to committee on **judiciary and law enforcement**.

#### SENATE MESSAGE CONSIDERED

**Senate File 282**, by committee on judiciary, a bill for an act to revise provisions relating to dangerous weapons and the carrying of dangerous weapons and knives, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

#### 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 18th day of March, 1987: House File 163.*

**JOSEPH O'HERN**

Chief Clerk of the House

Report adopted.

#### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 17, 1987, he approved and transmitted to the Secretary of State the following bill:

Senate File 158, an act relating to the time within which an application for crime victim reparation may be filed.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on March 17, 1987. Had I been present, I would have voted "aye" on House File 90.

OLLIE of Clinton

#### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

##### **H.S.B. 305 Labor and Industrial Relations**

Relating to the maximum weekly benefit amount, treatment provided an injured employee, reimbursement of cost of an evaluation of permanent disability, setting the salary of the industrial commissioner,

commencement of workers' compensation benefits, the awarding of temporary total or temporary partial disability payments, providing for the appointment of deputy commissioners, and providing for the Act's applicability.

**H.S.B. 306 Local Government**

Relating to county moneys which may be allocated to the secondary road fund.

**H.S.B. 307 Natural Resources and Outdoor Recreation**

Relating to the acquisition and protection of significant elements of the state's natural open space heritage.

**H.S.B. 308 Natural Resources and Outdoor Recreation**

Relating to the identification, protection, planning, and promotion of public highways and roads along scenic regions of the state.

SUBCOMMITTEE ASSIGNMENTS

**House File 269**

Ways and Means: Chapman, Chair; Hanson of Delaware and Tabor.

**House File 457**

Ways and Means: Chapman, Chair; Hanson of Delaware and Tabor.

**House File 497**

Ways and Means: Chapman, Chair; Hanson of Delaware and Tabor.

**House File 527**

Transportation: Koenigs, Chair; Connolly and Platt.

**House File 533**

Transportation: Muhlbauer, Chair; Cooper and Harbor.

**House File 539**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House File 542**

Transportation: Royer, Chair; Cohoon and Neuhauser.

**House File 546**

Transportation: Pavich, Chair; Fogarty and Royer.

**House File 552**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House File 556**

Natural Resources and Outdoor Recreation: Gruhn, Chair; Johnson and Paulin.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 43 (Reassigned)**

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Jay and McKinney.

**House Study Bill 271 (Reassigned)**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**House Study Bill 289**

Economic Development: Svoboda, Chair; Beaman and Neuhauser.

**House Study Bill 290**

Economic Development: Groninga, Chair; Metcalf and Running.

**House Study Bill 291**

Economic Development: Running, Chair; Miller and Wise.

**House Study Bill 292**

Energy and Environmental Protection: Dvorsky, Chair; Adams and Van Camp.

**House Study Bill 298**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 299**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**House Study Bill 302**

Transportation: Fey, Chair; Gruhn and Platt.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON ECONOMIC DEVELOPMENT**

**Committee Bill** (Formerly House File 446), relating to the distribution of federal funds under Title III of the Job Training Partnership Act of 1982.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1987.

## COMMITTEE ON HUMAN RESOURCES

**House File 210**, a bill for an act relating to certain admissions to county care facilities.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3217** March 17, 1987.

**Committee Bill** (Formerly House File 19), relating to an anatomical gift request program within hospitals and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1987.

## COMMITTEE ON LOCAL GOVERNMENT

**House File 384**, a bill for an act relating to the condition of a building as a basis for the filing of a petition or hearing procedure for abatement.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1987.

**Committee Bill** (Formerly House Study Bill 210), relating to the procedures for adopting or amending county zoning ordinances.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1987.

## COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**House File 366**, a bill for an act relating to the employment of snowmobile trail groomers by county conservation boards.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3211** March 17, 1987.

**Committee Bill** (Formerly House Study Bill 284), relating to community cultural grants.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1987.

## COMMITTEE ON WAYS AND MEANS

**Senate File 264**, a bill for an act relating to revocation of a property tax exemption.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1987.

**Committee Bill** (Formerly House File 118), relating to the real estate transfer tax on the transfer of property by certain federal agencies and instrumentalities.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 1987.

**Committee Bill** (Formerly House File 141), to strike the repeal of the tax for equipment replacement at the area schools.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1987.

**Committee Bill** (Formerly House Study Bill 223), relating to state sales, services, and use tax and the local option hotel-motel tax on the rental of mobile homes and the spaces within them.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1987.

### RESOLUTION FILED

**HCR 18**, by Svoboda, Harper, Muhlbauer, Koenigs, May, Gruhn, Osterberg and Peterson of Carroll, a concurrent resolution to urge and request that the Congress immediately pass the "Save the Family Farm Act".

Laid over under **Rule 25**.

### AMENDMENTS FILED

H-3211	H.F.	366	Committee on Natural Resources and Outdoor Recreation
H-3212	H.F.	469	Halvorson of Clayton Harbor of Mills
H-3213	H.F.	469	Hester of Pottawattamie
H-3215	H.F.	499	Daggett of Adams De Groot of Lyon Corbett of Linn Miller of Cherokee
H-3216	H.F.	488	Halvorson of Clayton Jay of Appanoose
H-3217	H.F.	210	Committee on Human Resources

On motion by Arnould of Scott, the House adjourned at 10:38 a.m., until 9:00 a.m., Thursday, March 19, 1987.

# JOURNAL OF THE HOUSE

Sixty-seventh Calendar Day — Forty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 19, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Charles Poncy, state representative from Wapello County.

The Journal of Wednesday, March 18, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Beaman of Clarke, from three hundred sixty-six Iowa residents favoring House File 30, an act relating to the disability of brain injury.

By Hatch of Polk, from fifty-five citizens favoring the Long Term Health Care and Community Based Service bill.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Corbett of Linn, until his arrival, on request of Neuhauser of Johnson.

## 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 17, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 69, a bill for an act relating to the investment of idle public funds by authorizing investment in drainage district warrants or improvement certificates and by correcting an error.

Also: That the Senate has on March 17, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 138, a bill for an act relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985.

Also: That the Senate has on March 17, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 146, a bill for an act relating to the agricultural loan assistance program of the Iowa agricultural development authority.

Also: That the Senate has on March 17, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 274, a bill for an act relating to the exporting of Iowa grain, by providing for the establishment of an Iowa agricultural export trading company; establishing a certified Iowa grain program; a new division of agriquality inspection within the department of agriculture and land stewardship; a state grain terminal and shippers program; a foreign sale facilitation system; and a sealed carrier receptacle program; and imposing penalties.

Also: That the Senate has on March 17, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 327, a bill for an act requiring lenders and other secured parties to provide to debtors copies of documents signed by the debtors.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 469**, a bill for an act to regulate the circumstance and procedure under which an employer may request a drug test of an employee or an applicant for employment and providing a penalty, was taken up for consideration.

Connors of Polk offered the following amendment H—3192 filed by Connors, et al., and moved its adoption:

H—3192

- 1 Amend House File 469 as follows:
- 2 1. Page 1, line 13, by inserting before the word
- 3 "drug" the following: "preemployment".

Amendment H—3192 was adopted.

Halvorson of Clayton offered the following amendment H—3212 filed by him and Harbor of Mills and moved its adoption:

H—3212

- 1 Amend House Filed 469 as follows:
- 2 1. Page 1, line 16, by inserting after the words
- 3 "conducted to" the following: "a vocational category
- 4 with the highest injury and illness incident rate as
- 5 reported annually by the Iowa bureau of labor,
- 6 provided that category has an incident rate that is at
- 7 least fifty percent higher than the second highest
- 8 category or to".

Amendment H—3212 lost.

Hester of Pottawattamie offered the following amendment H—3209 filed by her and Connors of Polk and moved its adoption:

H-3209

- 1 Amend House File 469 as follows:
- 2 1. Page 1, line 26, by inserting after the word
- 3 "employer" the words ", or when impairment due to
- 4 intoxication is a violation of a known rule of the
- 5 employer".

Amendment H-3209 was adopted.

Hester of Pottawattamie offered the following amendment H-3208 filed by her and Connors of Polk and moved its adoption:

H-3208

- 1 Amend House File 469 as follows:
- 2 1. Page 2, line 11, by striking the word "and"
- 3 and inserting the words "which indicates an addiction
- 4 for which substance abuse treatment is recommended,
- 5 and if the employee".

Amendment H-3208 was adopted.

Connors of Polk offered the following amendment H-3210 filed by Connors, et al.:

H-3210

- 1 Amend House File 469 as follows:
- 2 1. Page 3, by striking lines 31 through 34 and
- 3 inserting the following:
- 4 "a. A person who violates this section or who aids
- 5 in the violation of this section is liable to an
- 6 aggrieved employee or applicant for employment for
- 7 affirmative relief including reinstatement or hiring,
- 8 with or without back pay, or any other equitable
- 9 relief as the court deems appropriate."

Hester of Pottawattamie offered the following amendment H-3213, to amendment H-3210, filed by her and moved its adoption:

H-3213

- 1 Amend amendment, H-3210, to House File 469 as
- 2 follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "appropriate" the words "including attorney fees and
- 5 court costs".

Amendment H-3213 was adopted.

On motion by Connors of Polk, amendment H-3210, as amended, was adopted.

Bisignano 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. 469)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 1:

Plasier

Absent or not voting, 6:

Connolly	Corbett	Fogarty	Jochum
Parker	Stromer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 513**, a bill for an act relating to interstate rendition of persons charged with failure to provide support, was taken up for consideration.

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. 513)

The ayes were, 93:

Adams	Arnould	Beaman	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Dyorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Beatty	Connolly	Corbett	Jochum
Parker	Sherzan	Stromer	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILES 506 AND 304 DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 506 and 304 be deferred and that the bills retain their place on the calendar.

**House File 488**, a bill for an act relating to the time period for a hearing on the revocation of a person's license for operating a motor vehicle while under the influence of alcohol or a drug (deferred March 18, 1987), was taken up for consideration.

Halvorson of Clayton offered the following amendment H-3216 filed by him and Jay of Appanoose and moved its adoption:

H-3216

1 Amend House File 488 as follows:

2 1. Page 1, by inserting after line 16 the  
 3 following:  
 4 "Sec. 2. Section 321J.13 subsection 4, shall apply  
 5 to persons whose motor vehicle license or nonresident  
 6 operating privilege has been revoked under section  
 7 321J.9 or 321J.12 prior to July 1, 1986 to the extent  
 8 that a person may reopen a hearing on the revocation  
 9 if the person submits a petition stating that a  
 10 criminal action on a charge of a violation of section  
 11 321J.2 filed at a result of the same circumstances  
 12 which resulted in the revocation has resulted in a  
 13 decision in which the court has held that the peace  
 14 officer did not have reasonable grounds to believe  
 15 that a violation of section 321J.2 had occurred to  
 16 support a request for or to administer a chemical test  
 17 or which has held the chemical test to be otherwise  
 18 inadmissible or invalid. Such a decision by the court  
 19 is binding on the department and shall require the  
 20 department to rescind the revocation and destroy any  
 21 record of the revocation."

Amendment H—3216 was adopted.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 488)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland

Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Connolly	Corbett	Jochum	Parker
Sherzan	Stromer	Svoboda	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 141**, a bill for an act relating to relief under bankruptcy for a judgment debtor from suspension of license, registration, or non-resident operating privilege under the motor vehicle financial responsibility requirements, with report of committee recommending passage 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?" (S.F. 141)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Ollie
Osterberg	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Connolly  
Parker

Corbett  
Stromer

Jochum

Norrgard

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Arnould of Scott, the House was recessed at 10:00 a.m., until 11:45 a.m.

The House reconvened, Speaker Avenson in the chair.

### INTRODUCTION OF BILLS

**House File 583**, by committee on local government, a bill for an act relating to the procedures for adopting or amending county zoning ordinances.

Read first time and placed on the **calendar**.

**House File 584**, by committee on natural resources and outdoor recreation, a bill for an act relating to community cultural grants.

Read first time and referred to committee on **economic development**.

**House File 585**, by committee on small business and commerce, a bill for an act relating to including consumer rental purchase agreements in the consumer credit code.

Read first time and placed on the **calendar**.

**House File 586**, by committee on small business and commerce, a bill for an act relating to the federal low-income housing credit allowance.

Read first time and placed on the **calendar**.

**House File 587**, by committee on state government, a bill for an act relating to the licensing and regulation of architects, and providing penalties.

Read first time and placed on the **calendar**.

**House File 588**, by committee on judiciary and law enforcement, a bill for an act relating to child in need of assistance proceedings.

Read first time and placed on the **calendar**.

**House File 589**, by committee on ways and means, a bill for an act to strike the repeal of the tax for equipment replacement at the area schools.

Read first time and placed on the **ways and means calendar**.

**House File 590**, by committee on ways and means, a bill for an act relating to the declaration of value on the transfer of property by certain federal agencies and instrumentalities.

Read first time and placed on the **ways and means calendar**.

**House File 591**, by committee on judiciary and law enforcement, a bill for an act relating to domestic abuse, assaults involving an act of domestic abuse, and court orders issued and enforced pursuant to the domestic abuse law, and providing penalties.

Read first time and placed on the **calendar**.

**House File 592**, by small business and commerce, a bill for an act relating to the creation of a statewide network of small business economic development corporations to assist in providing financing for small businesses in the state.

Read first time and placed on the **calendar**.

**House File 593**, by Neuhauser, a bill for an act relating to a notice of claim given by an injured party.

Read first time and referred to committee on **judiciary and law enforcement**.

**House File 594**, by committee on state government, a bill for an act relating to the regulation of pharmacists and pharmacies and to administration, dispensing, and distribution of certain drugs, and providing penalties.

Read first time and placed on the **calendar**.

**House File 595**, by committee on natural resources and outdoor recreation, a bill for an act authorizing the department of natural resources to establish a system of certificates of title for vessels.

Read first time and placed on the **calendar**.

On motion by Arnould of Scott, the House was recessed at 11:59 a.m., until 3:15 p.m.

#### AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

## INTRODUCTION OF BILLS

**House File 596**, by committee on labor and industrial relations, a bill for an act relating to the time for designating the period for which certain employer payments shall be allocated.

Read first time and placed on the **calendar**.

**House File 597**, by Harper, a bill for an act relating to parental reimbursement for transportation of children to a public or nonpublic school.

Read first time and referred to committee on **education**.

**House File 598**, by Harper, a bill for an act relating to insurance, by providing for restrictions on provisions in nursing home care insurance policies.

Read first time and referred to committee on **small business and commerce**.

**House File 599**, by committee on judiciary and law enforcement, a bill for an act relating to mortgage foreclosures by establishing an alternative mortgage foreclosure proceeding with final judicial sale and rights in lieu of redemption, and establishing nonjudicial foreclosure proceedings upon waiver of deficiency judgments.

Read first time and placed on the **calendar**.

**House File 600**, by committee on state government, a bill for an act relating to elections.

Read first time and placed on the **calendar**.

**House File 601**, by committee on human resources, a bill for an act relating to organ and tissue identification and transplantation, by creating a commission to develop a state plan for human organ and tissue transplants and requiring certain criteria in the state plan including organ and tissue procurement, registration and distribution, recipient selection criteria, transplant center eligibility, informed consent, confidentiality, and costs, requiring a certificate of need for certain transplant services, specifying a protocol for organ and tissue identification in hospitals, specifying duties of the Iowa department of public health and the department of human services, and the collection of information regarding organ and tissue transplants.

Read first time and referred to committee on **appropriations**.

**House File 602**, by committee on agriculture, a bill for an act providing for the appointment of a person to administer the inspection of meat and poultry under chapter 189A.

Read first time and placed on the **calendar**.

**House File 603**, by committee on small business and commerce, a bill for an act establishing and appropriating from a housing trust fund and appropriating its funds.

Read first time and placed on the **calendar**.

**House File 604**, by committee on labor and industrial relations, a bill for an act to provide for a refund of employee contributions for members of the peace officers' retirement system and for members of local police and fire retirement systems.

Read first time and referred to committee on **state government**.

**House File 605**, by committee on ways and means, a bill for an act relating to the state sales, services, and use tax and the local option hotel-motel tax on the rental of the mobile homes and the spaces within them.

Read first time and placed on the **ways and means calendar**.

#### SENATE MESSAGE CONSIDERED

**Senate File 69**, by Priebe and Miller of Cerro Gordo, a bill for an act relating to the investment of idle public funds by authorizing investment in drainage district warrants or improvement certificates and by correcting an error.

Read first time and referred to committee on **small business and commerce**.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on the morning of March 17, 1987. Had I been present, I would have voted "aye" on House Files 90, 303, 356, 426, 487, 489, 490, 492, 493 and 494.

COHOON of Des Moines

#### GOVERNOR'S VETO MESSAGE

A copy of the following communication was received and placed on file:

March 18, 1987

The Honorable Jo Ann Zimmerman  
President of the Senate  
State Capitol Building  
L O C A L

Dear Madam President:

I am unable to approve Senate Concurrent Resolution 4, a concurrent resolution relating to the Board of Regents Ten-Year Building Program, in accordance with Section 262A.4 of the Code of Iowa, 1987.

Senate Concurrent Resolution 4 gives the State Board of Regents the authority to issue bonds amounting to \$98,500,000 during the coming biennium. The proceeds from the debt would be used to fund numerous capital projects at the Regent institutions. Student tuition is pledged to repay these bonds. However, there is a long standing commitment from the state that the General Assembly will appropriate the dollars necessary to replace these tuition revenues. In effect, the state has a moral obligation in the future to pay the debt service for bonds. That obligation now exceeds \$17 million each year.

I have deep concerns about increasing the taxpayers' debt service obligations. These bonds would have to be paid off over the next 25 years — thus obligating a future generation of Iowans.

I believe that the state ought to be cautious in its use of the bonding authority under Chapter 262A. In the future, this authority should be used for a demonstrated need which has the potential to pay the state back in jobs and research dollars more than the investment that is required.

I recommended to the General Assembly two projects which fit this criterion. These projects — a laser research facility at the University of Iowa and a molecular biology building at Iowa State University — have the potential to put Iowa on the cutting edge of technological change as we move into the 21st Century. I believe that with these projects Iowa would make a prominent place for itself in the economy of the future.

It is anticipated that the laser research facility would result in up to 12,000 spin-off jobs in the next decade and the molecular biology facility would attract over \$120 million of federal research dollars during the same time. Due to this enormous economic development potential, the laser and molecular biology projects meet the standards I have set for Chapter 262A financing. But many otherwise worthy projects do not.

I understand that my standards run contrary to traditional political wisdom. "Politics as usual" would dictate that each of the Regent universities receive a project or two, regardless of the economic development potential. I reject this approach because I do not believe that Iowans can afford it. I believe we must target our limited resources to areas that will have the greatest economic potential to create jobs for Iowans.

It is unfortunate that the legislature succumbed to the temptation to play "Christmas tree" politics. Eighteen different ornaments have been hung on this resolution, ranging from building additional stairwells in some university buildings, to remodeling older facilities, to putting in a new boiler. Many of these projects are worthwhile and deserve attention, but Iowa taxpayers should not be saddled with extra debt

for the next 25 years to pay for them. Instead, the worthy projects should be funded on a pay-as-you-go basis.

In fact, I have in the past recommended funding for some of these projects in that fashion.

In 1985 I recommended direct appropriations for the Home Economics building and the Latham Hall remodeling projects. Unfortunately, the General Assembly did not adopt that method of financing. I suggest we again review these possibilities if the legislature deems these projects to be of high priority. Moreover, we should work with the Regents to develop a long-term capitals plan that does meet some of their needs and does not overburden Iowa taxpayers.

The approach taken in this resolution is simply too costly and is fiscally unsound. The additional \$36.5 million of bonding authority granted above my recommendation would increase the state's total debt service cost over the next 25 years by more than \$81 million. It would mean that the total Regent debt service cost to be paid by taxpayers in the state through the year 2012 would climb to \$457 million. That is a debt load that is too large for the next generation of Iowans to carry.

In addition, I am concerned that a number of the projects included in the resolution are the first phase of a larger construction program which would then have to be bonded for in the future. It is estimated that the commitments made in this bonding resolution would require an additional \$37 million in construction costs in Fiscal Year 89 or soon thereafter.

Finally, I am concerned about the restrictions placed in SCR 4 or restrictions that may be considered in future bonding resolutions. Specifically, this resolution prohibits the Regent universities for the next 25 years from engaging in any classified research. Members of Iowa's congressional delegation have warned me that if this prohibition stays in the bonding resolution, Iowa can forget about the possibility of obtaining large federal research grants in the future. Unless we strip this restriction on classified research from a future resolution, we will be playing a cruel hoax on Iowa taxpayers — asking them to use their tax dollars to build a research facility that will have little likelihood of obtaining federal research grants.

In addition, serious consideration was given by the General Assembly to attaching a prevailing wage provision to the bond resolution. Such a provision would add at least 10 percent to the construction costs of each of the projects included in such a resolution. I have vetoed such proposals in the past and if they are attached in the future, I would have similar concerns. We should not build in higher costs for construction projects for the taxpayers of Iowa.

In summary, I cannot approve Senate Concurrent Resolution 4. It burdens Iowa taxpayers with far too much debt; it fails to limit the expenditure of Iowa resources to projects which have significant economic development potential; and, it contains a provision which could handicap Iowa's efforts to obtain federal research dollars.

As a result, Senate Concurrent Resolution 4 will not have my signature.

My refusal to sign Senate Concurrent Resolution 4 signifies my rejection of excessive debt for Iowa's taxpayers and a refusal to adopt a politics-as-usual approach to capital financing for the Regent universities. My commitment and support for immediate funding and approval of the laser facility and the molecular biology building remain steadfast. I will continue to work with the General Assembly to make certain that Iowa

does not miss this chance to ride the next wave of technological change. I urge the General Assembly to singularly approve the laser and biotechnology facilities.

Sincerely,  
Terry E. Branstad  
Governor

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 306 (Revised) Local Government**

Relating to county moneys which may be allocated to the secondary road fund.

#### **H.S.B. 309 Ways and Means**

Providing a use tax exemption for certain qualifying aircraft and making the Act retroactive.

#### **H.S.B. 310 Energy and Environmental Protection**

Relating to the funding of the energy bank program.

#### **H.S.B. 311 Judiciary and Law Enforcement**

To designate hearing officers as administrative law judges.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 243**

Agriculture: Fogarty, Chair; Bennett and Hatch.

#### **House File 345**

Agriculture: Fogarty, Chair; Bennett and Hatch.

#### **House File 358**

Agriculture: Fogarty, Chair; Bennett and Hatch.

#### **House File 473**

Labor and Industrial Relations: Running, Chair; Eddie and Peters.

#### **House File 526**

Education: Siegrist, Chair; Schrader and Wise.

#### **House File 531**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Swearingen.

#### **House File 541**

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

#### **House File 549**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**House File 561**

Transportation: Cooper, Chair; Koenigs and Maulsby.

**House File 563**

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

**House File 570**

Human Resources: Harper, Chair; Connors, Hester, Peters and Swearingen.

**House File 571**

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

**House File 580**

Labor and Industrial Relations: Peters, Chair; Buhr and Eddie.

**House File 582**

Judiciary and Law Enforcement: McKinney, Chair; Hansen of Woodbury and Siegrist.

**Senate File 91**

Agriculture: Pellett, Chair; Branstad and Muhlbauer.

**Senate File 162**

State Government: Blanshan, Chair; Carpenter, Peterson of Carroll, Running and Shoning.

**Senate File 282**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**Senate File 333**

Education: Ollie, Chair; Cohoon and Miller.

**HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS****House Study Bill 276**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**House Study Bill 301**

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

**\* House Study Bill 305**

Labor and Industrial Relations: Sherzan, Chair; Corey and Running.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been

received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

COMMITTEE ON AGRICULTURE.

**Committee Bill** (Formerly House File 461), to establish the family farm diversification program.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 18, 1987.

**Committee Bill** (Formerly House File 482), relating to foreclosure and redemption of real property, by removing certain restrictions on redemption in certain cases, providing a cause of action against the receiver in certain cases, permitting the use of independent appraisers to determine the value of the homestead, providing for the right of a former owner to repurchase or lease a farmstead, requiring reports from certain persons having been transferred agricultural land establishing the applicability of the various provisions, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 18, 1987.

**Committee Bill** (Formerly House Study Bill 160), relating to the reauthorization of the agricultural loan assistance program, including establishing assistance programs for returning cattle producers, making appropriations, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 18, 1987.

**Committee Bill** (Formerly House Study Bill 296), providing for the appointment of a person to administer the inspection of meat and poultry under chapter 189A.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

COMMITTEE ON EDUCATION

**Committee Bill** (Formerly House Study Bill 136), relating to the education of certain children living outside the district of residence.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 18, 1987.

**Committee Bill** (Formerly House Study Bill 156), relating to the levying of property taxes for school purposes; providing for a capital projects and equipment levy, a liability levy, additional allowable growth for school districts, a levy for retirement of certain school district employees, recomputation of enrollment for determining state aid and property taxes under the foundation formula, and the execution and continuation of loan agreements for anticipating the collection of certain levies; and providing an effective date.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 18, 1987.

**COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION**

**Committee Bill** (Formerly House Study Bill 118), relating to public health and safety by establishing measures to improve and protect groundwater quality and regulate substances which pose health and safety hazards; establishing goals, policies, programs, funding, and administrative provisions; establishing fertilizer and pesticide management programs, fee requirements, and licensing provisions, regulating water and agricultural drainage wells, sinkholes, watersheds, and wetlands; establishing an animal waste grant program; establishing solid waste management policies and fees; imposing a fee on household hazardous waste products and establishing a cleanup program and funding for the program, establishing registration monitoring, and construction guidelines, and fees for aboveground and underground storage tanks; and generally relating to public health and safety including groundwater protection, and providing penalties.

Fiscal Note is not required.

**Recommended Do Pass** March 18, 1987.

**COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT**

**Senate File 270**, a bill for an act affirming and reenacting certain provisions affecting the tax laws, and providing an effective date.

Fiscal Note is not required.

**Recommended Do Pass** March 17, 1987.

**Committee Bill** (Formerly House File 466), relating to domestic abuse, assaults involving an act of domestic abuse, and court orders issued and enforced pursuant to the domestic abuse law, and providing penalties.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 17, 1987.

**Committee Bill** (Formerly House Study Bill 171), relating to mortgage foreclosures by establishing an alternative mortgage foreclosure proceeding with final judicial sale and rights in lieu of redemption, and establishing nonjudicial foreclosure proceedings upon waiver of deficiency judgments.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 17, 1987.

**Committee Bill** (Formerly House Study Bill 234), relating to appeal of a magistrate's decision.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 17, 1987.

**Committee Bill** (Formerly House Study Bill 243), relating to the distribution, transportation, storage, and use of fireworks, defining fireworks, the presumptions applicable where property is destroyed by fire, and providing penalties.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 17, 1987.

**Committee Bill** (Formerly House Study Bill 256), relating to child in need of assistance proceedings.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 17, 1987.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**House File 422**, a bill for an act relating to rights and benefits of city civil service employees under collective bargaining agreements.

Fiscal Note is not required.

**Committee Action: Failed to Pass** March 18, 1987.

**Committee Bill** (Formerly House File 218), relating to the time for designating the period for which certain employer payments shall be allocated.

Fiscal Note is not required.

**Recommended Do Pass** March 18, 1987.

**Committee Bill** (Formerly House File 364), relating to providing workers' compensation coverage for emergency medical personnel and providing authority for their certification.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 18, 1987.

**Committee Bill** (Formerly House Study Bill 88, as amended), to provide payments to certain members of the police and fire retirement systems following their termination from employment.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 18, 1987.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**House File 496**, a bill for an act relating to health care providers and patients and providing for the creation of an excess liability fund for health care providers, establishing a surcharge to be deposited in the fund, establishing a special surcharge, establishing qualifications for a health care provider or a patient to be protected by the fund, establishing a maximum limitation on the liability of the fund, creation of a compensation review board, authorization of the fund to procure reinsurance to protect the fund, authorization of the fund to provide primary insurance coverage to health care providers and providing for structured settlements.

Fiscal Note is not required.

**Recommended Do Pass** March 17, 1987.

**Pursuant to House Rule 31.7, House File 496 was referred to committee on judiciary and law enforcement.**

**Committee Bill** (Formerly House Study Bill 49), establishing and financing a housing trust fund and appropriating its funds.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 1987.

**Committee Bill** (Formerly House Study Bill 231), relating to the creation of a statewide network of small business economic development corporations to assist in providing financing for small businesses in the state.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 1987.

**Committee Bill** (Formerly House Study Bill 249), relating to the licensing and examination of first mortgage bankers and mortgage brokers, and regulation of other mortgage lenders, and providing penalties.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1987.

**Committee Bill** (Formerly House Study Bill 264), relating to credit unions.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 17, 1987.

**Committee Bill** (Formerly House Study Bill 269), relating to financial institutions, by providing for the creation of the bank of Iowa.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1987.

**Committee Bill** (Formerly House Study Bill 272), to grant the commissioner of insurance the authority to approve discretionary group insurance.

Fiscal Note is not required.

Recommended **Do Pass** March 17, 1987.

COMMITTEE ON STATE GOVERNMENT

**House File 500**, a bill for an act relating to the state civil rights law and the civil rights commission.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3223** March 18, 1987.

**Committee Bill** (Formerly House Study Bill 242), relating to election procedures.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 18, 1987.

**Committee Bill** (Formerly House Study Bill 261), relating to elections.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 18, 1987.

**Committee Bill** (Formerly House Study Bill 285), relating to the maximum age for participation in an organized amateur boxing contest.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 18, 1987.

#### COMMITTEE ON TRANSPORTATION

**House File 472**, a bill for an act relating to the funding of state park and institutional road projects and county conservation parkway projects from RISE funds.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1987.

**House File 527**, a bill for an act to require owners of vehicles subject to proportional registration to make application to either the state department of transportation or the county treasurer for registration and issuance of certificates of title, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1987.

**House File 542**, a bill for an act exempting county care facilities from rules regarding coordination of public transit programs.

Fiscal Note is not required.

Recommended **Do Pass** March 18, 1987.

#### AMENDMENTS FILED

H-3218	H.F.	506	Groninga of Cerro Gordo
H-3219	S.F.	264	Groninga of Cerro Gordo
H-3220	H.F.	543	Royer of Page
			Cooper of Lucas
H-3221	H.F.	499	Stromer of Hancock
H-3222	H.F.	499	Stromer of Hancock
H-3223	H.F.	500	Committee on State Government
H-3224	H.F.	529	Black of Jasper

On motion by Arnould of Scott, the House adjourned at 3:38 p.m., until 9:00 a.m., Friday, March 20, 1987.

# JOURNAL OF THE HOUSE

Sixty-eighth Calendar Day — Forty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 20, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Jane Svoboda, state representative from Tama County.

The Journal of Thursday, March 19, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By De Groot of Lyon, from forty-two constituents of District 8 opposing Senate File 219, a bill relating to school based health clinics.

By Harper of Black Hawk, from two hundred twenty-two constituents favoring a comprehensive bill to resolve the problems of liability for the state of Iowa.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Knapp of Dubuque on request of Tabor of Jackson; Adams of Hamilton on request of Dvorsky of Johnson; Sherzan of Polk, until his arrival, on request of Running of Linn; Lageschulte of Bremer on request of Pellett of Cass; McKean of Jones on request of Stromer of Hancock; Johnson of Winneshiek on request of Osterberg of Linn.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 506**, a bill for an act relating to the regulation of the insurance business conducted in the state by the insurance division of the department of commerce, was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H-3218 filed by him and moved its adoption:

H-3218

- 1 Amend House File 506 as follows:
- 2 1. Page 3, line 14, by inserting after the word
- 3 "mailing" the words "; however, such a certificate of
- 4 mailing is not required if cancellation is for
- 5 nonpayment of premium."

Amendment H—3218 was adopted.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 506)

The ayes were, 93:

Arnould	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jochum	Koenigs	Kremer	Lundby
Maulsby	May	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabar	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Adams	Jay	Johnson	Knapp
Lageschulte	McKean	Sherzan	

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 304**, a bill for an act relating to the determination of annual salaries for elected county officers and their deputies, deferred and retained on the calendar March 10 and 16, 1987 and amendment H—3189, as amended, found on pages 638 and 639 of the House Journal.

Stromer of Hancock offered the following amendment H—3197, to amendment H—3189, filed by him and Cooper of Lucas and moved its adoption:

H-3197

- 1 Amend amendment, H-3189, to House File 304 as
- 2 follows:
- 3 1. Page 1, line 39, by inserting after the word
- 4 "government." the following: "Notwithstanding chapter
- 5 21, the compensation committee shall give at least
- 6 ten-days notice published as provided in section
- 7 331.305 of its initial meeting. A subsequent meeting
- 8 shall be announced before adjournment of the preceding
- 9 meeting."

Amendment H-3197 was adopted.

Muhlbauer of Crawford offered the following amendment H-3195, to amendment H-3189, filed by Muhlbauer, et al., and moved its adoption:

H-3195

- 1 Amend amendment, H-3189, to House File 304 as
- 2 follows:
- 3 1. Page 1, line 41, by striking the word "final"
- 4 and inserting the following: "recommended".
- 5 2. Page 1, line 45, by striking the word "final"
- 6 and inserting the following: "recommended".
- 7 3. Page 1, line 47, by inserting after the word
- 8 "budget." the following: "The board of supervisors
- 9 shall review the recommended compensation schedule for
- 10 the elected county officers and determine the final
- 11 compensation which shall not exceed the compensation
- 12 schedule recommended by the compensation committee.
- 13 In determining the final compensation schedule if the
- 14 board of supervisors wishes to reduce the amount of
- 15 the recommended compensation schedule, the amount of
- 16 the salary increase proposed for each elected county
- 17 officer shall be reduced an equal percentage."

A non-record roll call was requested.

The ayes were 43, nays 21.

Amendment H-3195 was adopted.

Cooper of Lucas moved the adoption of amendment H-3189, as amended.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 53, nays 37.

Amendment H—3189 was adopted, placing the following amendments out of order:

H—3131 filed by Spear of Lee on March 2, 1987.

H—3153, to amendment H—3131, filed by Garman of Story on March 6, 1987.

H—3159, filed by Garman of Story on March 9, 1987.

H—3136, page 1, lines 14 through 50 and all of page 2, filed by Connors, et al., on March 3, 1987.

The House resumed consideration of amendment H—3136 (page 1, lines 2 through 13) filed by Connors of Polk and found on page 575 of the House Journal.

On motion by Connors of Polk, amendment H—3136 (page 1, lines 2 through 13) was adopted.

Fuller of Hardin moved that the bill be read a last time 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. 304)

The ayes were, 72:

Arnould	Beaman	Beatty	Bennett
Black	Blanshan	Brammer	Buhr
Clark	Cphoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jochum	Koenigs
Kremer	Lundby	May	McKinney
Miller	Muhlbauer	Mullins	Norrgard
Ollie	Osterberg	Parker	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Rosenberg	Royer
Running	Schrader	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 20:

Bisignano	Branstad	Carpenter	Connors
Diemer	Groninga	Hansen, S. D.	Hanson, D. R.
Hummel	Maulsby	Metcalf	Neuhauser
Paulin	Platt	Renaud	Renken
Schnekloth	Shoultz	Tabor	Van Maanen

Absent or not voting, 8:

Adams	Chapman	Jay	Johnson
Knapp	Lageschulte	McKean	Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 269**, a bill for an act affirming and reenacting certain provisions affecting the criminal laws, and providing an effective date, was taken up for consideration.

Doderer of Johnson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 269)

The ayes were, 89:

Arnould	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jochum	Kremer
Lundby	Maulsby	May	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrsgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker.			

The nays were, none.

Absent or not voting, 11:

Adams	Chapman	Gruhn	Jay
Johnson	Knapp	Koenigs	Lageschulte
McKean	Sherzan	Shoning	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGE  
(House File 304)

Arnould of Scott asked and received unanimous consent that House File 304 be immediately messaged to the Senate.

INTRODUCTION OF BILLS

**House File 606**, by committee on energy and environmental protection, a bill for an act relating to public health and safety by establishing measures to improve and protect groundwater quality and to manage substances which pose health and safety hazards, by establishing goals, policies, funding mechanisms, including taxes and fees, and administrative provisions for the measures, by establishing programs relating to the management of agricultural activities, solid waste disposal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, and by providing for other properly related matters.

Read first time and referred to committee on **ways and means**.

**House File 607**, by committee on state government, a bill for an act relating to the maximum age for participation in an organized amateur boxing contest.

Read first time and placed on the **calendar**.

**House File 608**, by committee on state government, a bill for an act relating to election procedures.

Read first time and placed on the **calendar**.

**House File 609**, by committee on state government, a bill for an act relating to the payment of expenses for the boards of medical examiners, dental examiners, and pharmacy examiners, and the board of nursing.

Read first time and placed on the **calendar**.

**House File 610**, by committee on small business and commerce, a bill for an act to grant the commissioner of insurance the authority to approve discretionary group insurance.

Read first time and placed on the **calendar**.

**House File 611**, by committee on small business and commerce, a bill for an act relating to financial institutions, by providing for the creation of the bank of Iowa.

Read first time and placed on the **calendar**.

**House File 612**, by committee on judiciary and law enforcement, a bill for an act relating to appeal of a magistrate's decision.

Read first time and placed on the **calendar**.

### RULES SUSPENDED

Arnould of Scott asked for unanimous consent to suspend the rules for the immediate consideration of Senate File 298.

Objection was raised.

Arnould of Scott moved to suspend the rules for the immediate consideration of Senate File 298.

A non-record roll call was requested.

The ayes were 52, nays 36.

The motion prevailed and the rules were suspended.

**Senate File 298**, a bill for an act relating to the sale of alcoholic beverages, by allowing the alcoholic beverages division to assess a split-case charge when alcoholic liquor is sold in quantities which require a case to be split, by lowering the maximum markup on liquor sold by the division to class "E" licensees from sixty to fifty percent, by setting the bond for a class "E" license at a maximum of fifteen thousand dollars, by not requiring a bond from class "E" licensees who purchase alcoholic liquor from the division on a cash basis or by means that ensures that the division will receive full payment in advance of delivery, by providing for the issuance of a class "E" liquor control license to a city council in certain circumstances, by further restricting the issuance of a class "E" license to premises on or near which gasoline is sold, by allowing the division to deposit all the license fees collected from class "E" licensees in the beer and liquor control fund, by allowing the advertisement of alcoholic liquor for sale, by repealing the fifty percent goods and services test to qualify for Sunday sales of alcoholic beverages or beer under a liquor control license or class "B" beer permit, by providing that a corporation only placing alcoholic liquor in bailment with the division is not doing business in Iowa for the purpose of determining its tax liability and making the provision retroactive, by requiring class "E" licensees to collect and refund the beverage container deposit on containers of alcoholic liquor, by striking a standing appropriation for the treatment of alcoholics, by allowing the division to sell liquor inventories in state stores to class "E" licensees at reduced prices as state stores are closed, and by allowing the division to continue sales of wine to class "A" and "B" wine

permittees until inventories are depleted, and providing an effective date, was taken up for consideration.

### SENATE FILE 298 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 298 be deferred and that the bill be placed on the unfinished business calendar.

The House stood at ease at 10:28 a.m., until the fall of the gavel.

The House resumed session at 11:54 a.m., Connors of Polk in the chair.

### INTRODUCTION OF BILLS

**House File 613**, by committee on small business and commerce, a bill for an act relating to the licensing and examination of first mortgage bankers and mortgage brokers, and regulation of other mortgage lenders, and providing penalties.

Read first time and placed on the **calendar**.

**House File 614**, by committee on state government, a bill for an act relating to sales of funeral services and funeral merchandise, revising regulatory and reporting provisions, requiring disclosures, requiring permits, providing penalties, providing for the applicability of the Act, and providing an effective date.

Read first time and placed on the **calendar**.

**House File 615**, by committee on labor and industrial relations, a bill for an act relating to providing workers' compensation coverage for emergency medical personnel and providing authority for their certification.

Read first time and placed on the **calendar**.

**House File 616**, by committee on education, a bill for an act relating to the levying of property taxes for school purposes; providing for a capital projects and equipment levy and a liability levy and the execution and continuation of loan agreements for anticipating the collection of certain levies; and providing an effective date.

Read first time and referred to committee on **ways and means**.

**House File 617**, by committee on small business and commerce, a bill for an act relating to financial institutions.

Read first time and placed on the **calendar**.

**House File 618**, by committee on agriculture, a bill for an act relating to farmers' markets and providing an appropriation.

Read first time and referred to committee on **appropriations**.

**House File 619**, by committee on agriculture, a bill for an act relating to foreclosure and redemption of real property, by removing certain restrictions on redemption in certain cases, providing a cause of action against the receiver in certain cases, permitting the use of independent appraisers to determine the value of the homestead, providing for the designation of a farmstead right of a former owner to repurchase or lease a farmstead, providing dates of applicability, and providing an effective date.

Read first time and referred to committee on **small business and commerce**.

**House File 620**, by committee on natural resources and outdoor recreation, a bill for an act relating to the acquisition and protection of significant elements of the state's natural open space heritage.

Read first time and placed on the **calendar**.

**House File 621**, by committee on agriculture, a bill for an act requiring the state vehicle dispatcher and other state agencies to solicit bids for ethanol-blended gasoline when advertising for bids for gasoline.

Read first time and placed on the **calendar**.

**House File 622**, by committee on state government, a bill for an act relating to affirmative action in the certification of names for positions in the state personnel system when necessary to achieve a balanced work force and providing for the future repeal of the Act.

Read first time and placed on the **calendar**.

**House File 623**, by committee on natural resources and outdoor recreation, a bill for an act relating to the identification, protection, planning, and promotion of public highways and roads along scenic regions of the state.

Read first time and placed on the **calendar**.

The House stood at ease at 11:58 a.m. until the fall of the gavel.

The House resumed session at 1:23 p.m. Speaker Avenson in the chair.

## BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on March 20, 1987, he approved and transmitted to the Secretary of State the following bill:

House File 163, an act relating to health-related duties within the Department of Inspections and Appeals and the Iowa Department of Public Health.

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 19, 1987. Had I been present, I would have voted "aye" on House Files 469, 488, 513 and Senate File 141.

CONNOLLY of Dubuque

I was necessarily absent from the House chamber on Monday and Tuesday, March 16 and 17, 1987. Had I been present, I would have voted "aye" on House Files 90, 136, 303, 470 and 491.

JAY of Appanoose

### SUBCOMMITTEE ASSIGNMENTS

#### House File 553

Energy and Environmental Protection: May, Chair; Diemer and Dvorsky.

#### House File 569

Small Business and Commerce: Skow, Chair; Hansen of Woodbury, Hanson of Delaware, Hatch and Metcalf.

#### House File 572

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

#### House File 604

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Swearingen.

#### House File 606

Ways and Means: Johnson, Chair; Doderer and Schnekloth.

#### Senate File 332

Natural Resources and Outdoor Recreation: Johnson, Chair; Fuller and Paulin.

### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

#### House Study Bill 306 (Revised #2)

Local Government: Renken, Chair; Cooper and Fuller.

#### House Study Bill 307

Natural Resources and Outdoor Recreation: Gruhn, Chair; Branstad and Diemer.

**House Study Bill 308**

Natural Resources and Outdoor Recreation: Branstad, Chair; Diemer and Gruhn.

**House Study Bill 310**

Energy and Environmental Protection: Schrader, Chair; Mullins and Rosenberg.

**House Study Bill 311**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**House File 345**, a bill for an act relating to the procedures for authorization of drainage district improvements.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3227** March 19, 1987.

**Committee Bill** (Formerly House File 510), requiring the state vehicle dispatcher and other state agencies to solicit bids for ethanol-blended gasoline when advertising for bids for gasoline.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

**COMMITTEE ON EDUCATION**

**House File 183**, a bill for an act relating to the allocation of moneys from certain need-based student financial programs at certain postsecondary education institutions in this state.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 19, 1987.

**House File 460**, a bill for an act relating to the contract provisions for certain certificated employees of certain institutions governed by the state board of regents.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 157), relating to providing private instruction or instruction in a nonpublic school.

Fiscal Note is not required.

**Recommended Amend and Do Pass March 19, 1987.**

**COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION**

**Committee Bill** (Formerly House File 307), relating to the wastewater treatment facility and making variances subject to the approval of the environmental protection commission.

Fiscal Note is not required.

**Recommended Do Pass March 19, 1987.**

**Committee Bill** (Formerly House Study Bill 132), exempting gas public utilities having less than two thousand customers from certain regulation authority of the utilities board and defining the areas in which such utilities remain subject to regulation.

Fiscal Note is not required.

**Recommended Do Pass March 19, 1987.**

**COMMITTEE ON HUMAN RESOURCES**

**House File 310**, a bill for an act relating to acquired immune deficiency syndrome including the establishment of a central registry for victims and screening and testing procedures.

Fiscal Note is required.

**Recommended Amend and Do Pass with amendment H-3230 March 19, 1987.**

**COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS**

**House File 422**, a bill for an act relating to rights and benefits of city civil service employees under collective bargaining agreements.

Fiscal Note is not required.

**Committee Action: Reconsidered and Recommended Amend and Do Pass with amendment H-3225 March 19, 1987.**

**COMMITTEE ON LOCAL GOVERNMENT**

**House File 324**, a bill for an act authorizing the joint investment of funds by counties, cities, and city utilities.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H-3229 March 19, 1987.**

**COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION**

**House File 556**, a bill for an act relating to, and defining, bed and breakfast inns, and subjecting violators to existing penalties.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H-3231 March 19, 1987.**

**Committee Bill** (Formerly House Study Bill 307), relating to the acquisition and protection of significant elements of the state's natural open space heritage.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 308), relating to the identification, protection, planning, and promotion of public highways and roads along scenic regions of the state.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

#### COMMITTEE ON STATE GOVERNMENT

**Committee Bill** (Formerly House Study Bill 86), relating to affirmative action in the certification of names for positions in the state personnel system when necessary to achieve a balanced work force.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 258), relating to the payment of expenses for the boards of medical examiners, dental examiners, and pharmacy examiners, and the board of nursing.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 1987.

#### COMMITTEE ON TRANSPORTATION

**House File 533**, a bill for an act relating to weight restrictions for vehicles on bridges and culverts and including a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3228** March 19, 1987.

**House File 561**, a bill for an act to require a thirty foot right-of-way along Iowa highway #44 through the corporate limits of the city of Panora, Iowa.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

#### AMENDMENTS FILED

H-3225	H.F.	422	Committee on Labor and Industrial Relations
H-3226	H.F.	576	Kremer of Buchanan
H-3227	H.F.	345	Committee on Agriculture
H-3228	H.F.	533	Committee on Transportation
H-3229	H.F.	324	Committee on Local Government
H-3230	H.F.	310	Committee on Human Resources

H-3231	H.F.	556	Committee on Natural Resources and Outdoor Recreation
H-3232	S.F.	298	Renaud of Polk Pavich of Pottawattamie Blanshan of Greene
H-3233	S.F.	298	Renaud of Polk Blanshan of Greene Pavich of Pottawattamie
H-3234	H.F.	499	Metcalf of Polk
H-3235	H.F.	499	Maulsby of Calhoun
H-3236	H.F.	499	Metcalf of Polk
H-3237	H.F.	499	Metcalf of Polk
H-3238	S.F.	298	Renaud of Polk
H-3239	S.F.	298	Halvorson of Webster
H-3240	S.F.	298	Halvorson of Webster
H-3241	S.F.	298	Halvorson of Webster
H-3242	H.F.	499	Maulsby of Calhoun
H-3243	H.F.	566	Spear of Lee
H-3244	H.F.	566	Spear of Lee
H-3245	S.F.	298	Halvorson of Webster
H-3246	S.F.	298	Halvorson of Webster

On motion by Arnould of Scott, the House adjourned at 1:25 p.m., until 10:00 a.m., Monday, March 23, 1987.

# JOURNAL OF THE HOUSE

Seventy-first Calendar Day — Forty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 23, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Dorothy Carpenter, state representative from Polk County.

The Journal of Friday, March 20, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Koenigs of Mitchell, from seventy-five senior citizens of Osage, Iowa opposing House File 268, an act relating to drivers demonstration for those seventy and over to renew drivers license.

Also: From two hundred senior citizens, of Howard County favoring the Comprehensive Long Term Health Care and Community Based Service bill.

By Connors of Polk, from one hundred eight constituents favoring the reconsideration of the Iowa Tuition Grant reduction of \$80 per student.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Chapman of Linn on request of Platt of Muscatine; Fey of Scott, until his arrival, on request of Arnould of Scott; Parker of Jasper, until his arrival, and Knapp of Dubuque on request of Tabor of Jackson.

## INTRODUCTION OF BILLS

**House File 624**, by committee on judiciary and law enforcement, a bill for an act relating to the distribution, transportation, storage, and use of fireworks, defining fireworks, the presumptions applicable where property is destroyed by fire, establishing permits, licenses, and fees, and providing penalties.

Read first time and placed on the **calendar**.

**House File 625**, by Miller and Paulin, a bill for an act relating to the penalty for operation of a motor vehicle while under the influence of alcohol or a drug by allowing the court to require a person convicted

of or receiving a deferred judgment for a violation to publish an apology in a newspaper of local circulation, and by providing for a thirty day hard revocation of the motor vehicle license of a person convicted of a violation.

Read first time and referred to committee on **judiciary and law enforcement**.

### SENATE MESSAGES CONSIDERED

**Senate File 138**, by Hutchins, a bill for an act relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985.

Read first time and referred to committee on **agriculture**.

**Senate File 146**, by Priebe, a bill for an act relating to the agricultural loan assistance program of the Iowa agricultural development authority.

Read first time and referred to committee on **agriculture**.

**Senate File 274**, by Riordan, Priebe, Hutchins, Boswell, Bruner, Carr, Coleman, Deluhery, Dieleman, Doyle, Fraise, Gettings, Gronstal, Hall, Hannon, Horn, Husak, Kinley, Lloyd-Jones, Mann, Miller of Cerro Gordo, Miller of Des Moines, Murphy, Palmer, Peterson, Scott, Sturgeon, Varn, Wells, and Welsh, a bill for an act relating to the exporting of Iowa grain, by providing for the establishment of an Iowa agricultural export trading company; establishing a certified Iowa grain program; a new division of agriquality inspection within the department of agriculture and land stewardship; a state grain terminal and shippers program; a foreign sale facilitation system; and a sealed carrier receptacle program; and imposing penalties.

Read first time and referred to committee on **agriculture**.

### SPECIAL PRESENTATION

Jochum of Dubuque presented to the House the Honorable Michael Dukakis, Governor of Massachusetts.

The House rose and expressed its welcome.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 429**, a bill for an act providing that under certain circumstances the owner of a vehicle which is violating the warning lamps or stop arm of a school bus shall be deemed to be the driver and making penalties applicable (deferred and retained on the calendar March 16, 1987), was taken up for consideration.

Harbor of Mills offered the following amendment H—3172 filed by him and moved its adoption:

H—3172

- 1 Amend House File 429 as follows:
- 2 1. Page 1, line 3, by inserting after the word
- 3 "driver" the following: "or an occupant".

A non-record roll call was requested.

The ayes were 39, nays 45.

Amendment H—3172 lost.

Neuhauser of Johnson offered the following amendment H—3169 filed by her and moved its adoption:

H—3169

- 1 Amend House File 429 as follows:
- 2 1. By striking page 1, line 33 through page 2,
- 3 line 1, and inserting the following:
- 4 "1. The owner establishes that at the time of the
- 5 violation the vehicle was in the custody of an
- 6 identified person other than the owner."

Amendment H—3169 was adopted.

Paulin of Plymouth asked and received unanimous consent to withdraw amendment H—3190 filed by him and Van Camp of Scott on March 16, 1987.

Gruhn of Dickinson moved that the bill be read a last time 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. 429)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean

McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Paulin	Pavich	Pellet
Peters	Peterson, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Van Maanen	Wise	Mr. Speaker

The nays were, 4:

Hummel	Renken	Tyrrell	Van Camp
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Absent or not voting, 4:

Chapman	Fey	Knapp	Parker
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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 515**, a bill for an act relating to the appointment of court appointed special advocates, and providing an effective date, was taken up for consideration.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 515)

The ayes were, 69:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	De Groot
Diemer	Doderer	Dvorsky	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Koenigs
Kremer	Lageschulte	May	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stueland	Svoboda	Swartz
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 27:

Beaman	Bennett	Branstad	Corey
Daggett	Eddie	Garman	Harbor
Hermann	Hester	Hummel	Lundby
Maulsby	McKean	Metcalf	Miller
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Schnekloth	Stromer
Swearingen	Tyrrell	Van Maanen	

Absent or not voting, 4:

Chapman	Fey	Knapp	Parker
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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 241**, an act requiring Iowa state university of science and technology to use resources connected with institutions of the Iowa department of corrections, in order to conduct agricultural research, development, and testing projects, with report of committee recommending passage was taken up for consideration.

Cooper 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. 241)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz

Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Chapman	Fey	Knapp	Parker
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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 467 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 467 be deferred and that the bill retain its place on the calendar.

**House File 514**, a bill for an act relating to the issuance of a preliminary injunction in actions for dissolution of marriage, annulment, or separate maintenance, and making penalties applicable, was taken up for consideration.

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. 514)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrard	Ollie
Osterberg	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Scherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen

Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 1:

Hummel

Absent or not voting, 4:

Chapman	Fey	Knapp	Parker
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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 393 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 393 be deferred and that the bill retain its place on the calendar.

**House File 525**, a bill for an act relating to the jurisdiction of the juvenile court in hospital admission of minors and the admission procedures for minors, was taken up for consideration.

Brammer of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 525)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Chapman	Connors	Fey	Hatch
Knapp	Parker	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 185**, a bill for an act to prohibit the instruction in and demonstration of the use of dangerous weapons, offensive weapons, and explosives for use in or in furtherance of a civil disorder and providing a penalty, with report of committee recommending passage was taken up for consideration.

Rosenberg 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. 185)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cphoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Johnson
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Chapman	Connors	Fey	Jochum
Knapp	Parker	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Arnould of Scott, the House was recessed at 11:32 a.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 393**, a bill for an act to require all class "A" wine permit premises and class "A" beer permit premises to be located within the state (temporarily deferred), with report of committee recommending passage was taken up for consideration.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 393)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrsgard
Ollie	Osterberg	Paulin	Pavich
Pellet	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Brammer                      Chapman                      Knapp                      Parker

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 464**, a bill for an act relating to the receipt and sale of protected game by a nonprofit corporation, with report of committee recommending passage was taken up for consideration.

Platt 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. 464)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lageschulte	Luñdby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Brammer                      Chapman                      Knapp                      Parker

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE FILE 384 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 384 be deferred and that the bill retain its place on the calendar.

## UNFINISHED BUSINESS CALENDAR

The House resumed consideration of **Senate File 298**, a bill for an act relating to the sale of alcoholic beverages, by allowing the alcoholic beverages division to assess a split-case charge when alcoholic liquor is sold in quantities which require a case to be split, by lowering the maximum markup on liquor sold by the division to class "E" licensees from sixty to fifty percent, by setting the bond for a class "E" license at a maximum of fifteen thousand dollars, by not requiring a bond from class "E" licensees who purchase alcoholic liquor from the division on a cash basis or by means that ensures that the division will receive full payment in advance of delivery, by providing for the issuance of a class "E" liquor control license to a city council in certain circumstances, by further restricting the issuance of a class "E" license to premises on or near which gasoline is sold, by allowing the division to deposit all the license fees collected from class "E" licensees in the beer and liquor control fund, by allowing the advertisement of alcoholic liquor for sale, by repealing the fifty percent goods and services test to qualify for Sunday sales of alcoholic beverages or beer under a liquor control license or class "B" beer permit, by providing that a corporation only placing alcoholic liquor in bailment with the division is not doing business in Iowa for the purpose of determining its tax liability and making the provision retroactive, by requiring class "E" licensees to collect and refund the beverage container deposit on containers of alcoholic liquor, by striking a standing appropriation for the treatment of alcoholics, by allowing the division to sell liquor inventories in state stores to class "E" licensees at reduced prices as state stores are closed, and by allowing the division to continue sales of wine to class "A" and "B" wine permittees until inventories are depleted, and providing an effective date, (with report of committee recommending amendment and passage) deferred and placed on the unfinished business calendar on March 20, 1987.

The Speaker announced that amendment H-3194 filed by the committee on state government on March 16, 1987 was incorrectly drafted and therefore, not in order.

Renaud of Polk offered the following amendment H—3205 filed by the committee on state government:

H—3205

1 Amend Senate File 298 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 1, line 17, by inserting after the word  
4 "may" the words "decrease or".

5 2. Page 1, by inserting after line 21 the  
6 following:

7 "Sec. 3. Section 123.26, Code 1987, is amended to  
8 read as follows:

9 123.26 RESTRICTIONS ON SALES — SEALS — LABELING.

10 Alcoholic liquor shall not be sold by the division  
11 to a class "E" liquor control licensee except in a  
12 sealed container with identifying markers as  
13 prescribed by the administrator and affixed on the  
14 premises of a state warehouse in the manner prescribed  
15 by the administrator, and no such container shall be  
16 opened upon the premises of a state warehouse. The  
17 division shall cooperate with the department of  
18 natural resources so that only one identifying marker  
19 or mark is needed to satisfy the requirements of this  
20 section and section 455C.5, subsection 1. Possession  
21 of alcoholic liquors which do not carry the prescribed  
22 identifying markers is a violation of this chapter  
23 except as provided in section 123.22."

24 3. Page 2, line 18, by inserting after the word  
25 "division" the words "within one year of the date that  
26 the class "E" liquor control licensee begins  
27 operating".

28 4. Page 2, line 32, by inserting before the word  
29 "liquor" the following: "retail".

30 5. Page 2, line 32, by inserting before the word  
31 "wine" the following: "retail".

32 6. Page 4, by inserting after line 30 the  
33 following:

34 "Sec. \_\_\_\_\_. Section 455C.1, subsection 5, Code  
35 1987, is amended to read as follows:

36 5. "Distributor" means any person who engages in  
37 the sale of beverages in beverage containers to a  
38 dealer in this state, including any manufacturer who  
39 engages in such sales. The alcoholic beverages  
40 division of the department of commerce is not a  
41 distributor for the purpose of this chapter."

42 7. Page 6, line 5, by striking the words and  
43 figures "Sections 123.26 and 455C.11, Code 1987, are"  
44 and inserting the following: "Section 455C.11, Code  
45 1987, is".

46 8. Page 6, line 11, by striking the words "and  
47 "B" "

48 9. Page 6, by inserting after line 13 the  
49 following:  
50 "Sec. \_\_\_\_\_. There is appropriated for the fiscal

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1 year commencing July 1, 1987 and ending June 30, 1988,  
2 from the beer and liquor control fund to the Iowa  
3 department of public health a sum equal to the  
4 difference between the funds collected from the  
5 deposit required on beverage containers containing  
6 alcoholic liquor and the funds dispersed in the  
7 payment of the refund value on such containers. The  
8 Iowa department of public health shall use the  
9 appropriated funds only for the care, maintenance, and  
10 treatment of alcoholics under chapter 125.  
11 Notwithstanding sections 8.33 and 123.53, those funds  
12 collected in the beer and liquor control fund for the  
13 fiscal year beginning July 1, 1986 and ending June 30,  
14 1987 which represent the difference between the funds  
15 collected from the deposit on beverage containers  
16 containing alcoholic liquor and the funds dispersed in  
17 payment of the refund value on such containers shall  
18 not revert to the general fund or be used for a  
19 purpose other than that provided in this section."  
20 10. Title page, line 6, by inserting after the  
21 word "percent," the following: "by allowing  
22 identifying markers to be affixed on containers of  
23 alcoholic liquor in the manner prescribed by the  
24 division,".  
25 11. Title page, line 10, by striking the words:  
26 "and "B" ".  
27 12. Title page, line 11, by inserting after the  
28 word "depleted," the following: "by providing an  
29 appropriation to the department of health for the  
30 treatment of alcoholics from funds collected by the  
31 division for the deposit on containers of alcoholic  
32 liquor which are not disbursed in the payment of the  
33 refund,".  
34 13. By renumbering as necessary.

**RULE 31.8 SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, on Senate File 298.

Renaud of Polk offered the following amendment H—3232, to the committee amendment H—3205 filed by Renaud, et al., and moved its adoption:

H—3232

- 1 Amend the House Amendment H—3205 to Senate File
- 2 298, as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, lines 10 and 11, by striking the words
- 5 "the division to" and inserting the following: "the
- 6 ~~division to~~".

Amendment H—3232 was adopted.

Halvorson of Webster offered the following amendment H—3254, to the committee amendment H—3205, filed by him from the floor and moved its adoption:

H—3254

- 1 Amend the House amendment, H—3205, to Senate File
- 2 298 as amended, passed, and reprinted by the Senate,
- 3 as follows:
- 4 1. Page 1, by striking lines 46 and 47.
- 5 2. Page 2, by striking lines 25 and 26.
- 6 3. By renumbering as required.

Amendment H—3254 was adopted.

On motion by Renaud of Polk, the committee amendment H—3205, as amended, was adopted.

The House stood at ease at 2:30 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 298 at 3:47 p.m., Speaker Avenson in the chair.

Tabor of Jackson offered the following amendment H—3271 filed by him from the floor and moved its adoption:

H—3271

- 1 Amend Senate File 298 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 123.19, subsection 1, Code
- 6 1987, is amended to read as follows:
- 7 1. Any manufacturer, distiller or importer of
- 8 alcoholic beverages shipping, selling, or having
- 9 alcoholic beverages brought into this state for resale
- 10 by the state shall, as a condition precedent to the
- 11 privilege of so trafficking in alcoholic liquors in
- 12 this state, annually make application for and hold a
- 13 distiller's certificate of compliance which shall be
- 14 issued by the administrator for that purpose. A
- 15 distiller shall also, as a condition precedent to the

16 privilege of so trafficking in alcoholic liquors in  
 17 this state, have an office within the state for the  
 18 purpose of the state corporate income tax under  
 19 chapter 422, division III. No brand of alcoholic  
 20 liquor shall be sold by the division in this state  
 21 unless the manufacturer, distiller, importer, and all  
 22 other persons participating in the distribution of  
 23 that brand in this state have obtained a certificate.  
 24 The certificate of compliance shall expire at the end  
 25 of one year from the date of issuance and shall be  
 26 renewed for a like period upon application to the  
 27 administrator unless otherwise suspended or revoked  
 28 for cause. Each application for a certificate of  
 29 compliance or renewal shall be made in a manner and  
 30 upon forms prescribed by the administrator and shall  
 31 be accompanied by a fee of fifty dollars payable to  
 32 the division. However, this subsection need not apply  
 33 to a manufacturer, distiller, or importer who ships or  
 34 sells in this state no more than eleven gallons or its  
 35 case equivalent during any fiscal year as a result of  
 36 "special orders" which might be placed, as defined and  
 37 allowed by divisional rules adopted under this  
 38 chapter."

39 2. Page 4, by striking lines 25 through 30.

40 3. Page 6, by striking lines 14 and 15.

41 4. By striking title page 1, line 20 through  
 42 title page 2, line 4, and inserting the following:  
 43 "license or class "B" beer permit, by requiring class  
 44 "E" licensees to collect and".

45 5. By renumbering as necessary.

Amendment H—3271 was adopted.

Halvorson of Webster offered the following amendment H—3246  
 filed by him and moved its adoption:

H—3246

1 Amend Senate File 298 as amended, passed, and  
 2 reprinted by the Senate as follows:

3 1. Page 1, line 4, by striking the words "class  
 4 "E" " and inserting the following: "class "~~E~~" ".

5 2. Page 1, line 6, by striking the words "class  
 6 "E" " and inserting the following: "class "~~E~~" ".

7 3. Page 1, by inserting after line 10 the  
 8 following:

9 "Sec. \_\_\_\_\_. Section 123.24, subsection 2, Code  
 10 1987, is amended to read as follows:

11 2. a. The division may accept from a class "~~E~~"  
 12 liquor control licensee a cashier's check which shows  
 13 the licensee is the remitter or a check issued by the  
 14 licensee in payment of alcoholic liquor. If a check

15 is subsequently dishonored, the division shall cause a  
16 notice of nonpayment and penalty to be served upon the  
17 class "E" liquor control licensee or upon any person  
18 in charge of the licensed premises. The notice shall  
19 state that if payment or satisfaction for the  
20 dishonored check is not made within ten days of the  
21 service of notice, the licensee's liquor control  
22 license shall be suspended under section 123.39. The  
23 notice of nonpayment and penalty shall be in a form  
24 prescribed by the administrator, and shall be served  
25 by a peace officer.

26 b. If upon notice and hearing under section 123.39  
27 and pursuant to the provisions of chapter 17A  
28 concerning a contested case hearing, the administrator  
29 determines that the class "E" liquor control licensee  
30 failed to satisfy the obligation for which the check  
31 was issued within ten days after the notice of  
32 nonpayment and penalty was served on the licensee as  
33 provided in paragraph "a" of this subsection, the  
34 administrator shall suspend the licensee's class "E"  
35 liquor control license for not less than three days  
36 but not more than thirty days.

37 c. Paragraphs "a" and "b" do not apply if a class  
38 "E" liquor control licensee tenders the division three  
39 or more checks during a twelve-month period which are  
40 dishonored. Following notification to the division of  
41 dishonor of a check after the second check so  
42 dishonored from the same licensee, the administrator  
43 shall suspend a licensee's class "E" liquor control  
44 license for not less than three nor more than thirty  
45 days, after notice and an opportunity for hearing.  
46 Payment of a check whose dishonor subjects the  
47 licensee to suspension does not affect the liability  
48 of the licensee to suspension."

49 4. Page 1, by inserting after line 21 the  
50 following:

**Page 2**

1 "Sec. \_\_\_\_\_. Section 123.28, unnumbered paragraph 1,  
2 Code 1987, is amended to read as follows:

3 It is lawful to transport, carry, or convey  
4 alcoholic liquors from the place of purchase by the  
5 division to a state warehouse or depot established by  
6 the division or from one such place to another and,  
7 when so permitted by this chapter, it is lawful for  
8 the division, a common carrier, or other person to  
9 transport, carry, or convey alcoholic liquor sold from  
10 a state warehouse, depot, or point of purchase by the  
11 state to any place to which the liquor may be lawfully  
12 delivered under this chapter. The division shall  
13 deliver alcoholic liquor purchased by class "E" liquor

14 control licensees. Class "E" liquor control licensees  
15 may deliver alcoholic liquor purchased by class "A",  
16 "B", or "C" liquor control licensees, and class "A",  
17 "B", or "C" liquor control licensees may transport  
18 alcoholic liquor purchased from the department or  
19 class "E" liquor control licensees. Notwithstanding  
20 section 321.230, sections 321.225 and 321.226 do not  
21 apply to division employees in the regular course of  
22 their employment. A common carrier or other person  
23 shall not break or open or allow to be broken or  
24 opened a container or package containing alcoholic  
25 liquor or use or drink or allow to be used or drunk  
26 any alcoholic liquor while it is being transported or  
27 conveyed, but this section does not prohibit a private  
28 person from transporting individual bottles or  
29 containers of alcoholic liquor exempted pursuant to  
30 section 123.22 and individual bottles or containers  
31 bearing the identifying mark prescribed in section  
32 123.26 which have been opened previous to the  
33 commencement of the transportation. This section does  
34 not affect the right of a special permit or liquor  
35 control license holder to purchase, possess, or  
36 transport alcoholic liquors subject to this chapter."

37 5. Page 2, by inserting after line 20 the follow-  
38 ing:

39 "Sec. \_\_\_\_\_. Section 123.30, subsection 3,  
40 paragraphs a, b, and c, Code 1987, are amended to read  
41 as follows:

42 a. CLASS "A". A class "A" liquor control license  
43 may be issued to a club and shall authorize the holder  
44 to purchase alcoholic liquors from the department or  
45 class "E" liquor control licensees ~~only~~, wine from  
46 class "A" wine permittees only, and native wines from  
47 native wine manufacturers, and to sell liquors, wine,  
48 and beer, to bona fide members and their guests by the  
49 individual drink for consumption on the premises only.

50 b. CLASS "B". A class "B" liquor control license

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1 may be issued to a hotel or motel and shall authorize  
2 the holder to purchase alcoholic liquors from the  
3 department or class "E" liquor control licensees ~~only~~,  
4 wine from class "A" wine permittees only, and native  
5 wines from native wine manufacturers, and to sell  
6 liquors, wine, and beer, to patrons by the individual  
7 drink for consumption on the premises only. However,  
8 beer may also be sold for consumption off the  
9 premises. Each license shall be effective throughout  
10 the premises described in the application.

11 c. CLASS "C". A class "C" liquor control license  
12 may be issued to a commercial establishment but must

13 be issued in the name of the individuals who actually  
14 own the entire business and shall authorize the holder  
15 to purchase alcoholic liquors from the department or  
16 class "E" liquor control licensees only, wine from  
17 class "A" wine permittees only, and native wines from  
18 native wine manufacturers, and to sell liquors, wine,  
19 and beer, to patrons by the individual drink for  
20 consumption on the premises only. However, beer may  
21 also be sold for consumption off the premises.

22 A special class "C" liquor control license may be  
23 issued and shall authorize the holder to purchase wine  
24 from class "A" wine permittees only, and to sell wine  
25 and beer to patrons by the individual drink for  
26 consumption on the premises only. However, beer may  
27 also be sold for consumption off the premises. The  
28 license issued to holders of a special class "C"  
29 license shall clearly state on its face that the  
30 license is limited."

31 6. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 39, nays 46.

Amendment H—3246 lost.

Halvorson of Webster asked and received unanimous consent to defer action on amendment H—3241.

Halvorson of Webster offered the following amendment H—3265 filed by him from the floor and moved its adoption:

H—3265

1 Amend Senate File 298 as amended, passed and  
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 12 through 21 and  
4 inserting the following: "amended by striking the  
5 subsection and inserting in lieu thereof the  
6 following:

7 3. The price of alcoholic liquor sold by the  
8 division shall include the markup over the wholesale  
9 price paid by the division for the alcoholic liquor.  
10 The markup shall be set by the division at a  
11 percentage of the wholesale price of the alcoholic  
12 liquor which shall provide a sufficient return to the  
13 division to ensure that liquor profits transferred  
14 from the beer and liquor control fund to the general  
15 fund shall be no less than such profits transferred  
16 during the fiscal year beginning July 1, 1985 and  
17 ending June 30, 1986 when the liquor profits  
18 transferred that fiscal year are adjusted to deduct  
19 beer and liquor control operating expenses which were

20 transferred from the general fund to the beer and  
21 liquor control department during that fiscal year."

A non-record roll call was requested.

The ayes were 48, nays 23.

Amendment H—3265 was adopted, placing out of order the following amendments:

H—3205, page 1, lines 3 and 4, previously adopted and found on page 734 of the House Journal.

H—3241, previously deferred, filed by Halvorson of Webster on March 20, 1987.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—3245 filed by him on March 20, 1987.

Halvorson of Webster asked and received unanimous consent to temporarily defer action on amendment H—3240.

Sherzan of Polk offered the following amendment H—3279 filed by him and Swartz of Marshall from the floor and moved its adoption:

H—3279

- 1 Amend Senate File 298 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by striking lines 7 through 20.
- 4 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 39, nays 47.

Amendment H—3279 lost.

Daggett of Adams offered the following amendment H—3270 filed by him from the floor and moved its adoption:

H—3270

- 1 Amend Senate File 298 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 "1. Page 2, line 30, by inserting after the word
- 4 "lessor" the following: "; however, a class "E"
- 5 liquor control license which was issued on or before
- 6 March 15, 1987, for premises which are a part of a
- 7 common business enterprise which also sells gasoline
- 8 located in a building with a common roof in which the
- 9 licensed premises have a separate outside entrance and
- 10 are separated from the premises at which gasoline is
- 11 sold by a substantial wall, may be renewed"."
- 12 2. By renumbering as required.

Amendment H—3270 was adopted.

May of Worth offered the following amendment H—3272 filed by him and Stromer of Hancock from the floor and moved its adoption:

H—3272

- 1 Amend Senate File 298 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, line 30, by inserting after the word
- 4 "lessor." the following: "Beginning January 1, 1988,
- 5 a class "E" license shall not be issued to premises
- 6 which are also licensed as a food establishment if the
- 7 premises are located in a city with a population of
- 8 five thousand or more and have a total gross sales of
- 9 two million dollars or more annually."

Amendment H—3272 lost.

Renaud of Polk offered the following amendment H—3233, filed by Renaud, et al., and moved its adoption:

H—3233

- 1 Amend Senate File 298, as amended, passed, and re-
- 2 printed by the Senate as follows:
- 3 1. Page 2, by striking lines 28 through 30 and
- 4 inserting the words "be issued to premises at which
- 5 gasoline is sold. A".
- 6 2. Title page, lines 12 through 14, by striking
- 7 the words "by further restricting the issuance of a
- 8 class "E" license to premises on or near which
- 9 gasoline is sold,".

Amendment H—3233 was adopted, placing out of order H—3270, previously adopted, and found on page 741 of the House Journal.

Renaud of Polk asked and received unanimous consent to withdraw amendment H—3238 filed by him on March 20, 1987.

Lundby of Linn offered the following amendment H—3247 filed from the floor by Lundby, Garman and Halvorson of Webster and moved its adoption:

H—3247

- 1 Amend Senate File 298 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, by inserting after line 2 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 123.49, subsection 2, paragraph
- 6 f, Code 1987, is amended to read as follows:
- 7 f. Employ a person under eighteen years of age in
- 8 the sale or serving of alcoholic liquor, wine, or beer

9 beverages for consumption on the premises where sold,  
 10 or employ a person under twenty-one years of age in  
 11 the sale of alcoholic beverages for consumption off  
 12 the premises from licensed premises for which the sale  
 13 of alcoholic beverages for consumption off the  
 14 premises constitutes fifty percent or more of the  
 15 gross receipts from the licensed premises."

16 2. Title page, line 14, by inserting after the  
 17 word "sold," the following: "by prohibiting the  
 18 employment of persons under twenty-one years of age in  
 19 the sale of alcoholic beverages for consumption off  
 20 the licensed premises in certain instances,".

21 3. By renumbering as necessary.

Amendment H—3247 was adopted.

Stromer of Hancock offered the following amendment H—3276  
 filed by him from the floor and moved its adoption:

H—3276

1 Amend Senate File 298 as amended, passed and  
 2 reprinted by the Senate as follows:

3 1. Page 4, by inserting after line 2 the  
 4 following:

5 "Sec. \_\_\_\_\_. Section 123.36, subsection 9, Code  
 6 1987, is amended to read as follows:

7 9. Class "E" liquor control license, a sum of not  
 8 less than seven hundred and fifty dollars, and not  
 9 more than seven thousand five hundred dollars as  
 10 determined on a sliding scale as established by the  
 11 division taking into account the factors of square  
 12 footage of the licensed premises, the location of the  
 13 licensed premises, and the population of the area of  
 14 the location of the licensed premises. However, the  
 15 license fee for the renewal of a class "E" liquor  
 16 control license shall not exceed one percent of the  
 17 gross total liquor sales by the licensee during the  
 18 preceding license period. Notwithstanding subsection  
 19 6, the holder of a class "E" liquor control license  
 20 may sell alcoholic liquor for consumption off the  
 21 licensed premises on Sunday subject to section 123.49,  
 22 subsection 2, paragraph "b."

23 2. Title page, line 16, by inserting after the  
 24 word "fund" the following: "by providing an upper  
 25 limit on the license fee for the renewal of a class  
 26 "E" license,".

27 3. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 45, nays 48.

Amendment H—3276 lost.

Halvorson of Webster offered the following amendment H—3239 filed by him and moved its adoption:

H—3239

- 1 Amend Senate File 298 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 4, by striking lines 3 and 4.
- 4 2. Title page, lines 16 and 17, by striking the
- 5 words "by allowing the advertisement of alcoholic
- 6 liquor for sale."
- 7 3. By renumbering as required.

Roll call was requested by Tabor of Jackson and Renaud of Polk.

On the question "Shall amendment H—3239 be adopted?" (S.F. 298)

The ayes were, 36:

Adams	Bennett	Branstad	Corbett
Corey	De Groot	Diemer	Doderer
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Holveck	Hummel	Jay
Johnson	Lageschulte	Maulsby	McKean
Osterberg	Pellett	Petersen, D. F.	Plasier
Renken	Rosenberg	Royer	Schnekloth
Stueland	Svoboda	Teaford	Van Maanen

The nays were, 52:

Arnould	Beatty	Bisignano	Blanshan
Brammer	Buhr	Carpenter	Cohoon
Connolly	Connors	Cooper	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Hansen, S. D.	Hester
Jochum	Koenigs	Kremer	Lundby
May	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Paulin	Pavich	Peters
Peterson, M. K.	Platt	Poncy	Renaud
Running	Schrader	Shoning	Skow
Spear	Stromer	Swearingen	Tabor
Tyrrell	Van Camp	Wise	Mr. Speaker

Absent or not voting, 12:

Beaman	Black	Chapman	Clark
Daggett	Hatch	Knapp	Parker
Sherzan	Shoultz	Siegrist	Swartz

Amendment H—3239 lost.

Stromer of Hancock offered the following amendment H—3268 filed by him from the floor:

H—3268

- 1 Amend Senate File 298 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 5, by striking lines 10 through 18.
- 4 2. Renumber as necessary.

Stromer of Hancock asked and received unanimous consent to defer action on amendment H—3268.

Halvorson of Webster offered the following amendment H—3240 filed by him and moved its adoption:

H—3240

- 1 Amend Senate File 298 as amended, passed and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by inserting after line 20 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 123.30, subsection 1, Code
- 6 1987, is amended by adding the following new
- 7 unnumbered paragraph:
- 8 NEW UNNUMBERED PARAGRAPH. A liquor control license
- 9 shall not be issued to premises if gasoline is sold on
- 10 or near the premises as a part of the common business
- 11 enterprise of the applicant for the license or the
- 12 applicant's lessor."
- 13 2. Page 4, by inserting after line 4 the
- 14 following:
- 15 "Sec. \_\_\_\_\_. Section 123.125, Code 1987, is amended
- 16 by adding the following new unnumbered paragraph:
- 17 NEW UNNUMBERED PARAGRAPH. A beer permit shall not
- 18 be issued to premises if gasoline is sold on or near
- 19 the premises as a part of the common business
- 20 enterprise of the applicant for the permit or the
- 21 applicant's lessor."
- 22 3. Page 4, by inserting after line 24 the
- 23 following:
- 24 "Sec. \_\_\_\_\_. Section 123.174, Code 1987, is amended
- 25 by adding the following new unnumbered paragraph:
- 26 NEW UNNUMBERED PARAGRAPH. A wine permit shall not
- 27 be issued to premises if gasoline is sold on or near
- 28 the premises as a part of the common business
- 29 enterprise of the applicant for the permit or the
- 30 applicant's lessor."
- 31 4. Title page, line 12, by striking the word
- 32 "further".
- 33 5. Title page, by striking line 13 and inserting
- 34 the words "prohibiting the issuance of a liquor

- 35 control license or wine or beer permit to premises  
 36 on".  
 37 6. By renumbering as necessary.

Roll call was requested by Tabor of Jackson and Renaud of Polk.

On the question "Shall amendment H—3240 be adopted?" (S.F. 298)

The ayes were, 44:

Adams	Bennett	Brammer	Branstad
Carpenter	Connors	Corbett	Corey
De Groot	Diemer	Doderer	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. R.	Harbor	Haverland	Hermann
Holveck	Hummel	Johnson	Kremer
Lageschulte	Maulsby	May	McKean
Mullins	Osterberg	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Rosenberg
Royer	Schneklath	Stromer	Stueland
Svoboda	Teaford	Tyrrell	Van Maanen

The nays were, 49:

Arnould	Beatty	Bisignano	Black
Blanshan	Buhr	Cohoon	Connolly
Cooper	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Hansen, S. D.
Harper	Hester	Jay	Jochum
Koenigs	Lundby	McKinney	Metcalf
Miller	Muhlbauer	Neuhauser	Norrgard
Ollie	Paulin	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Swartz
Swearingen	Tabor	Van Camp	Wise
Mr. Speaker			

Absent or not voting, 7:

Beaman	Chapman	Clark	Daggett
Hatch	Knapp	Parker	

Amendment H—3240 lost.

The House resumed consideration of amendment H—3268, previously deferred.

The House stood at ease at 5:55 p.m., until the fall of the gavel.

The House resumed session and consideration of amendment H—3268 to Senate File 298 at 6:00 p.m., Speaker Avenson in the chair.

On motion by Stromer of Hancock, amendment H—3268 was adopted.

Platt of Muscatine called up for consideration the motion to reconsider amendment H—3276 filed by him from the floor and moved to reconsider the vote by which amendment H—3276 failed to be adopted by the House on March 23, 1987.

The motion prevailed and the House reconsidered amendment H—3276 found on page 743 of the House Journal.

On motion by Stromer of Hancock, amendment H—3276 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, for the remainder of the day, on request of Connors of Polk.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 298)

The ayes were, 64:

Arnould	Beatty	Bisignano	Blanshan
Brammer	Buhr	Carpenter	Cohoon
Connolly	Connors	Cooper	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Hansen, S. D.
Harbor	Harper	Haverland	Hester
Jay	Jochum	Johnson	Koenigs
Lageschulte	Lundby	May	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Paulin
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Pony	Renaud	Rosenberg
Running	Schrader	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Swearingen	Tabor
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 28:

Adams	Bennett	Black	Branstad
Corbett	Corey	De Groot	Diemer
Garman	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hanson, D. R.	Hermann	Holveck	Hummel
Kremer	Maulsby	McKean	Osterberg
Pellett	Plasier	Renken	Schneklath
Sherzan	Stueland	Teaford	Van Maanen

Absent or not voting, 8:

Beaman	Chapman	Clark	Daggett
Hatch	Knapp	Parker	Royer

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

#### IMMEDIATE MESSAGE

(Senate File 298)

Arnould of Scott asked and received unanimous consent that Senate File 298 be immediately messaged to the Senate.

#### MOTION TO RECONSIDER

(House File 393)

I move to reconsider the vote by which House File 393 passed the House on March 23, 1987.

SWARTZ of Marshall

#### SPONSORS ADDED

(Amendment H—3206 to House File 499)

Harbor of Mills requested to be added as a sponsor of amendment H—3206 to House File 499.

(Amendment H—3207 to House File 499)

Harbor of Mills requested to be added as a sponsor of amendment H—3207 to House File 499.

(Amendment H—3215 to House File 499)

Harbor of Mills requested to be added as a sponsor of amendment H—3215 to House File 499.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Friday, March 20, 1987. Had I been present, I would have voted "aye" on Senate File 269.

SHONING of Woodbury

#### PRESENTATION OF VISITORS

Black of Jasper presented to the House the Honorable Brian Carter, former member of the House representing Henry County.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-one kindergarten students from Appletree Children's Center, West Des Moines, accompanied by Melissa Vatter. By Carpenter of Polk.

Seventeen twelfth grade students from Clay Central High School, Royal, accompanied by Harry Stimson. By Fogarty of Palo Alto.

Forty-three sixth grade students from Twin Cedars Elementary School, Bussey, accompanied by Mrs. Joan Anderson and Mr. Laws. By Schrader of Marion and Van Maanen of Mahaska.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

### H.S.B. 312 Transportation

Requiring certificates of title for self-propelled farm implements and providing a penalty.

## CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1987-09	City of Lorimor — Celebrating its Centennial anniversary May 29th through May 31st, 1987.
1987-10	Koren Lea Schemmel, Farley — Receiving a third-place award in the National Women's History Month essay contest, 1987.
1987-11	City of Benton — Celebrating its Centennial anniversary on July 5, 1987.
1987-12	City of Shannon City — Celebrating its Centennial anniversary on May 25, 1987.
1987-13	City of Maloy — Celebrating its Centennial anniversary June 13th through June 14th, 1987.
1987-14	Jenny Urbain, Epworth — Receiving an Honorable Mention in the National Women's History Month essay contest, 1987.

JOSEPH O'HERN  
Chief Clerk of the House

## COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

## COMMITTEE ON AGRICULTURE

House File 417, a bill for an act relating to the merger and consolidation of cooperative associations, by defining the fair market value of assets held by an association

and providing for determining the fair value of an equity interest held by a dissenting member.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 147), relating to soil conservation districts, by changing the name to soil and water conservation districts.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 279), relating to restrictions on the number of acres of agricultural land that authorized farm corporations or authorized trusts may acquire or otherwise obtain or lease, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 296), providing for the appointment of a person to administer the inspection of meat and poultry under chapter 189A.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

#### COMMITTEE ON ECONOMIC DEVELOPMENT

**Committee Bill** (Formerly House Study Bill 180), relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 265), relating to international trade by making appropriations for certain economic development activities and services and establishing an international business research and training center.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 290), relating to the use of public funds to aid economic development.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 19, 1987.

**Committee Resolution**, requesting a study relating to economic development, transportation, and other infrastructure programs in support of a diversified economy.

Fiscal Note is required.

Recommended **Do Pass** March 19, 1987.

## COMMITTEE ON HUMAN RESOURCES

**Committee Bill** (Formerly House File 291), relating to adult abuse, requiring certain persons to report suspected adult abuse, establishing an adult abuse advisory council, and providing penalties.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 6), relating to immunizations of certain students attending nonprofit postsecondary educational institutions.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 65), relating to juveniles, regarding the detention of juveniles in adult detention facilities and penalties for violations of certain misdemeanors and ordinances.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 19, 1987.

## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Committee Bill** (Formerly House File 54), relating to the personal liability of directors, officers, employees, and members of nonprofit corporations.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 19, 1987.

**Committee Bill** (Formerly House File 140), relating to the self-inflicted injury or death of persons being held in a city or county jail or detention facility.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 19, 1987.

**Committee Bill** (Formerly House File 190), relating to state liability for torts committed by juveniles while performing community service assignments pursuant to an order of the juvenile court.

Fiscal Note is not required.

**Recommended Do Pass** March 19, 1987.

**Committee Bill** (Formerly House File 305), relating to subpoenas of witnesses in civil cases.

Fiscal Note is not required.

**Recommended Amend and Do Pass** March 19, 1987.

**Committee Bill** (Formerly House File 508), relating to exemptions from execution and attachment by revising provisions governing the exemption of insurance policies, proceeds, and benefits, cash, and certain other personal property, and providing other property related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 43), relating to interception of communications by electronic, mechanical, or other devices and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 263), relating to the penalties for possession and distribution of controlled substances.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 303), relating to certain rights, duties, and liabilities of custodians and foster parents of children.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Committee Bill** (Formerly House Study Bill 305), relating to the maximum weekly benefit amount, treatment provided an injured employee, reimbursement of cost of an evaluation of permanent disability, setting the salary of the industrial commissioner, commencement of workers' compensation benefits, the awarding of temporary total or temporary partial disability payments, providing for the appointment of deputy commissioners, and providing for the Act's applicability.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

#### COMMITTEE ON LOCAL GOVERNMENT

**House File 382**, a bill for an act to reserve a specific amount of a claim payable on an insurance policy on property located within the corporate limits of a city for the cost of demolition of the property by the city.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3251** March 19, 1987.

**House File 398**, a bill for an act relating to water districts, by providing for water service by a benefited water district or a rural water district within two miles of a city and the annexation of land within a rural water district.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3275** March 19, 1987.

**House File 512**, a bill for an act authorizing the establishment of a benefited recreation district and its dissolution, the election of trustees, the levy of a tax, and the contract of indebtedness.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3253** March 19, 1987.

**Pursuant to Rule 31.7, House File 512 was referred to the committee on ways and means.**

**Committee Bill** (Formerly House Study Bill 306 Revised #2), relating to county moneys which may be allocated to the secondary road fund.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 1987.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Committee Bill** (Formerly House Study Bill 293), establishing a resource enhancement trust fund and allocating and appropriating moneys in the fund.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Committee Bill** (Formerly House Study Bill 50), creating an Iowa life and health insurance guaranty association, protecting persons, within limits, against the failure of certain life, health, and annuity contracts because of impairment or insolvency, specifying the powers and duties of the association, and providing administrative procedures and methods for the operation and financing of the association, including but not limited to the assessment of member insurers and the provision of a partial premium tax liability credit.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 266), relating to investments of Iowa life insurance companies.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 298), relating to the allocation of the state ceiling on private activity bonds for tax exempt purposes and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

#### COMMITTEE ON STATE GOVERNMENT

**House File 73**, a bill for an act relating to private security agencies by revising license fees, bond requirements, and financial responsibility requirements for agencies consisting of only one individual.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3260 March 20, 1987.

House File 507, a bill for an act relating to employment discrimination by employers on the basis of sex, and making a penalty applicable.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3261 March 20, 1987.

### RESOLUTION FILED

**HCR 19**, by Van Camp, a concurrent resolution requesting that the federal government alter the disregard requirement for assistance to dependent children.

Laid over under' Rule 25.

### AMENDMENTS FILED

H—3249	H.F.	499	McKean of Jones Garman of Story Hester of Pottawattamie
H—3251	H.F.	382	Committee on Local Government
H—3252	H.F.	520	McKinney of Dallas
H—3253	H.F.	512	Committee on Local Government
H—3255	H.F.	601	Spear of Lee
H—3256	H.F.	533	Platt of Muscatine Koenigs of Mitchell
H—3257	H.F.	345	Kremer of Buchanan Fogarty of Palo Alto
H—3258	H.F.	499	Bennett of Ida
H—3259	H.F.	499	Daggett of Adams
H—3260	H.F.	73	Committee on State Government
H—3261	H.F.	507	Committee on State Government
H—3262	H.F.	601	Hermann of Scott
H—3263	H.F.	499	Haverland of Polk
H—3264	H.F.	591	Metcalf of Polk
H—3267	H.F.	592	Stueland of Clinton
H—3269	H.F.	377	Van Camp of Scott

H-3273	H.F.	499	Blanshan of Greene Miller of Cherokee Van Camp of Scott Petersen of Muscatine Gruhn of Dickinson
H-3274	H.F.	601	Spear of Lee
H-3275	H.F.	398	Committee on Local Government
H-3277	H.F.	591	Neuhauser of Johnson Brammer of Linn Doderer of Johnson
H-3278	H.F.	467	Schneklath of Scott
H-3280	H.F.	499	Corbett of Linn Harbor of Mills Plasier of Sioux
H-3281	H.F.	499	Haverland of Polk
H-3282	H.F.	499	Haverland of Polk
H-3283	H.F.	587	Spear of Lee
H-3284	H.F.	587	Spear of Lee
H-3285	H.F.	499	Bisignano of Polk
H-3286	H.F.	422	Hermann of Scott
H-3287	H.F.	499	Connors of Polk Peters of Woodbury Bisignano of Polk Sherzan of Polk Running of Linn Neuhauser of Johnson
H-3289	H.F.	499	Blanshan of Greene Carpenter of Polk
H-3290	H.F.	499	Haverland of Polk De Groot of Lyon Miller of Cherokee
H-3291	H.F.	499	Connolly of Dubuque
H-3292	H.F.	499	Stromer of Hancock
H-3293	H.F.	499	Corbett of Linn
H-3294	H.F.	467	Schneklath of Scott
H-3295	H.F.	499	Maulsby of Calhoun
H-3296	H.F.	499	Daggett of Adams Miller of Cherokee Garman of Story Eddie of Buena Vista
			Paulin of Plymouth Shoning of Woodbury Hester of Pottawattamie

Petersen of Muscatine			Bennett of Ida
Plasier of Sioux			Halvorson of Clayton
Corbett of Linn			Lageschulte of Bremer
H—3297	H.F.	499	Corey of Louisa
H—3298	H.F.	499	Maulsby of Calhoun
			Clark of Cerro Gordo
			Miller of Cherokee
			Harbor of Mills
			Plasier of Sioux
			Corey of Louisa
H—3299	H.F.	499	Pavich of Pottawattamie
H—3300	H.F.	499	Plasier of Sioux
			Corbett of Linn
H—3301	H.F.	499	Bennett of Ida
			Garman of Story
			Petersen of Muscatine
			Lageschulte of Bremer
H—3302	H.F.	499	Maulsby of Calhoun
Halvorson of Clayton			Harbor of Mills
Corbett of Linn			Daggett of Adams
McKean of Jones			Garman of Story
Hester of Pottawattamie			Miller of Cherokee
H—3303	H.F.	499	Metcalf of Polk
H—3304	H.F.	499	Daggett of Adams
			Miller of Cherokee
			Petersen of Muscatine
			Beaman of Clarke
H—3305	H.F.	499	Corbett of Linn
			Garman of Story
H—3306	H.F.	499	Metcalf of Polk
			Petersen of Muscatine
			Corey of Louisa
H—3307	H.F.	499	Metcalf of Polk
H—3308	H.F.	499	Hummel of Benton
			Petersen of Muscatine
H—3309	H.F.	505	Mullins of Kossuth
H—3310	H.F.	499	Halvorson of Clayton
H—3311	H.F.	499	Maulsby of Calhoun
			Lageschulte of Bremer
			Corey of Louisa
H—3312	H.F.	499	Ollie of Clinton
			Haverland of Polk

H - 3313	H.F.	606	Schnekloth of Scott Royer of Page
H - 3314	H.F.	499	Carpenter of Polk Shoultz of Black Hawk
H - 3315	H.F.	499	Shoultz of Black Hawk

On motion by Arnould of Scott, the House adjourned at 6:13 p.m., until 9:00 a.m., Tuesday, March 24, 1987.

# JOURNAL OF THE HOUSE

Seventy-second Calendar Day — Forty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 24, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Betty Jean Clark, state representative from Cerro Gordo County.

The Journal of Monday, March 23, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Kremer of Buchanan, from one hundred six citizens favoring House File 429, relating to failure to yield, illegally passing a school bus, owner liability.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Bisignano of Polk, until his arrival, on request of Wise of Lee; Knapp of Dubuque, for a portion of the day, on request of Tabor of Jackson.

## INTRODUCTION OF BILLS

**House File 626**, by committee on agriculture, a bill for an act relating to the agricultural development authority, by authorizing it to provide assistance programs to eligible agricultural producers, making appropriations, and providing an effective date.

Read first time and placed on the **calendar**.

**House File 627**, by committee on natural resources and outdoor recreation, a bill for an act establishing a resource enhancement trust fund and allocating and appropriating moneys in the fund.

Read first time and referred to committee on **ways and means**.

**House File 628**, by Metcalf, a bill for an act relating to the number of contract days of teachers and providing an effective date.

Read first time and referred to committee on **education**.

**House File 629**, by committee on judiciary and law enforcement, a bill for an act relating to the self-inflicted injury or death of persons being held in a city or county jail or detention facility.

Read first time and placed on the **calendar**.

**House File 630**, by committee on judiciary and law enforcement, a bill for an act relating to state liability for torts committed by juveniles while performing community service assignments pursuant to an order of the juvenile court.

Read first time and placed on the **calendar**.

### HOUSE FILE 583 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 583 be deferred and that the bill retain its place on the calendar.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 579**, a bill for an act allowing issuance of personalized registration plates for travel trailers and for trailers regardless of the trailers' gross weight registrations, was taken up for consideration.

Cohoon of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 579)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz

Swearingen  
Van Camp

Tabor  
Van Maanen

Teaford  
Wise

Tyrrell  
Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Bisignano

Knapp

Plasier

Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 499**, a bill for an act relating to education including salary increases, efficiencies, and education enhancement, relating to the establishment of an educational excellence program consisting of three phases relating to the recruitment of quality teachers, the retention of quality teachers, and the enhancement of the quality and effectiveness of teachers; collective bargaining; activities of the state board of education relating to the accreditation process; duration of a superintendent's contract; open enrollment of pupils in contiguous school districts; postsecondary enrollment options for certain high school students; redrawing boundary lines of area education agencies; plans for redrawing boundary lines of merged area schools; majority vote for school district bond issues under certain conditions; date of the organizational meeting of school corporations; annual publication of financial statements; sharing interscholastic activity programs; adoption of student achievement goals; provision for intercollegiate athletic activities at merged area schools; procedure for adoption of whole grade sharing; calculation of enrollment of school districts; establishment of a transportation foundation formula; inclusion of principals in supplementary weighting; to provide appropriations; and provide effective dates, was taken up for consideration.

Renaud of Polk in the chair at 9:38 a.m.

Daggett of Adams offered the following amendment H-3296 filed by Daggett, et al.:

H-3296

- 1 Amend House File 499 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "DIVISION I
- 5 EDUCATIONAL EXCELLENCE PROGRAM
- 6 Section 1. NEW SECTION. 294A.1 EDUCATIONAL
- 7 EXCELLENCE PROGRAM.
- 8 The purpose of this chapter is to promote
- 9 excellence in education. In order to maintain and
- 10 advance the educational excellence in the state of
- 11 Iowa, this chapter establishes the Iowa educational
- 12 excellence program. The program shall consist of
- 13 three major phases addressing the following:
- 14 1. Phase I - The recruitment of quality teachers.

15 2. Phase II — The retention of quality teachers.  
 16 3. Phase III — The enhancement of the quality and  
 17 effectiveness of teachers through the utilization of  
 18 performance pay.

19 Sec. 2. NEW SECTION. 294A.2 DEFINITIONS.

20 For the purposes of this chapter:

21 1. "Teacher" means an individual holding a  
 22 teaching certificate issued under chapter 260 or a  
 23 statement of professional recognition issued by the  
 24 board of educational examiners who is employed in a  
 25 nonadministrative position by a school district or  
 26 area education agency pursuant to a contract issued by  
 27 a board of directors under section 279.13. However, a  
 28 teacher employed by an area education agency is not a  
 29 teacher for the purposes of phase III under division  
 30 IV of this chapter.

31 2. "Teacher's regular compensation" means the  
 32 annual salary specified in a teacher's contract  
 33 pursuant to the salary schedule adopted by the board  
 34 of directors or negotiated under chapter 20. It does  
 35 not include pay earned by a teacher for performance of  
 36 additional noninstructional duties and does not  
 37 include the costs of the employer's share of fringe  
 38 benefits.

39 3. "Certified enrollment in a school district"  
 40 means that district's basic enrollment for the budget  
 41 year beginning July 1, 1987 as defined in section  
 42 442.4.

43 4. "Certified enrollment in an area education  
 44 agency" means the sum of the certified enrollments of  
 45 the school districts located in the area education  
 46 agency.

47 5. "Specialized training requirements" means  
 48 requirements prescribed by a board of directors to  
 49 meet specific needs of the school district identified  
 50 by the board of directors that provide for the

**Page 2**

1 acquisition of clearly defined skills through formal  
 2 or informal education that are beyond the requirements  
 3 necessary for initial certification under chapter 260.

4 6. "General training requirements" means  
 5 requirements prescribed by a board of directors that  
 6 provide for the acquisition of additional semester  
 7 hours of graduate credit from an institution of higher  
 8 education approved by the board of educational  
 9 examiners or the completion of staff development  
 10 activities approved by the department of education for  
 11 renewal of certificates issued under chapter 260.

12 Sec. 3. NEW SECTION. 294A.3 EDUCATIONAL  
 13 EXCELLENCE FUND.

14 An educational excellence fund is established in  
 15 the office of treasurer of state to be administered by  
 16 the department of education. Moneys in the fund shall  
 17 be paid to school districts and area education  
 18 agencies pursuant to the requirements of this chapter.

19 Annually beginning July 1, 1987, there is  
 20 appropriated from the general fund of the state to the  
 21 department of education for deposit in the educational  
 22 excellence fund the following amounts:

23 1. For phase I, nine million (9,000,000) dollars.

24 2. For phase II, thirty-eight million five hundred  
 25 thousand (38,500,000) dollars.

26 3. For phase III, fifty million (50,000,000)  
 27 dollars.

## 28 DIVISION II

### 29 PHASE I

30 Sec. 4. NEW SECTION. 294A.4 GOAL.

31 The goal of phase I is to provide for establishment  
 32 of pay plans incorporating sufficient annual  
 33 compensation to attract quality teachers to Iowa's  
 34 public school system. This is accomplished by  
 35 increasing the minimum salary. A beginning salary  
 36 which is competitive with salaries paid to other  
 37 professionals will provide incentive for top quality  
 38 individuals to enter the teaching profession.

39 Sec. 5. NEW SECTION. 294A.5 MINIMUM SALARY  
 40 SUPPLEMENT.

41 For the school year beginning July 1, 1987 and  
 42 succeeding school years, the minimum annual salary  
 43 paid to a full-time teacher as regular compensation  
 44 shall be eighteen thousand dollars.

45 For the school year beginning July 1, 1987 for  
 46 phase I, each school district and area education  
 47 agency shall certify to the department of education  
 48 the names of all teachers employed by the district or  
 49 area education agency whose regular compensation is  
 50 less than eighteen thousand dollars per year and the

Page 3

1 amounts needed as minimum salary supplements. The  
 2 minimum salary supplement for each eligible teacher is  
 3 the total of the difference between eighteen thousand  
 4 dollars and the teacher's regular compensation plus  
 5 the amount required to pay the employer's share of the  
 6 federal social security and Iowa public employees'  
 7 retirement system payments on the additional salary  
 8 moneys.

9 The board of directors shall report the salaries of  
 10 teachers employed on less than a full-time equivalent  
 11 basis, and the amount of minimum salary supplement  
 12 shall be prorated.

13 Sec. 6. NEW SECTION. 294A.6 PAYMENTS.

14 For the school year beginning July 1, 1987, the  
15 department of education shall notify the department of  
16 revenue and finance of the total minimum salary  
17 supplement to be paid to each school district and area  
18 education agency under phase I. The amount of the  
19 total minimum salary supplement paid to a school  
20 district or area education agency for the school year  
21 beginning July 1, 1987 shall be paid to that school  
22 district or area education agency in succeeding school  
23 years from moneys appropriated in section 294A.3 and  
24 shall be used to increase teacher salaries. The  
25 department of revenue and finance shall pay the total  
26 minimum salary supplement moneys from moneys  
27 appropriated for that purpose in the educational  
28 excellence fund.

29 If the moneys appropriated for phase I in section  
30 294A.3, subsection 1, are either insufficient or  
31 moneys remain after payments are made for a fiscal  
32 year, moneys shall be transferred from or added to the  
33 moneys appropriated for phase III.

34 DIVISION III

35 PHASE II

36 Sec. 7. NEW SECTION. 294A.7 GOAL.

37 The goal of phase II is to keep Iowa's best  
38 educators in the profession and assist in their  
39 development by providing general salary increases.

40 Sec. 8. NEW SECTION. 294A.8 PHASE II PROGRAM.

41 Phase II is established to improve the salaries of  
42 teachers. Annually beginning July 1, 1987, the  
43 department of education shall allocate to each school  
44 district for the purpose of implementing phase II an  
45 amount equal to seventy-five dollars and ninety-three  
46 cents multiplied by the district's certified  
47 enrollment. Annually beginning July 1, 1987, the  
48 department of education shall allocate to each area  
49 education agency for the purpose of implementing phase  
50 II an amount equal to three dollars and ninety-one

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1 cents multiplied by the certified enrollment in the  
2 area education agency. The department of education  
3 shall certify the amounts of the allocations to the  
4 department of revenue and finance and the department  
5 of revenue and finance shall make the payments to  
6 school districts and area education agencies.

7 If a school district uses teachers under a contract  
8 with an area education agency, the school district  
9 shall transmit to the employing area education agency  
10 a portion of its phase II allocation based upon the  
11 portion of the certified enrollment taught by the

12 teacher.

13 If the school district or area education agency is  
14 organized under chapter 20 for collective bargaining  
15 purposes, the board of directors and certified  
16 bargaining representative for the certificated  
17 employees shall mutually agree upon a formula for  
18 distributing the phase II allocation among the  
19 teachers. For the school year beginning July 1, 1987  
20 only, the parties shall follow the procedures  
21 specified in chapter 20 except that if the parties  
22 reach an impasse, neither impasse procedures agreed to  
23 by the parties nor sections 20.20 through 20.22 shall  
24 apply and the phase II allocation shall be divided as  
25 provided in section 294A.9. Negotiations under this  
26 section are subject to the scope of negotiations  
27 specified in section 20.9. If a board of directors,  
28 and certified bargaining representative for  
29 certificated employees have not reached mutual  
30 agreement by June 15, 1987 for the distribution of the  
31 phase II payment, section 294A.9 will apply.

32 If the school district or area education agency is  
33 not organized for collective bargaining purposes, the  
34 board of directors shall determine the method of  
35 distribution.

36 Sec. 9. NEW SECTION. 294A.9 FAILURE TO AGREE ON  
37 DISTRIBUTION.

38 For the school year beginning July 1, 1987 only, if  
39 the board of directors and certified bargaining  
40 representative for the certificated employees have not  
41 reached agreement under section 294A.8, the board of  
42 directors shall divide the payment among the teachers  
43 employed by the district or area education agency as  
44 follows:

45 1. All full-time teachers whose regular  
46 compensation is equal to or more than eighteen  
47 thousand dollars per year will receive an equal amount  
48 from the phase II allocation.

49 2. A teacher who will receive a minimum salary  
50 supplement under section 294A.5 will receive moneys

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1 equal to the difference between the amount from the  
2 phase II allocation and the minimum salary supplement  
3 paid to that teacher.

4 3. The amount from the phase II allocation will be  
5 prorated for a teacher employed on less than a full-  
6 time basis.

7 4. An amount from the phase II allocation includes  
8 the amount required to pay the employers' share of the  
9 federal social security and Iowa public employees'  
10 retirement system payments on the additional salary.

11 Sec. 10. NEW SECTION. 294A.10 REPORTS.

12 By August 15, 1987, each school district and area  
13 education agency shall file a report with the  
14 department of education, on forms provided by the  
15 department of education, specifying the method used to  
16 distribute the phase II allocation.

17 Reports filed by area education agencies shall  
18 include a description of the method used to distribute  
19 phase II allocations to teachers employed by the area  
20 education agency working under contract in a school  
21 district.

22 DIVISION IV

23 PHASE III

24 Sec. 11. NEW SECTION. 294A.11 GOAL.

25 The goal of phase III is to enhance the quality,  
26 effectiveness, and performance of Iowa's teachers by  
27 promoting teacher excellence. This will be  
28 accomplished through the development of performance-  
29 based pay plans and supplemental pay for additional  
30 instructional work assignments which may include  
31 specialized training or differential training, or  
32 both.

33 Sec. 12. NEW SECTION. 294A.12 PHASE III PROGRAM.

34 For the school year beginning July 1, 1987 and  
35 succeeding school years, each school district in the  
36 state is eligible to receive moneys for the  
37 implementation of a performance-based pay plan under  
38 phase III. Annually, the payments for an approved  
39 plan for a school district are equal to the product of  
40 a district's certified enrollment and one hundred  
41 three dollars and sixty-nine cents. However, the  
42 department of education may adjust the per pupil  
43 amount for determining payments for an approved phase  
44 III plan when the moneys available for phase III are  
45 either more or less than the moneys appropriated for  
46 phase III in section 294A.3 because of transfers of  
47 appropriated moneys under section 294A.6 or section  
48 294A.8.

49 A plan shall be developed using the procedure  
50 specified under section 294A.13. The plan shall

Page 6

1 provide for the establishment of a performance-based  
2 pay plan, a supplemental pay plan, or a combination of  
3 the two pay plans and shall include a budget for the  
4 cost of implementing the plan. In addition to the  
5 costs of providing additional salary for teachers and  
6 the amount required to pay the employers' share of the  
7 federal social security and Iowa public employees'  
8 retirement system payments on the additional salary,  
9 the budget may include costs associated with providing

10 specialized or general training. Moneys received  
11 under phase III shall not be used to employ additional  
12 employees of a school district. However, all teachers  
13 employed are eligible to receive additional salary  
14 under an approved plan.

15 For the purpose of this section, a performance-  
16 based pay plan shall provide for salary increases for  
17 teachers who demonstrate superior performance in  
18 completing assigned duties. The plan shall include  
19 the method used to determine superior performance of a  
20 teacher which may include assessments of specific  
21 teaching behavior, assessments of student performance,  
22 assessments of other characteristics associated with  
23 effective teaching, or a combination of these  
24 criteria.

25 A performance-based pay plan may provide for  
26 additional salary for individual teachers or for  
27 additional salary for all teachers assigned to an  
28 attendance center. If the plan provides additional  
29 salary for all teachers assigned to an attendance  
30 center, the receipt of additional salary by those  
31 teachers shall be determined on the basis of whether  
32 that attendance center meets specific objectives  
33 adopted for that attendance center. The objectives  
34 may include, but are not limited to, decreasing the  
35 dropout rate, increasing the attendance rate, or  
36 accelerating the achievement growth of students  
37 enrolled in that attendance center.

38 If a performance-based pay plan provides additional  
39 salary for individual teachers:

40 1. The plan may provide for salary moneys in  
41 addition to the existing salary schedule of the school  
42 district and may require the participation by the  
43 teacher in specialized training requirements.

44 2. The plan may provide for salary moneys by  
45 replacing the existing salary schedule or as an option  
46 to the existing salary schedule and may include  
47 specialized training requirements, general training  
48 requirements, and experience requirements.

49 For the purpose of this section, a supplemental pay  
50 plan shall provide for the payment of additional

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1 salary to teachers who participate during a school  
2 year in either additional instructional work  
3 assignments or specialized training.

4 **Sec. 13. NEW SECTION. 294A.13 DEVELOPMENT OF**  
5 **PLAN.**

6 The board of directors of a school district  
7 desiring to receive moneys under phase III shall  
8 appoint a committee consisting of representatives of

9 school administrators, teachers, parents, students,  
10 and other individuals interested in the public schools  
11 of the school district to develop a proposal. If the  
12 school district is organized under chapter 20 for  
13 collective bargaining purposes, the board shall  
14 provide that one of the teacher members of the  
15 committee is an individual selected by the certified  
16 bargaining representative for certificated employees  
17 of the district. The proposal developed by the  
18 committee shall be submitted to the board of directors  
19 of the school district prior to its submission to the  
20 department of education. For the school year  
21 beginning July 1, 1987, if the school district is  
22 organized for collective bargaining purposes under  
23 chapter 20, the portions of the proposed plan that are  
24 within the scope of negotiations specified in section  
25 20.9 require the mutual agreement by January 1, 1988  
26 of both the board of directors of the school district  
27 and the certified bargaining representative for the  
28 certificated employees. In succeeding years, if the  
29 school district is organized for collective bargaining  
30 purposes, the portions of the proposed plan that are  
31 within the scope of the negotiations specified in  
32 section 20.9 are subject to chapter 20.

33 Nothing in this chapter shall be construed to  
34 expand or restrict the scope of negotiations in  
35 section 20.9.

36 Sec. 14. NEW SECTION. 294A.14 SUBMISSION OF  
37 PLAN.

38 A plan shall be submitted by the board of directors  
39 of a school district to the department of education  
40 not later than July 1 of a school year for that school  
41 year. Amendments to multiple year plans may be  
42 submitted annually.

43 The department of education shall review each plan  
44 and notify the department of management of the names  
45 of school districts with approved plans.

46 However, for the school year beginning July 1,  
47 1987, a board of directors may submit a proposed plan  
48 not later than January 1, 1988, and the department of  
49 education shall notify the department of revenue and  
50 finance not later than February 1, 1988.

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1 Moneys allocated to a school district for the  
2 school year beginning July 1, 1987 for an approved  
3 plan for phase III that are not expended for that  
4 school year shall not revert to the general fund of  
5 the state but may be expended by that school district  
6 during the school year beginning July 1, 1988. For  
7 school years thereafter, moneys allocated to a school

8 district for an approved phase III plan for a school  
9 year but not expended during that school year shall  
10 revert to the general fund of the state.

11 Sec. 15. NEW SECTION. 294A.15 REPORT.

12 Each school district receiving moneys for phase III  
13 during a school year shall file a report with the  
14 department of education by July 1 of the next  
15 following school year. The report shall describe the  
16 plan, its implementation, and the expenditures made  
17 under the plan including the salary increases paid to  
18 each eligible employee. The report may include any  
19 proposed amendments to the plan for the next following  
20 school year.

21 Sec. 16. NEW SECTION. 294A.16 REVERSION OF  
22 MONEYS.

23 Any portion of moneys appropriated to the  
24 educational excellence trust fund for phase III for a  
25 fiscal year not expended by school districts during  
26 that fiscal year revert to the general fund of the  
27 state as provided in section 8.33.

28 DIVISION V

29 GENERAL PROVISIONS

30 Sec. 17. NEW SECTION. 294A.17 RULES.

31 The state board of education shall adopt rules  
32 under chapter 17A for the administration of this  
33 chapter.

34 Sec. 18. NEW SECTION. 294A.18 PAYMENTS.

35 Payments for each phase of the educational  
36 excellence program shall be made by the department of  
37 revenue and finance on a quarterly basis and may be  
38 made in conjunction with state aid payments under  
39 section 442.26. The payments to a school district or  
40 area education agency may be combined and a separate  
41 accounting of the amount paid for each program shall  
42 be included.

43 Any payments made to school districts or area  
44 education agencies under this chapter are  
45 miscellaneous income for purposes of chapter 442.

46 Sec. 19. NEW SECTION. 294A.19 MULTIPLE SALARY  
47 PAYMENTS.

48 The salary increases that may be granted to a  
49 teacher under phase III are in addition to any salary  
50 increases granted to a teacher under phase I or phase

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1 II.

2

DIVISION VI

3

APPROPRIATIONS

4

Sec. 20. APPROPRIATION TO THE DEPARTMENT OF  
5 EDUCATION. There is appropriated from the general

6

fund of the state to the department of education for

7 the fiscal year beginning July 1, 1987 and ending June  
8 30, 1988, the sum of nine hundred thousand (900,000)  
9 dollars, or so much thereof as may be necessary, to be  
10 used for the following purposes:

11 1. For the administration  
12 of the educational excellence program  
13 established in chapter 294A ..... \$ 250,000

14 2. To be distributed to  
15 school districts for pilot projects  
16 to deliver additional foreign  
17 language courses in school districts ..... \$ 500,000  
18 Moneys appropriated by this subsection shall only be  
19 distributed to school districts not now offering these  
20 foreign language courses and may provide for the use  
21 of new communications technologies.

22 3. For contracting with the  
23 state board of regents to provide a  
24 three week summer residence program for  
25 gifted and talented students ..... \$ 150,000  
26 The summer institute shall be conducted at an  
27 institution of higher education under the state board  
28 of regents. The department of education shall  
29 determine eligibility requirements for gifted and  
30 talented students.

31 Sec. 21. TAX ANTICIPATION NOTES APPROPRIATION.

32 There is appropriated from the general fund of the  
33 state to the treasurer of state for the fiscal year  
34 beginning July 1, 1987 and ending June 30, 1988, the  
35 sum of three million (3,000,000) dollars, or so much  
36 thereof as may be necessary, to be used for costs  
37 associated with the issuance of tax anticipation notes  
38 under section 12.36 deemed necessary to ensure that  
39 the appropriations made in section 442.26 are paid to  
40 school districts and area education agencies on the  
41 dates provided in that section.

42 Sec. 22. Sections 1 through 19 being deemed of  
43 immediate importance take effect upon enactment."

44 2. Title page, by striking lines 1 through 23 and  
45 inserting the following: "An Act to establish an  
46 educational excellence program consisting of three  
47 phases relating to the recruitment of quality  
48 teachers, the retention of quality teachers, and the  
49 enhancement of the quality and effectiveness of  
50 teachers, to provide appropriations, and to provide an

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1 effective date."

Speaker Avenson in the chair at 9:51 a.m.

Connors of Polk in the chair at 10:06 a.m.

Speaker Avenson in the chair at 10:33 a.m.

Daggett of Adams moved the adoption of amendment H—3296.

Roll call was requested by Daggett of Adams and Halvorson of Clayton.

On the question "Shall amendment H—3296 be adopted?"  
(H.F. 499)

The ayes were, 42:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Tyrrell	Van Camp		

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Koenigs	May	McKinney
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Van Maanen	Wise

Mr. Speaker

Absent or not voting, 1:

Knapp

Amendment H—3296 lost.

Connors of Polk offered the following amendment H—3287 filed by Connors, et al., and moved its adoption:

H—3287

- 1 Amend House File 499 as follows:
- 2 1. Page 1, line 9, by striking the word "three"

- 3 and inserting the following: "two".
- 4 2. Page 1, by striking line 10.
- 5 3. Page 1, by striking line 11 and inserting the
- 6 following:
- 7 "\_\_\_\_\_. Phase I — The recruitment and retention of
- 8 quality teachers."
- 9 4. Page 1, line 12, by striking the figure "III"
- 10 and inserting the figure "II".
- 11 5. Page 3, by striking lines 9 through 12 and
- 12 inserting the following:
- 13 "1. For Phase I, forty-seven million five hundred
- 14 thousand (47,500,000) dollars.
- 15 2. For Phase II, fifty million (50,000,000)
- 16 dollars."
- 17 6. By striking page 3, line 13 through page 5,
- 18 line 10.
- 19 7. Page 5, line 12, by striking the figure "II"
- 20 and inserting the following: "I".
- 21 8. Page 5, line 14, by striking the figure "II"
- 22 and inserting the following: "I".
- 23 9. Page 5, line 17, by striking the figure "II"
- 24 and inserting the following: "I".
- 25 10. Page 5, line 18, by striking the figure "II"
- 26 and inserting the following: "I".
- 27 11. Page 5, line 21, by striking the figure "II"
- 28 and inserting the following: "I".
- 29 12. Page 5, by striking line 22 and inserting the
- 30 following: "an amount equal to ninety-three dollars
- 31 and seventy-seven cents".
- 32 13. Page 5, line 27 by striking the figure "II"
- 33 and inserting the following: "I".
- 34 14. Page 5, line 30, by striking the figure "II"
- 35 and inserting the following: "I".
- 36 15. Page 5, by striking line 31 and inserting the
- 37 following: "amount equal to four dollars and thirty
- 38 cents multiplied".
- 39 16. Page 6, line 1, by striking the figure "II"
- 40 and inserting the following: "I".
- 41 17. Page 6, line 10, by striking the figure "II"
- 42 and inserting the following: "I".
- 43 18. Page 6, line 17, by striking the figure "II"
- 44 and inserting the following: "I".
- 45 19. Page 6, line 28, by striking the figure "II"
- 46 and inserting the following: "I".
- 47 20. Page 6, line 33, by striking the figure "II"
- 48 and inserting the following: "I".
- 49 21. Page 7, line 4, by striking the figure "II"
- 50 and inserting the following: "I".

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- 1 22. Page 7, by striking lines 17 through 23 and

- 2 inserting the following:  
3 "\_\_\_\_\_. All full-time teachers will receive an equal  
4 amount from the phase I allocation."  
5 23. Page 7, line 24, by striking the figure "II"  
6 and inserting the following: "I".  
7 24. Page 7, line 27, by striking the figure "II"  
8 and inserting the following: "I".  
9 25. Page 7, line 35, by striking the figure "II"  
10 and inserting the following: "I".  
11 26. Page 8, line 2, by striking the figure "II"  
12 and inserting the following: "I".  
13 27. Page 8, line 6, by striking the figure "III"  
14 and inserting the following: "II".  
15 28. Page 8, line 8, by striking the figure "III"  
16 and inserting the following: "II".  
17 29. Page 8, line 15, by striking the figure "III"  
18 and inserting the following: "II".  
19 30. Page 8, line 19, by striking the figure "III"  
20 and inserting the following: "II".  
21 31. Page 8, line 22, by striking the figure "III"  
22 and inserting the following: "II".  
23 32. Page 8, line 31, by striking the figure "III"  
24 and inserting the following: "II".  
25 33. Page 8, line 34, by striking the figure "III"  
26 and inserting the following: "II".  
27 34. Page 9, line 9, by striking the figure "III"  
28 and inserting the following: "II".  
29 35. Page 9, line 10, by striking the figure "III"  
30 and inserting the following: "II".  
31 36. Page 9, line 16, by striking the figure "III"  
32 and inserting the following: "II".  
33 37. Page 9, line 30, by striking the figure "III"  
34 and inserting the following: "II".  
35 38. Page 12, line 9, by striking the figure "III"  
36 and inserting the following: "II".  
37 39. Page 12, line 14, by striking the figure  
38 "III" and inserting the following: "II".  
39 40. Page 13, line 13, by striking the figure  
40 "III" and inserting the following: "II".  
41 41. Page 13, line 23, by striking the figure  
42 "III" and inserting the following: "II".  
43 42. Page 13, line 28, by striking the figure  
44 "III" and inserting the following: "II".  
45 43. Page 14, line 2, by striking the figure "III"  
46 and inserting the following: "II".  
47 44. Page 14, line 24, by striking the figure  
48 "III" and inserting the following: "II".  
49 45. Page 14, line 25, by striking the words "or  
50 phase II".

**Page 3**

- 1 46. Title page, line 4, by striking the word
- 2 "three" and inserting the following: "two".

A non-record roll call was requested.

The ayes were 20, nays 62.

Amendment H—3287 lost.

(House File 499 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 11:16 a.m., until 1:30 p.m.

**AFTERNOON SESSION**

The House reconvened, Speaker Avenson in the chair.

**QUORUM CALL**

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty members present, twenty absent.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Royer of Page on request of Corey of Louisa; Swearingen of Keokuk on request of Stromer of Hancock, both for the remainder of the day.

**BUSINESS PENDING AT RECESS**

The House resumed consideration of **House File 499**, a bill for an act relating to education including salary increases, efficiencies, and education enhancement, relating to the establishment of an educational excellence program consisting of three phases relating to the recruitment of quality teachers, the retention of quality teachers, and the enhancement of the quality and effectiveness of teachers; collective bargaining; activities of the state board of education relating to the accreditation process; duration of a superintendent's contract; open enrollment of pupils in contiguous school districts; postsecondary enrollment options for certain high school students; redrawing boundary lines of area education agencies; plans for redrawing boundary lines of merged area schools; majority vote for school district bond issues under certain conditions; date of the organizational meeting of school corporations; annual publication of financial statements; sharing interscholastic activity programs; adoption of student achievement goals; provision for intercollegiate athletic activities at merged area

schools; procedure for adoption of whole grade sharing; calculation of enrollment of school districts; establishment of a transportation foundation formula; inclusion of principals in supplementary weighting; to provide appropriations; and provide effective dates, pending at recess.

Connolly of Dubuque asked and received unanimous consent to withdraw amendment H—3291 filed by him on March 23, 1987.

Ollie of Clinton offered amendment H—3312 filed by him and Haverland of Polk and requested division as follows:

H—3312

1 Amend House File 499 as follows:

H—3312A

2 1. Page 2, line 29, by inserting after the word  
3 "Moneys" the following: "appropriated by the general  
4 assembly for deposit".

5 2. Page 3, by striking lines 5 through 12 and  
6 inserting the following:

7 "Moneys appropriated to the fund for phase I, phase  
8 II, and phase III shall be distributed in the manner  
9 provided in this chapter."

H—3312B

10 3. Page 4, by striking lines 16 through 32 and  
11 inserting the following: "or area education agency  
12 for the school year beginning July 1, 1988. For the  
13 school year beginning July 1, 1989, the total minimum  
14 salary supplement paid to a school district or area  
15 education agency is sixty-six and two-thirds percent  
16 of the supplement paid for the school year beginning  
17 July 1, 1988. For the school year beginning July 1,  
18 1990, the total minimum salary supplement is fifty  
19 percent of the supplement paid for the school year  
20 beginning July 1, 1989. For school years thereafter,  
21 a minimum salary supplement shall not be paid to a  
22 school district or area education agency. For each of  
23 the school years beginning July 1, 1989 and July 1,  
24 1990, it is the intent of the general assembly to  
25 appropriate moneys to phase II equal to the difference  
26 between the total minimum salary supplement paid for  
27 the school year beginning July 1, 1988 and the total  
28 minimum salary supplement paid under this section for  
29 each of those fiscal years. For the school year  
30 beginning July 1, 1989 and succeeding school years,  
31 school districts for which the amount of the total  
32 minimum salary supplement paid for the school year  
33 beginning July 1, 1988 is greater than the total of  
34 the total minimum salary supplement, if any, and the

## H-3312B

35 additional amount received under phase II because of  
36 the reduction in minimum salary supplement money under  
37 phase I, may use additional allowable growth under  
38 section 442.7 to raise an amount equal to the  
39 difference."

## H-3312A

40 4. Page 4, lines 33 and 34, by striking the words  
41 and figures "in section 294A.3, subsection 1,".  
42 5. Page 5, line 23, by inserting after the word  
43 "enrollment" the following: "if the general assembly  
44 has appropriated thirty-eight million five hundred  
45 thousand dollars for school districts and area  
46 education agencies for phase II for those fiscal  
47 years. If the general assembly has appropriated a  
48 different amount for those fiscal years for phase II,  
49 the department of education shall adjust the amount  
50 for each student enrolled accordingly".

## Page 2

1 6. Page 5, line 32, by inserting after the word  
2 "agency" the following: "if the general assembly has  
3 appropriated thirty-eight million five hundred  
4 thousand dollars for school districts and area  
5 education agencies for phase II for those fiscal  
6 years. If the general assembly has appropriated a  
7 different amount for those fiscal years for phase II,  
8 the department of education shall adjust the amount  
9 for the enrollment served accordingly".

## H-3312C

10 7. Page 8, by striking lines 23 through 27 and  
11 inserting the following: "and area education agency  
12 shall include as a part of its plan for phase III that  
13 the teacher will be required to complete at least one  
14 hundred ninety working days during that year. Working  
15 days in excess of the number of working".

## H-3312A

16 8. Page 8, line 35, by inserting after the word  
17 "Annually," the following: "if the general assembly  
18 has appropriated fifty million dollars for school  
19 districts and area education agencies for phase III,".  
20 9. Page 9, line 3, by inserting after the word  
21 "Annually," the following: "if the general assembly  
22 has appropriated fifty million dollars for school  
23 districts and area education agencies for phase III,".  
24 10. Page 9, lines 10 and 11, by striking the  
25 words and figures "in section 294A.3".

## H—3312C

26 11. Page 14, by striking line 14 and inserting  
27 the following: "in conjunction with state".

28 12. Page 15, by striking lines 8 through 22 and  
29 inserting the following: "employee organization may  
30 occur after the March 15 certified budget submission  
31 date if the parties comply with this section. Not  
32 later than October 1 of the year preceding the year  
33 for which an agreement is being negotiated, the  
34 representatives of the school district and a certified  
35 teacher employee organization shall jointly submit to  
'36 the public employment relations board a time line for  
37 negotiations that contains proposed deadline dates for  
38 impasse procedures, including appointment of a  
39 mediator, appointment of a fact-finder, request for  
40 arbitration, and the final determination of the panel  
41 of arbitrators. The deadline for the final  
42 determination of the panel of arbitrators shall not be  
43 later than August 15 and the determination must be  
44 effective retroactive to July 1.

45 The public employment relations board shall approve  
46 or disapprove the request by November 1 of the year  
47 preceding the year for which the agreement is being  
48 negotiated. If the public employment relations board  
49 disapproves the time line submitted by the parties,  
50 the time lines specified in section 20.17 and sections

**Page 3**

1 20.19 through 20.22 apply."

2 13. Page 16, line 9, by striking the words "at  
3 least fifty percent" and inserting the following: "a  
4 majority".

## H—3312D

5 14. Page 17, line 22, by striking the word "one-  
6 fifth" and inserting the following: "one-third".

7 15. Page 17, line 23, by striking the word "one-  
8 fifth" and inserting the following: "one-third".

9 16. Page 17, line 24, by striking the word "four"  
10 and inserting the following: "two".

11 17. Page 17, line 30, by striking the word "five-  
12 year" and inserting the following: "three-year".

## H—3312C

13 18. Page 18, by striking lines 15 and 16 and  
14 inserting the following: "accreditation, within  
15 ninety days after the state board's determination, the  
16 parent or guardian of a pupil who is a resident of  
17 that school district may file notification with the  
18 board".

## H-3312C

- 19 19. Page 19, lines 20 and 21, by striking the  
 20 words "not later than February 1 of a school year".  
 21 20. Page 19, line 24, by striking the words  
 22 "during the next succeeding school year".  
 23 21. Page 19, line 29, by striking the words and  
 24 figure "by March 1".

## H-3312E

- 25 22. Page 21, by inserting after line 30 the  
 26 following:  
 27 "Sec. \_\_\_\_\_. NEW SECTION. 273.10 COMBINING AREA  
 28 EDUCATION AGENCIES.  
 29 An area education agency may combine with an  
 30 adjacent area education agency after a favorable vote  
 31 by the electors of each of the area education agencies  
 32 involved. The procedure used for the combination of  
 33 area education agencies shall be the same as the  
 34 procedure prescribed in section 280A.39 for merged  
 35 area schools. Election of directors for the combined  
 36 area education agency shall follow the procedures  
 37 established for election of directors of an area  
 38 education agency."

## H-3312C

- 39 23. Page 23, by striking lines 8 and 9, and  
 40 inserting the following: "section 75.1, the  
 41 proposition to make extended time contracts under this  
 42 section requires a vote in favor of the proposition".

## H-3312F

- 43 24. Page 25, line 33, by striking the figure  
 44 "1987" and inserting the figure "1988".  
 45 25. Page 25, line 35, by inserting after the word  
 46 "district" the following: "for which the  
 47 accreditation process under section 256.11 has not  
 48 been completed and in which the high school offers  
 49 fewer than forty-one academic curriculum units either  
 50 on its own or under a sharing agreement that does not

## Page 4

- 1 meet the criteria for section 282.11".  
 2 26. Page 26, line 2, by striking lines 2 and 3  
 3 and inserting the following: "provided in this  
 4 section if the conditions specified in this section  
 5 exist."  
 6 27. Page 26, line 4, by striking the word  
 7 "November" and inserting the following: "February".  
 8 28. Page 26, by striking lines 9 through 25 and  
 9 inserting the following: "a public school in a

H-3312F

10 contiguous school district because the curriculum of  
 11 the contiguous school district provides substantial  
 12 opportunities for a pupil that are not available to  
 13 that pupil in the district of residence."

14 29. Page 26, by inserting before line 26 the  
 15 following:

16 "The department of education shall verify that the  
 17 notification of the parent or guardian is accurate  
 18 with regard to the number of academic curriculum units  
 19 offered by a school district."

20 30. Page 26, by striking lines 31 through 34 and  
 21 inserting the following: "district does not have  
 22 classroom space for the pupil."

23 31. Page 27, by striking lines 8 through 17 and  
 24 inserting the following: "approve or disapprove the  
 25 request within thirty days of its receipt. The parent  
 26 or guardian may appeal the decision of the board under  
 27 chapter 290. If the parent or guardian appeals to the  
 28 state board of education, the board of the district of  
 29 residence must".

30 32. Page 27, line 18, by striking the word  
 31 "department" and inserting the following: "state  
 32 board".

33 33. By striking page 27, line 30 through page 28,  
 34 line 3.

H-3312C

35 34. By striking page 28, line 34 through page 29,  
 36 line 7.

37 35. Page 29, by striking lines 11 and 12 and  
 38 inserting the following: "school that does not  
 39 provide intercollegiate athletics as a part of its  
 40 program on July 1, 1987 from adding intercollegiate  
 41 athletics to its program after that date."

42 36. Page 30, by striking lines 31 and 32 and  
 43 inserting the following: "proposition to approve the  
 44 issuance of the bonds requires a vote in favor of the  
 45 proposition equal to a majority of the total vote".

46 37. Page 31, line 15, by striking the word  
 47 "required".

48 38. Page 31, by striking lines 16 and 17 and  
 49 inserting the following: "election to approve the  
 50 proposition under this section requires a vote in

Page 5

1 favor of the proposition equal to a majority of the  
 2 total vote cast for and".

H-3312G

3 39. By striking page 31, line 24 through page 32,  
4 line 10.

5 40. Page 32, by striking lines 11 through 27 and  
6 inserting the following:

7 "Sec. \_\_\_\_\_. Section 442.4, subsection 3, unnumbered  
8 paragraph 1 and paragraph a, Code 1987, are amended to  
9 read as follows:

10 For the school year beginning July 1, ~~1980~~ 1989,  
11 and each subsequent school year, budget enrollment  
12 means the sum of the following:

13 a. ~~Twenty five~~ Twenty percent of the basic  
14 enrollment for the school year beginning July 1, 1979.  
15 However, if the basic enrollment of a school district  
16 for a budget year is more than fifteen percent higher  
17 than the basic enrollment of the district for the base  
18 year, the school district's basic enrollment for the  
19 budget year shall be used thereafter for the  
20 calculation required under this paragraph in lieu of  
21 using the basic enrollment for the school year  
22 beginning July 1, 1979."

23 41. Page 33, line 2, by inserting after the word  
24 "two" the following: "one and one-half".

25 42. Page 33, line 10, by inserting after the word  
26 "two" the following: "one and one-half".

27 43. Page 33, line 10, by inserting after the word  
28 "amount." the following: "For the school year  
29 beginning July 1, 1989 and each succeeding school  
30 year, the budget guarantee provided in this subsection  
31 for school districts is one hundred one percent."

32 44. Page 33, by inserting after line 10 the  
33 following:

34 "Sec. \_\_\_\_\_. NEW SECTION. 442.4A BUDGET REDUCTION  
35 AMOUNT.

36 For the budget year beginning July 1, 1988, the  
37 department of management shall add together the  
38 district cost for the budget year minus the amount  
39 included in district cost for special education  
40 support services for the budget year of each school  
41 district in the state and divide that total by the  
42 basic enrollment in the state for the budget year to  
43 determine a state average cost per pupil for the  
44 budget year. In addition, the department of  
45 management shall calculate an average cost per pupil  
46 for that budget year for each school district by  
47 dividing the total of each district's district cost  
48 for that budget year minus the amount included in  
49 district cost for special education support services  
50 for that budget year by the district's basic

H-3312G

Page 6

1 enrollment for the budget year. For each school  
2 district in which the average cost per pupil for the  
3 budget year is more than one hundred-twenty percent of  
4 the state average cost per pupil for the budget year,  
5 the department of management shall determine a budget  
6 reduction amount. The budget reduction amount is  
7 thirty-three and one-third percent of the difference  
8 between one hundred twenty percent of the state  
9 average cost per pupil and the average cost per pupil  
10 in the district for the budget year.

11 For the budget years beginning July 1, 1989 and  
12 July 1, 1990, the department of management shall  
13 determine the state average cost per pupil for the  
14 budget year and the average cost per pupil for the  
15 budget year for each school district in the same  
16 manner as those amounts were determined for the base  
17 year. For each school district in which the average  
18 cost per pupil for the budget year is more than one  
19 hundred fifteen percent of the state average cost per  
20 pupil for the budget year, the department of  
21 management shall determine a budget reduction amount.  
22 For the budget year beginning July 1, 1989, the budget  
23 reduction amount is fifty percent of the difference  
24 between one hundred fifteen percent of the state  
25 average cost per pupil and the average cost per pupil  
26 in the district for the budget year. For the budget  
27 year beginning July 1, 1990, the budget reduction  
28 amount is the difference between one hundred fifteen  
29 percent of the state average cost per pupil and the  
30 average cost per pupil in the district for the budget  
31 year.

32 Notwithstanding the budget enrollment calculation  
33 in section 442.4, for each of the budget years under  
34 this section, the department of management shall  
35 decrease the number of pupils added to enrollment  
36 under section 442.4, subsection 5, to provide a  
37 reduction equal to the budget reduction amount. If  
38 the number of pupils added to enrollment under section  
39 442.4, subsection 5, provides for a reduction that is  
40 less than the budget reduction amount, the department  
41 of management shall decrease the number of pupils in  
42 section 442.4, subsection 3, paragraph "a", to provide  
43 a total reduction equal to the budget reduction  
44 amount.

45 A school district that has a reduction in district  
46 cost for a budget year minus the amount included in  
47 district cost for special education support services  
48 for that budget year under this section may use

H—3312G

49 additional allowable growth under section 442.7 to  
50 raise an amount equal to the reduction."

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- 1 45. By striking page 33, line 11 through page 35,
- 2 line 25.
- 3 46. By striking page 35, line 32 through page 37,
- 4 line 21.

H—3312C

- 5 47. Page 37, by inserting after line 22 the
- 6 following:
- 7 "Sec. \_\_\_\_\_. Iowa Acts, 1986 Session, chapter 1245,
- 8 section 1499B, is repealed."
- 9 48. Title page, line 19, by striking the word
- 10 "adoption" and inserting the following: "opting out".

H—3312G

- 11 49. Title page, lines 20 and 21, by striking the
- 12 words "establishment of a transportation foundation
- 13 formula;".

H—3312A

- 14 50. Title page, line 22, by striking the words
- 15 "to provide appropriations;".
- 16 51. By numbering and renumbering sections and
- 17 correcting internal references as necessary.

Ollie of Clinton moved the adoption of amendment H—3312A.

Roll call was requested by Hummel of Benton and Halvorson of Clayton.

On the question "Shall amendment H—3312A be adopted?"  
(H.F. 499)

The ayes were, 59:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poney
Renaud	Rosenberg	Running	Schrader

Sherzan	Shoultz	Skow	Spear
Stueland	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

The nays were, 39:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Schneklloth	Shoning	Siegrist	Stromer
Tyrrell	Van Camp	Van Maanen	

Absent or not voting, 2:

Royer	Swearingen
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Amendment H—3312A was adopted.

Daggett of Adams offered the following amendment H—3304 filed by Daggett, et al., and moved its adoption:

H—3304

- 1 Amend House File 499 as follows:
- 2 1. Page 3, by inserting after line 12 the
- 3 following:
- 4 "Notwithstanding section 8.31, the appropriations
- 5 made in this section are exempt from the reduction
- 6 required in section 8.31, if the governor determines
- 7 that the estimated budget resources during a fiscal
- 8 year are insufficient to pay all appropriations in
- 9 full, and that finding is concurred in by the execu-
- 10 tive council, and the governor orders reductions in
- 11 the appropriations under section 8.31."

A non-record roll call was requested.

The ayes were 31, nays 48.

Amendment H—3304 lost.

The House resumed consideration of amendment H—3312B.

Ollie of Clinton moved the adoption of amendment H—3312B.

Roll call was requested by Daggett of Adams and Stromer of Hancock.

On the question "Shall amendment H—3312B be adopted?"  
(H.F. 499)

## The ayes were, 52:

Arnould	Beatty	Bennett	Bisignano
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Doderer
Dvorsky	Fey	Fuller	Groninga
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Haverland	Holveck	Jay	Jochum
Johnson	Lageschulte	Lundby	May
McKinney	Mullins	Neuhauser	Norrgard
Ollie	Parker	Pavich	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoultz	Spear
Tabor	Teaford	Wise	Mr. Speaker

## The nays were, 38:

Beaman	Black	Branstad	Corey
Daggett	De Groot	Diemer	Eddie
Fogarty	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Koenigs	Kremer	Maulsby	McKean
Metcalf	Miller	Osterberg	Paulin
Pellett	Peters	Petersen, D. F.	Plasier
Platt	Renken	Shoning	Siegrist
Skow	Stromer	Stueland	Tyrrell
Van Camp	Van Maanen		

## Absent or not voting, 10:

Adams	Gruhn	Hatch	Knapp
Muhlbauer	Royer	Schnekloth	Svoboda
Swartz	Swearingen		

Amendment H—3312B was adopted.

Metcalf of Polk offered the following amendment H—3306 filed by Metcalf, et al., and moved its adoption:

H—3306

- 1 Amend House File 499 as follows:
- 2 1. Page 5, by inserting after line 2 the
- 3 following:
- 4 "Effective July 1, 1988, a school district is not
- 5 eligible to receive payments under this section unless
- 6 the board of directors has increased the number of
- 7 days that its schools are in session by five, and has
- 8 increased the number of days that its teachers are
- 9 under contract to be present when school is not in
- 10 session by ten, over the number of days that its
- 11 schools were in session and teachers were under
- 12 contract to be present during the school year

- 13 beginning July 1, 1987."  
 14 2. Page 7, by inserting after line 8 the  
 15 following:  
 16 "Effective July 1, 1988, a school district is not  
 17 eligible to receive its allocation under this section  
 18 unless the board of directors has increased the number  
 19 of days that its schools are in session by five, and  
 20 has increased the number of days that its teachers are  
 21 under contract to be present when school is not in  
 22 session by ten, over the number of days that its  
 23 schools were in session and teachers were under  
 24 contract to be present during the school year  
 25 beginning July 1, 1987."

Roll call was requested by Ollie of Clinton and Sherzan of Polk.

On the question "Shall amendment H—3306 be adopted?"  
 (H.F. 499)

The ayes were, 24:

Beaman	Bennett	Branstad	Chapman
Clark	Corbett	Corey	Eddie
Groninga	Halvorson, R. A.	Harbor	Hermann
Hummel	Kremer	Lundby	Maulsby
Metcalf	Paulin	Petersen, D. F.	Plasier
Renken	Stromer	Tyrrell	Van Camp

The nays were, 68:

Arnould	Beatty	Bisignano	Black
Blanshan	Buhr	Carpenter	Cohoon
Connolly	Cooper	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	May	McKean
McKinney	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Pellet	Peters
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stueland	Svoboda	Swartz
Teaford	Van Maanen	Wise	Mr. Speaker

Absent or not voting, 8:

Adams	Brammer	Connors	Holveck
Royer	Schnekloth	Swearingen	Tabor

Amendment H—3306 lost.

Metcalf of Polk asked and received unanimous consent to withdraw amendment H—3237 filed by her on March 20, 1987.

Corbett of Linn asked and received unanimous consent to withdraw amendment H—3280 filed by Corbett, et al., on March 23, 1987.

Plasier of Sioux offered the following amendment H—3300 filed by him and Corbett of Linn and moved its adoption:

H—3300

- 1 Amend House File 499 as follows:
- 2 1. Page 8, line 26, by striking the words "one
- 3 hundred ninety" and inserting the following: "two
- 4 hundred".
- 5 2. Page 8, line 29, by striking the words "one
- 6 hundred ninety" and inserting the following: "two
- 7 hundred".
- 8 3. Page 8, by striking line 30 and inserting the
- 9 following: "shall require the teacher to teach
- 10 students ten additional".

Roll call was requested by Running of Linn and Renaud of Polk.

On the question "Shall amendment H—3300 be adopted?"  
(H.F. 499)

The ayes were, 24:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Eddie
Halvorson, R. A.	Hanson, D. R.	Harbor	Hummel
Jay	Kremer	Lundby	Maulsby
Metcalf	Miller	Paulin	Petersen, D. F.
Plasier	Renken	Stromer	Van Camp

The nays were, 73:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jochum	Johnson	Knapp
Koenigs	Lageschulte	May	McKean
McKinney	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Pellett	Peters	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Running	Schnekloth	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear

Stueland  
Teaford  
Mr. Speaker

Svoboda  
Tyrrell

Swartz  
Van Maanen

Tabor  
Wise

Absent or not voting, 3:

Royer

Sherzan

Swearingen

Amendment H—3300 lost.

The House resumed consideration of amendment H—3312C.

Hatch of Polk in the chair at 3:49 p.m.

Haverland of Polk moved the adoption of amendment H—3312C.

Amendment H—3312C was adopted.

Speaker Avenson in the chair at 4:06 p.m.

Hummel of Benton offered the following amendment H—3308 filed by him and Petersen of Muscatine and moved its adoption:

H—3308

- 1 Amend House File 499 as follows:
- 2 1. Page 10, line 7, by inserting after the word
- 3 "criteria." the following: "The colleges of education
- 4 of the institutions of higher education under the
- 5 state board of regents shall develop performance based
- 6 pay plans that can be used by school districts and
- 7 area education agencies to qualify for phase III
- 8 moneys and shall make the plans available to boards of
- 9 directors and certified employee organizations."

Roll call was requested by Hummel of Benton and Bennett of Ida.

On the question "Shall amendment H—3308 be adopted?"  
(H.F. 499)

The ayes were, 38:

Beaman  
Clark  
Diemer  
Hermann  
Kremer  
McKean  
Osterberg  
Peterson, M. K.  
Stromer  
Van Camp

Bennett  
Corey  
Halvorson, R. A.  
Hester  
Lageschulte  
Metcalf  
Paulin  
Plasier  
Stueland  
Van Maanen

Branstad  
Daggett  
Hanson, D. R.  
Hummel  
Maulsby  
Miller  
Pellett  
Renken  
Tabor

Buhr  
De Groot  
Harbor  
Johnson  
May  
Neuhauser  
Petersen, D. F.  
Schneklath  
Tyrrell

The nays were, 58:

Adams

Arnould

Beatty

Bisignano

Black	Blanshan	Brammer	Carpenter
Cohoon	Connors	Cooper	Corbett
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Knapp	Koenigs
Lundby	McKinney	Muhlbauer	Mullins
Norrgard	Ollie	Parker	Pavich
Peters	Platt	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Svoboda	Swartz	Teaford
Wise	Mr. Speaker		

Absent or not voting, 4:

Chapman	Connolly	Royer	Swearingen
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Amendment H—3308 lost.

Maulsby of Calhoun offered the following amendment H—3242 filed by him and moved its adoption:

H—3242

- 1 Amend House File 499 as follows:
- 2 1. Page 13, line 21, by striking the word
- 3 "Moneys" and inserting the following:
- 4 "Notwithstanding section 8.33, moneys".
- 5 2. Page 13, line 24, by inserting after the word
- 6 "shall" the following: "not".
- 7 3. Page 13, by striking line 25 and inserting the
- 8 following: "the state if the unencumbered balance in
- 9 the educational excellence fund does not exceed one
- 10 hundred million dollars."

A non-record roll call was requested.

The ayes were 28, nays 42.

Amendment H—3242 lost.

Bennett of Ida offered the following amendment H—3301 filed by Bennett, et al., and moved its adoption:

H—3301

- 1 Amend House File 499 as follows:
- 2 1. Page 13, line 21, by striking the word
- 3 "Moneys" and inserting the following:
- 4 "Notwithstanding section 8.33, moneys".
- 5 2. Page 13, line 23, by striking the words "a
- 6 school year" and inserting the following: "the school
- 7 year beginning July 1, 1987 only,".

- 8 3. Page 13, line 24, by inserting after the word  
 9 "shall" the following: "not".  
 10 4. Page 13, by striking line 25 and inserting the  
 11 following: "the state, but may be expended during the  
 12 next following school year."

Roll call was requested by Bennett of Ida and Stromer of Hancock.

On the question "Shall amendment H—3301 be adopted?"  
 (H.F. 499)

The ayes were, 43:

Beaman	Bennett	Black	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Koenigs
Kremer	Lageschulte	Lundby	Maulsby,
McKean	Metcalf	Miller	Mullins
Paulin	Pellet	Petersen, D. F.	Plasier
Platt	Renken	Schneklloth	Shoning
Siegrist	Skow	Stromer	Stueland
Tyrrell	Van Camp	Van Maanen	

The nays were, 52:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Cohoon
Connolly	Connors	Cooper	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	May
McKinney	Muhlbauer	Neuhauer	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoultz	Spear	Svoboda	Swartz
Tabors	Teaford	Wise	Mr. Speaker

Absent or not voting, 5:

Branstad	Chapman	Doderer	Royer
Swearingen			

Amendment H—3301 lost.

Maulsby of Calhoun offered the following amendment H—3297  
 filed by him and moved its adoption:

H—3297

- 1 Amend House File 499 as follows:  
 2 1. Page 14, by inserting after line 25 the  
 3 following:

- 4 "Sec. \_\_\_\_\_, NEW SECTION. 294A.22 SALARY  
 5 SCHEDULES.  
 6 Notwithstanding chapter 20, a salary schedule for  
 7 the teachers employed by a school district shall not  
 8 have more than a fifty percent disparity between the  
 9 highest salary on the schedule and the lowest salary  
 10 on the schedule."

Roll call was requested by Bisignano of Polk and Haverland of Polk.

On the question "Shall amendment H—3297 be adopted?"  
 (H.F. 499)

The ayes were, 16:

Bennett	Branstad	Corey	Halvorson, R. A.
Harbor	Kremer	Maulsby	Metcalf
Miller	Mullins	Pellett	Renken
Schneklloth	Stromer	Tyrrell	Van Maanen

The nays were, 76:

Adams	Arnould	Beaman	Beatty
Bisignano	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lundby	May	McKean	McKinney
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Peters
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stueland	Svoboda	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

Absent or not voting, 8:

Black	Hermann	Muhlbauer	Petersen, D. F.
Plasier	Royer	Swartz	Swearingen

Amendment H—3297 lost.

Chapman of Linn in the chair at 4:49 p.m.

Bisignano of Polk offered the following amendment H—3285 filed by him and moved its adoption:

H—3285

- 1 Amend House File 499 as follows:
- 2 1. Page 15, by striking lines 23 through 30.

A non-record roll call was requested.

The ayes were 56, nays 17.

Amendment H—3285 was adopted.

Bennett of Ida offered the following amendment H—3258 filed by him and moved its adoption:

H—3258

- 1 Amend House File 499 as follows:
- 2 1. By striking page 14, line 28 through page 15,
- 3 line 30.
- 4 2. By striking page 21, line 31 through page 22,
- 5 line 30.
- 6 3. Title page, line 7, by striking the words
- 7 "collective bargaining;".
- 8 4. By renumbering as necessary.

Amendment H—3258 was adopted, placing the following amendments, previously adopted, out of order:

H—3312C, page 2, line 28 through page 3, line 1, found on page 776 of the House Journal.

H—3285 found on page 789 of the House Journal.

Daggett of Adams offered the following amendment H—3206 filed by him and Harbor of Mills and moved its adoption:

H—3206

- 1 Amend House File 499 as follows:
- 2 1. By striking page 15, line 31, through page 16,
- 3 line 22.
- 4 2. By striking page 22, line 31, through page 23,
- 5 line 11.
- 6 3. By striking page 28, line 34, through page 29,
- 7 line 7.
- 8 4. By striking page 30, line 22 through page 31,
- 9 line 23.

Roll call was requested by Daggett of Adams and Bennett of Ida.

On the question "Shall amendment H—3206 be adopted?"  
(H.F. 499)

The ayes were, 74:

Adams	Beaman	Bennett	Black
Blanshan	Branstad	Carpenter	Clark
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Eddie
Fogarty	Fuller	Garman	Gruhn

Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Härbor
Harper	Haverland	Hermann	Hester
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Miller	Muhlbauer	Mullins	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Running	Schneklloth	Schrader
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen		

The nays were, 23:

Arnould	Beatty	Bisignano	Brammer
Buhr	Cohoon	Connors	Doderer
Dvorsky	Fey	Groninga	Halvorson, R. N.
Hammond	Hatch	Holveck	Jochum
Metcalf	Neuhauser	Parker	Rosenberg .
Shoultz	Wise	Madam Speaker (Chapman)	

Absent or not voting, 3:

Avenson	Royer	Swearingen
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Amendment H—3206 was adopted placing the following amendment, previously adopted, out of order:

H—3312C, page 3, lines 2 through 4; page 3, lines 39 through 42; page 4, lines 42 through 50 and page 5, lines 1 and 2, found on pages 776, 777 and 778 respectively.

Speaker Avenson in the chair at 5:34 p.m.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—3311 filed by Maulsby, et al., March 23, 1987.

Stromer of Hancock offered the following amendment H—3292 filed by him and moved its adoption:

H—3292

- 1 Amend House File 499 as follows:
- 2 1. Page 16, by inserting after line 22 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 76.1, Code 1987, is amended to
- 5 read as follows:
- 6 76.1 MANDATORY RETIREMENT.
- 7 Hereafter issues of bonds of every kind and
- 8 character by counties, cities, and school corporations
- 9 shall be consecutively numbered. The annual levy, or

10 annual levy and income surtax, shall be sufficient to  
11 pay the interest and approximately such that portion  
12 of the principal of the bonds as will retire them in a  
13 period not exceeding twenty years from date of issue.  
14 Each issue of bonds shall be scheduled to mature  
15 serially in the same order as numbered.

16 Sec. \_\_\_\_\_. Section 76.2, unnumbered paragraphs 1  
17 and 2, Code 1987, are amended to read as follows:

18 The governing authority of these political  
19 subdivisions before issuing bonds shall, by  
20 resolution, provide for the assessment of an annual  
21 levy upon all the taxable property in the political  
22 subdivision, or the assessment of an annual levy and  
23 imposition of an income surtax, sufficient to pay the  
24 interest and principal of the bonds within a period  
25 named not exceeding twenty years. A certified copy of  
26 this resolution shall be filed with the county auditor  
27 or the auditors of the counties in which the political  
28 subdivision is located; and the filing shall make  
29 makes it a duty of the auditors to enter annually this  
30 levy for collection from the taxable property within  
31 the boundaries of the political subdivision until  
32 funds are realized to pay the bonds in full. For  
33 school districts using section 76.20, a copy of the  
34 resolution also shall be filed with the director of  
35 revenue and finance who is directed to impose a surtax  
36 on the state income tax of individuals residing within  
37 the boundaries of the school district until funds are  
38 realized to pay the bonds in full. The levy shall  
39 continue to be made against property that is severed  
40 from the political subdivision after the filing of the  
41 resolution until funds are realized to pay the bonds  
42 in full.

43 If the resolution is filed prior to April 1 the  
44 annual levy shall begin with the tax levy for  
45 collection commencing July 1 of that year. If the  
46 resolution is filed after April 1, the annual levy  
47 shall begin with the tax levy for collection in the  
48 next succeeding fiscal year. However, the governing  
49 authority of a political subdivision may adjust a levy  
50 of taxes made under this section for the purpose of

## Page 2

1 adjusting the annual levies and collections for  
2 property severed from the political subdivision,  
3 subject to the approval of the state comptroller.

4 If the resolution includes the imposition of an  
5 income surtax and it is filed prior to April 1, the  
6 imposition of the surtax shall begin retroactive to  
7 January 1 of that calendar year.

8 Sec. \_\_\_\_\_. Section 76.3, Code 1987, is amended to

9 read as follows:

10 76.3 TAX LIMITATIONS.

11 Tax limitations in any a law or proposition for the  
12 issuance of bonds or obligations, including any a law  
13 or proposition for the issuance of bonds or  
14 obligations in anticipation of levies or collections  
15 of taxes or both, shall be based on the latest  
16 equalized actual valuation then existing and shall  
17 only restrict the amount of bonds or obligations which  
18 may be issued. For the sole purpose of computing the  
19 amount of bonds which may be issued as a result of the  
20 application of a tax limitation, all interest on the  
21 bonds or obligations in excess of that accruing in the  
22 first twelve months may be excluded from the first  
23 annual levy of taxes, so that the need for including  
24 more than one year's interest in the first annual levy  
25 of taxes to pay the bonds or obligations and interest  
26 does not operate to further restrict the amount of  
27 bonds or obligations which may be issued, and in  
28 certifying the annual levies to the county auditor or  
29 auditors the first annual levy of taxes shall be  
30 sufficient to pay ~~all~~ the principal of and interest on  
31 the bonds or obligations becoming due prior to the  
32 next succeeding annual levy and the full amount of the  
33 first annual levy shall be entered for collection by  
34 the auditor or auditors, as provided in this chapter.  
35 However, if a school district has approved the  
36 imposition of an income surtax to pay a portion of the  
37 principal and interest on the bonds or obligations,  
38 this section applies only for the portion of the  
39 principal and interest to be paid from the annual levy  
40 of property taxes.

41 Sec. \_\_\_\_\_. Section 76.4, Code 1987, is amended to  
42 read as follows:

43 76.4 PERMISSIVE APPLICATION OF FUNDS.

44 Whenever If the governing authority of such a  
45 political subdivision ~~shall have~~ has on hand funds  
46 derived from any other a source other than taxation  
47 which may be appropriated to the payment either of  
48 interest or principal, or both principal and interest  
49 of such bonds, such the funds may be ~~so~~ appropriated  
50 and used and the levy for the payment of the bonds and and

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1 surtax rate for the income tax, if voted,  
2 correspondingly reduced.

3 Sec. \_\_\_\_\_. Section 76.7, Code 1987, is amended to  
4 read as follows:

5 76.7 PARTICULAR BONDS AFFECTED — PAYMENT.

6 Counties, cities and school corporations may at any

7 time or times extend or renew any legal indebtedness  
 8 or any part thereof of the indebtedness they may have  
 9 represented by bonds or certificates where such the  
 10 indebtedness is payable from a limited annual tax or  
 11 from a voted annual tax or income surtax, and may by  
 12 resolution fund or refund the same legal indebtedness  
 13 and issue bonds therefor running not more than twenty  
 14 years to be known as funding or refunding bonds, and  
 15 make provision for the payment of the principal and  
 16 interest thereof from the proceeds of an annual tax or  
 17 annual tax and income surtax for the period covered by  
 18 such the bonds similar to the tax authorized by law or  
 19 by the electors for the payment of the indebtedness so  
 20 extended or renewed.

21 Sec. \_\_\_\_\_. NEW SECTION. 76.20 PAYMENTS OF SCHOOL  
 22 DISTRICT BONDS.

23 If the board of directors of a school district  
 24 calls an election on the issuance of general  
 25 obligation bonds under section 296.3, the board may  
 26 vote by resolution to include as a separate  
 27 proposition at the same election, a proposition to pay  
 28 the principal and interest of the bonds, fifty percent  
 29 by pledging the proceeds of a property tax levy and  
 30 fifty percent by pledging the proceeds of an income  
 31 surtax. If the board does not adopt a resolution to  
 32 include the proposition on the ballot, a petition  
 33 signed by eligible electors equal in number to twenty  
 34 percent of the voters at the last preceding school  
 35 election may be filed with the board directing that  
 36 the proposition be placed on the ballot as a separate  
 37 proposition from the vote on the issuance of the  
 38 bonds. Notice of the separate proposition shall be  
 39 given by the county commissioner of elections by  
 40 publication in accordance with section 49.53. The  
 41 notice shall identify the bonds for which the property  
 42 tax and income surtax proceeds would be pledged to pay  
 43 the principal and interest and the number of years  
 44 that the income surtax and the property tax levy shall  
 45 be imposed.

46 The separate proposition shall state the question  
 47 of whether the board of directors is authorized to pay  
 48 the principal and interest of the bonds fifty percent  
 49 by pledging the proceeds of a property tax levy and  
 50 fifty percent by pledging the proceeds of an income

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1 surtax. The proposition carries if approved by a  
 2 majority of those voting on it.

3 For bond issues approved prior to the effective  
 4 date of this section, upon the receipt of a petition  
 5 signed by twenty-five percent of the number of voters

6 at the preceding regular school election, or upon the  
7 board's own motion, the board shall call a special  
8 election to determine whether to approve a proposition  
9 to pay the remaining principal and interest of the  
10 bonds, fifty percent by pledging the proceeds of a  
11 property tax levy and fifty percent by pledging the  
12 proceeds of an income surtax. If a majority of the  
13 voters at the election approve the proposition,  
14 sections 76.21 through 76.24 apply.

15 Sec. \_\_\_\_\_. NEW SECTION. 76.21 AMOUNT REQUIRED.

16 Except as otherwise provided in section 76.24, the  
17 board of directors shall estimate and certify to the  
18 board of supervisors of the proper county for the  
19 schoolhouse fund, the amount required from property  
20 tax revenues to pay fifty percent of the amount of the  
21 principal and interest due on the bonds. The board of  
22 directors shall estimate and certify to the director  
23 of revenue and finance for the schoolhouse fund, the  
24 amount required from the income surtax to pay fifty  
25 percent of the amount of the principal and interest  
26 due on the bonds.

27 Annually the director of revenue and finance shall  
28 establish the rate of the income surtax based upon an  
29 average of the income tax collections in the school  
30 district for the three preceding years.

31 Sec. \_\_\_\_\_. NEW SECTION. 76.22 INCOME SURTAX.

32 The income surtax shall be imposed on the state  
33 individual income tax for each calendar year, or for a  
34 taxpayer's fiscal year ending during the second half  
35 of that calendar year or the first half of the  
36 succeeding calendar year, and shall be imposed on all  
37 individuals residing in the school district on the  
38 last day of the applicable tax year. As used in this  
39 section, "state individual income tax" means the tax  
40 computed under section 422.5, less the deductions  
41 allowed in sections 422.10, 422.11, and 422.12.

42 Sections 442.16, 442.17, 442.19, and 442.20 apply  
43 to the income surtax established in this section. The  
44 director of revenue and finance shall deposit all  
45 moneys received as income surtax to the credit of each  
46 district from which the moneys are received, in an  
47 "income surtax fund" which is established in the  
48 office of the treasurer of state.

49 Annually, after crediting to the department of  
50 revenue and finance a reasonable amount for costs of

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1 administration, the treasurer of state shall remit to  
2 the school districts which have imposed an income  
3 surtax their share of the balance in the income surtax  
4 fund. The proceeds of the tax shall be pledged for

5 the payment of fifty percent of the principal and  
 6 interest on the bonds specified on the ballot  
 7 proposition. The costs of administration shall be  
 8 determined by the department of revenue and finance,  
 9 and shall be based on a share of the total cost of  
 10 administering the department, in the same proportion  
 11 as the amount of income surtax collected is to the  
 12 amount of state income taxes collected.

13 Sec. \_\_\_\_\_. NEW SECTION. 76.23 TAX FORMS.

14 The department of revenue and finance shall supply  
 15 appropriate forms, or provide space on the regular  
 16 state income tax forms, for reporting school district  
 17 income tax liability, and shall administer the income  
 18 surtax as nearly as possible in conjunction with the  
 19 administration of the state income tax law, for  
 20 purposes of economy and efficiency. The department of  
 21 revenue and finance shall adopt rules to carry out the  
 22 income surtax under sections 76.20 through 76.24.

23 Sec. \_\_\_\_\_. NEW SECTION. 76.24 INCOME SURTAX  
 24 ACCOUNT.

25 Notwithstanding section 76.21, the first year in  
 26 which the income surtax is collected after the  
 27 issuance of bonds, the percent of income surtax  
 28 imposed shall be double the percent calculated under  
 29 section 76.21. The excess collected above the amount  
 30 necessary to pay principal and interest on the bonds  
 31 shall be placed in a separate income surtax account in  
 32 the schoolhouse fund to be used to supplement the  
 33 principal and interest payments during years in which  
 34 the amount of income surtax collected is insufficient  
 35 to make the required payments.

36 In any year that the amount of income surtax  
 37 collected plus the amount in the separate account are  
 38 insufficient, the board of directors shall pay the  
 39 remaining amount due from moneys in the general fund  
 40 of the school district and the board of directors  
 41 shall repay the amount borrowed when funds are  
 42 available in the separate account:

43 For the last year in which principal and interest  
 44 are due, an income surtax shall not be imposed and the  
 45 amount of the property tax levy shall be adjusted so  
 46 that the proceeds from the property tax levy plus the  
 47 amount contained in the income surtax account of the  
 48 school district are sufficient to pay off the bonds."

49 2. Page 31, by inserting after line 23 the  
 50 following:

**Page 6**

- 1 "Sec. \_\_\_\_\_. Section 298.18, Code 1987, is amended
- 2 by adding the following new unnumbered paragraph:
- 3 NEW UNNUMBERED PARAGRAPH. The limits specified in

4 this section apply if only a property tax levy is  
 5 utilized to repay lawful bonded indebtedness. If a  
 6 school district has adopted a proposition in which  
 7 repayment of bonds is to be collected fifty percent  
 8 from the proceeds of a property tax levy and fifty  
 9 percent from the proceeds of an income surtax, the  
 10 limits on the property tax levy prescribed in this  
 11 section shall be one dollar and thirty-five cents and  
 12 two dollars and three cents respectively."

13 3. Title page, line 14, by inserting after the  
 14 word "conditions;" the following: "permissive use of  
 15 income surtax for payment of bond issues;".

16 4. By numbering and renumbering sections as  
 17 necessary.

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

Rule 75 was invoked.

On the question "Shall amendment H—3292 be adopted?"  
 (H.F. 499)

The ayes were, 46:

Beaman	Bennett	Branstad	Clark
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Gruhn	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Koenigs	Kremer	Lageschulte	Lundby
May	McKean	Metcalf	Miller
Mullins	Norrgard	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Schneklath	Shoning	Siegrist	Skow
Stromer	Stueland	Taber	Tyrrell
Van Camp	Van Maanen		

The nays were, 52:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Fuller	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Maulsby	McKinney	Muhlbauer
Neuhauser	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Spear	Svoboda
Swartz	Teaford	Wise	Mr. Speaker

Absent or not voting, 2:

Royer                      Swearingen

Amendment H—3292 lost.

Haverland of Polk offered the following amendment H—3281 filed by him and moved its adoption:

H—3281

- 1 Amend House File 499 as follows:
- 2 1. Page 16, line 30, by inserting after the word
- 3 "twelve." the following: "The state board shall also
- 4 study the governance structure of the merged area
- 5 schools, including but not limited to governance at
- 6 the statewide level with a director of community
- 7 college education serving under a state board."
- 8 2. Page 16, line 32, by inserting after the
- 9 figure "1987." the following: "However, the report of
- 10 the plans relating to the governance structure of the
- 11 merged area schools shall be reported to the general
- 12 assembly not later than January 1, 1988."
- 13 3. Page 17, by striking lines 10 through 16.
- 14 4. Title page, line 12, by striking the words
- 15 "redrawing boundary lines of" and inserting the
- 16 following: "a governance structure for".
- 17 5. By renumbering sections as necessary.

Amendment H—3281 was adopted, placing out of order amendment H—3207 filed by Daggett of Adams and Harbor of Mills on March 17, 1987.

Clark of Cerro Gordo offered the following amendment H—3298 filed by Clark, et al., and moved its adoption:

H—3298

- 1 Amend House File 499 as follows:
- 2 1. Page 16, by striking lines 29 and 30 and
- 3 inserting the following: "area education agencies in
- 4 order to reduce their total number in the state. The
- 5 plans shall".
- 6 2. Page 17, line 3, by inserting after the word
- 7 "state" the following: "based upon the plans it
- 8 developed under this subsection".
- 9 3. Page 17, by striking lines 4 and 5 and
- 10 inserting the following: "transition effective July
- 11 1, 1990."
- 12 4. Page 21, by striking lines 22 and 23 and
- 13 inserting the following: "the number of area
- 14 education agencies in the state shall be equal to the
- 15 number of area education agencies established by the
- 16 state board of education under section 256.7,
- 17 subsection 7. The boundaries of an area education
- 18 agency shall".

A non-record roll call was requested.

The ayes were 38, nays 49.

Amendment H—3298 lost.

Daggett of Adams offered the following amendment H—3215 filed by Daggett, et al., and moved its adoption:

H—3215

1 Amend House File 499 as follows:

- 2 1. By striking page 16, line 23, through page 17,
- 3 line 9.
- 4 2. Page 21, by striking lines 17 through 30.

Roll call was requested by Daggett of Adams and Halvorson of Clayton.

On the question "Shall amendment H—3215 be adopted?"  
(H.F. 499)

The ayes were, 44:

Beaman	Bennett	Branstad	Clark
Corbett	Daggett	De Groot	Diemer
Eddie	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Miller
Mullins	Osterberg	Paulin	Pellett
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Pony	Renken	Schnekloth	Shoning
Siegrist	Skow	Stromer	Stueland
Swartz	Tyrrell	Van Camp	Van Maanen

The nays were, 52:

Arnould	Beatty	Bisignano	Black
Blanshan	Brammer	Buhr	Carpenter
Chapman	Cohoon	Connolly	Connors
Cooper	Corey	Doderer	Dvorsky
Fey	Groninga	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Metcalf	Muhlbauer	Neuhauser	Norrgard
Ollie	Parker	Pavich	Peters
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Spear	Svoboda
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 4:

Adams	Hatch	Royer	Swearingen
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Amendment H—3215 lost.

Metcalf of Polk offered the following amendment H—3234 filed by her and moved its adoption:

H—3234

- 1 Amend House File 499 as follows:
- 2 1. Page 17, by inserting after line 16 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 256.7, Code 1987, is amended by
- 5 adding the following new subsection:
- 6 **NEW SUBSECTION. 9.** Develop plans for the
- 7 establishment of regional high schools throughout the
- 8 state, each enrolling students from two or more
- 9 elementary schools. The plans shall be reported to
- 10 the general assembly not later than January 15, 1988."

Amendment H—3234 lost.

The House resumed consideration of amendment H—3312D.

Haverland of Polk moved the adoption of amendment H—3312D.

A non-record roll call was requested.

The ayes were 44, nays 24.

Amendment H—3312D was adopted.

Arnould of Scott asked and received unanimous consent that House File 499 be deferred and that the bill retain its place on the calendar.

#### INTRODUCTION OF BILL

**House File 631**, by committee on ways and means, a bill for an act relating to public health and safety by establishing measures to improve and protect groundwater quality and to manage substances which pose health and safety hazards, by establishing goals, policies, funding mechanisms, including taxes and fees, and administrative provisions for the measures, by establishing programs relating to the management of agricultural activities, solid waste disposal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, establishing effective dates, and by providing for other properly related matters.

Read first time and placed on the ways and means calendar.

**MOTIONS TO RECONSIDER  
(House File 525)**

I move to reconsider the vote by which House File 525 passed the House on March 23, 1987.

**BRAMMER** of Linn

(Amendment H—3312B to House File 499)

I move to reconsider the vote by which amendment H—3312B, to House File 499, was adopted by the House on March 24, 1987.

**BENNETT** of Ida

(Amendment H—3292 to House File 499)

I move to reconsider the vote by which amendment H—3292, to House File 499, failed to be adopted by the House on March 24, 1987.

**MAULSBY** of Calhoun

**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 24, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 498, a bill for an act relating to the financing of primary road projects by permitting the borrowing of RISE funds and the issuance of anticipatory certificates and providing an effective date.

**JOHN F. DWYER**, Secretary

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Friday, March 20, 1987. Had I been present, I would have voted "aye" on House Files 304 and 506 and Senate File 269.

**JAY** of Appanoose

**PRESENTATION OF VISITORS**

Blanshan of Greene presented to the House Jimmy Mauro, a student at the University of Iowa and a member of the football team.

The Speaker announced that the following visitors were present in the House chamber:

Thirty senior students from Rudd-Rockford-Marble Rock High School, Rockford, accompanied by Robert Druckery. By Clark of Cerro Gordo.

## COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

### DEPARTMENT OF EMPLOYMENT SERVICES

The Biennial report for the Iowa Bureau of Labor, pursuant to Chapter 91.4 (5) and Chapter 88.19, Code of Iowa.

### HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

#### **H.S.B. 313 Labor and Industrial Relations**

Relating to workers' compensation coverage for participants in unemployed parent-community work experience programs.

#### **H.S.B. 314 Ways and Means**

Relating to the reduction of property taxes of cities and counties with ending fund balances in excess of twenty-five percent of expenditures, providing certain exclusions, and eliminating the local effort requirement for a county's receipt of road use tax funds.

### SUBCOMMITTEE ASSIGNMENTS

#### **House File 598**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shultz.

#### **House File 619**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

#### **Senate File 69**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

### COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

### COMMITTEE ON AGRICULTURE

**Committee Bill** (Formerly House Study Bill 160), relating to the reauthorization of the agricultural loan assistance program, including establishing assistance programs for returning cattle producers, making appropriations, and providing an effective date.

Fiscal Note is not required.

**Recommended Amend and Do Pass March 18, 1987.**

**COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION**

**House Study Bill 139**, implementing a guaranteed utility payment plan for eligible customers of gas and electric public utilities and including an appropriation.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 20, 1987.

**Committee Bill** (Formerly House Study Bill 189), relating to appropriating oil over-charge funds.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1987.

**House Study Bill 259**, prohibiting certain rate-regulated electric public utilities from including in their charges or rates to customers costs of construction of electric generating power plants which have not been placed in commercial operation with exceptions for certain prudently incurred costs.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 20, 1987.

**Committee Bill** (Formerly House Study Bill 292), relating to revenue adjustments and revised revenue requirements to be reflected in rates and charges to customers of certain public utilities based on the federal Tax Reform Act of 1986, with civil penalties applicable and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1987.

**Committee Bill** (Formerly House Study Bill 310), relating to the funding of the energy bank program.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1987.

**COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS**

**House File 580**, a bill for an act relating to the granting of leaves of absence to persons disabled by pregnancy, providing for their reinstatement, and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1987.

**COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION**

**House File 454**, a bill for an act relating to property tax exemptions for natural resource areas.

Fiscal Note is not required.

Recommended **Do Pass** March 19, 1987.

**Pursuant to Rule 31.7, House File 454 was referred to the committee on ways and means.**

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**House Study Bill 252**, to regulate the solicitation of funds for charitable purposes.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 271), relating to issuance of collision damage waivers in motor vehicle rental agreements, making penalties applicable, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 1987.

**Committee Bill** (Formerly House Study Bill 280), relating to the establishment of a buried equipment information center, and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 19, 1987.

#### COMMITTEE ON STATE GOVERNMENT

**House File 399**, a bill for an act relating to the issuance of citations by the department of inspections and appeals to food establishments, food service establishments, hotels, and vending machine operators for violating laws concerned with the public health, and providing for the establishment of penalties for violations.

Fiscal Note is not required.

Recommended **Do Pass** March 20, 1987.

**House File 484**, a bill for an act relating to museums, providing for the disposition of loaned or undocumented property in the possession of a museum, notice, reclamation of loaned or undocumented property, and statutes of limitations for actions against museums; prescribing museum obligations; prescribing lender and claimant obligations to museums; and providing for the retroactive applicability of certain sections of the Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3316** March 20, 1987.

#### COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 606), relating to public health and safety by establishing measures to improve groundwater quality and to manage substances which pose health and safety hazards, by establishing goals, policies, funding mechanisms, including taxes and fees, and administrative provisions for the measures, by establishing programs relating to the management of agricultural activities, solid waste disposal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, and by providing for other properly related matters.

Fiscal Note is required.

Recommended **Amend and Do Pass** March 24, 1987.

### RESOLUTIONS FILED

**HCR 20**, by Metcalf, Hammond, Rosenberg and Pavich, a concurrent resolution recognizing the Iowa State University wrestling team as the 1987 National Collegiate Athletic Association Champions.

Laid over under **Rule 25**.

**HCR 21**, by Pavich, Muhlbauer, Pellett, Connolly and De Groot, a concurrent resolution relating to railroad crossing safety for school children.

Laid over under **Rule 25**.

**HCR 22**, by committee on economic development, a concurrent resolution requesting a study relating to economic development and the relationship between economic development, transportation, and other infrastructure programs in support of a diversified economy.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H-3316	H.F.	484	Committee on State Government
H-3317	H.F.	583	Fuller of Hardin
H-3318	H.F.	467	Parker of Jasper
H-3319	H.F.	499	Halvorson of Clayton
H-3320	H.F.	438	Platt of Muscatine Black of Jasper
H-3321	H.F.	525	Brammer of Linn
H-3322	H.F.	499	Ollie of Clinton Carpenter of Polk
H-3323	H.F.	499	Hummel of Benton
H-3324	H.F.	575	Tyrrell of Iowa
H-3325	H.F.	587	Spear of Lee
H-3326	H.F.	587	Renaud of Polk Beatty of Warren
H-3327	H.F.	499	Garman of Story Hester of Pottawattamie
H-3328	H.F.	499	McKean of Jones Blanshan of Greene Hammond of Story Hester of Pottawattamie

H-3329	H.F.	499	McKean of Jones Hanson of Delaware Hammond of Story Johnson of Winneshiek
H-3331	H.F.	580	Sherzan of Polk
H-3332	H.F.	499	Haverland of Polk De Groot of Lyon Miller of Cherokee
H-3333	H.F.	472	Connolly of Dubuque
H-3334	H.F.	615	Spear of Lee
H-3335	H.F.	499	Plasier of Sioux Haverland of Polk
H-3336	H.F.	608	Running of Linn Hanson of Delaware Buhr of Polk Van Camp of Scott Halvorson of Webster Blanshan of Greene
H-3337	H.F.	499	Buhr of Polk
H-3338	H.F.	499	Maulsby of Calhoun
H-3339	H.F.	608	Schnekloth of Scott
H-3340	H.F.	617	Schnekloth of Scott
H-3341	H.F.	600	Schnekloth of Scott
H-3342	H.F.	600	Running of Linn Hanson of Delaware Buhr of Polk Van Camp of Scott Halvorson of Webster Blanshan of Greene
H-3343	H.F.	594	Beatty of Warren
H-3344	H.F.	617	Schnekloth of Scott Hatch of Polk Branstad of Winnebago Muhlbauer of Crawford Sherzan of Polk Hermann of Scott
H-3345	H.F.	499	Van Camp of Scott Lundby of Linn
H-3346	H.F.	499	Hummel of Benton Pavich of Pottawattamie
H-3347	H.F.	611	Schnekloth of Scott

On motion by Arnould of Scott, the House adjourned at 6:28 p.m., until 9:00 a.m., Wednesday, March 25, 1987.

# JOURNAL OF THE HOUSE

Seventy-third Calendar Day — Forty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, March 25, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Darrell Hanson, state representative from Delaware County.

The Journal of Tuesday, March 24, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Ollie of Clinton, from fifty-one constituents of the 38th District opposing House File 100, an act authorizing limited gambling on excursion gambling boats.

## INTRODUCTION OF BILLS

**House File 632**, by committee on energy and environmental protection, a bill for an act appropriating oil overcharge funds.

Read first time and referred to committee on **appropriations**.

**House File 633**, by committee on agriculture, a bill for an act relating to restrictions on the number of acres of agricultural land that authorized farm corporations or authorized trusts may acquire or otherwise obtain or lease, restricting persons from being shareholders or beneficiaries in more than a certain number of authorized farm corporations or authorized trusts, and providing penalties.

Read first time and placed on the **calendar**.

**House File 634**, by committee on local government, a bill for an act relating to county moneys which may be allocated to the secondary road fund.

Read first time and placed on the **calendar**.

**House File 635**, by committee on labor and industrial relations, a bill for an act relating to the maximum weekly benefit amount, treatment provided an injured employee, reimbursement of cost of an evaluation of permanent disability, setting the salary of the industrial com-

missioner, commencement of workers' compensation benefits, the awarding of temporary total or temporary partial disability payments, providing for the appointment of deputy commissioners, and providing for the Act's applicability.

Read first time and placed on the **calendar**.

**House File 636**, by committee on economic development, a bill for an act relating to international trade by establishing the Iowa export business finance program, directing the department of economic development, to the extent funds are available, to provide for certain economic development activities and services, and suggesting the legislative council study the feasibility of establishing a world trade institute and its programs and activities.

Read first time and placed on the **calendar**.

**House File 637**, by Pavich, a bill for an act relating to refund of registration and title fees for automobiles in which the purchaser does not take possession of the automobile and the contract of sale is canceled and providing an effective date.

Read first time and referred to committee on **transportation**.

**House File 638**, by committee on energy and environmental protection, a bill for an act exempting gas public utilities having less than two thousand customers from certain regulation authority of the utilities board and defining the areas in which such utilities remain subject to regulation and providing an effective date.

Read first time and placed on the **calendar**.

**House File 639**, by committee on small business and commerce, a bill for an act relating to investments of Iowa life insurance companies.

Read first time and placed on the **calendar**.

**House File 640**, by committee on energy and environmental protection, a bill for an act relating to revenue adjustments and revised revenue requirements to be reflected in rates and charges to customers of certain public utilities based on the federal Tax Reform Act of 1986, with civil penalties applicable and providing an effective date.

Read first time and placed on the **calendar**.

**House File 641**, by committee on energy and environmental protection, a bill for an act relating to the wastewater treatment facility and making variances granted subject to the review of the environmental protection commission.

Read first time and placed on the calendar.

**House File 642**, by committee on human resources, a bill for an act relating to immunizations of certain students attending nonprofit postsecondary educational institutions.

Read first time and placed on the calendar.

**House File 643**, by committee on judiciary and law enforcement, a bill for an act relating to indemnification and limitation on liability of directors and officers and to liability of persons who volunteer services to the state or a municipality or a nonprofit organization.

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 23, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 371, a bill for an act authorizing the state department of transportation to adopt and administer federal motor carrier safety and hazardous materials transportation regulations, establishing reporting requirements, making technical corrections, providing penalties, and providing an effective date.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 129, a bill for an act relating to the sale of unused highway right of way by the county board of supervisors.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 156, a bill for an act relating to the exemption from liability of care review committee members and the state concerning actions undertaken by care review committee members in the performance of their duties.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 177, a bill for an act relating to the disposal of dead animals.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 187, a bill for an act relating to the purchase of sacramental wine.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 201, a bill for an act related to the senate's review and confirmation of gubernatorial appointments, and providing an effective date.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 222, a bill for an act to prohibit the sale or gift of smokeless tobacco to a minor and providing for application of a penalty.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 231, a bill for an act relating to the date on which a pleading is considered filed.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 276, a bill for an act relating to the regulation of long-term care insurance.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 303, a bill for an act relating to the merger and consolidation of cooperative associations, by defining the fair market value of assets held by an association and providing for determining the fair value of an equity interest held by a dissenting member.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 316, a bill for an act to provide that a leased motor vehicle shall be registered in the county of the lessee's residence.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 319, a bill for an act relating to the condition of a building as a basis for the filing of a petition or hearing procedures.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 342, a bill for an act relating to the assessment of costs to the owner of real estate subject to tax sale.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 370, a bill for an act relating to museums, providing for the disposition of loaned or undocumented property in the possession of a museum, notice, reclamation of loaned or undocumented property and statutes of limitations for actions against museums; prescribing museum obligations; prescribing lender and claimant obligations to museums; and providing for the retroactive applicability of certain sections of the Act.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 374, a bill for an act relating to statutory corrections of a noncontroversial and nonsubstantive nature.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 381, a bill for an act to legalize the payment of a sales tax refund claim to the city of Epworth, Iowa, by the department of revenue and finance.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 382, a bill for an act relating to soil conservation districts, by changing the name to soil and water conservation districts.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 388, a bill for an act relating to the filing time for nomination petitions for a special election to elect a member of a board of directors of a school district.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 422, a bill for an act relating to presentence investigations.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 434, a bill for an act relating to issuance of certificates of inspection for boilers used on tourist railroads or tourist trains and providing an effective date.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 454, a bill for an act authorizing a city to establish an administrative agency to manage and control a city airport.

Also: That the Senate has on March 23, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 19, directing the state board of education to include specific named topics in its study of restructuring.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 500**, a bill for an act relating to the state civil rights law and the civil rights commission, with report of committee recommending amendment and passage was taken up for consideration.

Buhr of Polk offered the following amendment H—3223 filed by the committee on state government and moved its adoption:

H-3223

- 1 Amend House File 500 as follows:
- 2 1. Page 1, by inserting after line 24 the
- 3 following:
- 4 "In reference to employment, "disability" means a
- 5 substantial handicap as follows:
- 6 a. Handicap is not related to the ability to do
- 7 the job.
- 8 b. Handicap is related to the job but through
- 9 experience and training the person has overcome the
- 10 handicap and is able to perform the job."

The committee amendment H-3223 was adopted.

Buhr of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 500)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Clark	Cphoon	Connolly	Connors
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Taylor	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Chapman	Cooper	Groninga	Gruhn
Hatch	Hermann	Jochum	Koenigs
Paulin			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 566**, a bill for an act to require completion of an approved course of driver education to qualify for a minor's school license, was taken up for consideration.

Spear of Lee offered the following amendment H—3243 filed by him and moved its adoption:

H—3243

1 Amend House File 566 as follows:  
2 1. Page 1, by striking lines 1 through 12 and  
3 inserting the following:  
4 "Section 1. Section 321.178, subsection 1,  
5 unnumbered paragraphs 3 and 4, Code 1987, are amended  
6 to read as follows:  
7 "Student," for purposes of this section, means any  
8 a person between the ages of fifteen fourteen years  
9 and twenty-one years who resides in the public school  
10 district and who satisfies the preliminary licensing  
11 requirements of the department.  
12 Any A person who successfully completes an approved  
13 driver education course at a private or commercial  
14 driver education school licensed by the department,  
15 shall likewise be is eligible for a minor's school  
16 license at the age of fourteen years or an operator's  
17 license at the age of sixteen years, providing the  
18 instructor in charge of the student's training has  
19 satisfied the educational requirements for a teaching  
20 certificate at the secondary level and holds a valid  
21 certificate to teach driver education in the public  
22 schools of Iowa."

Amendment H—3243 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H—3244 filed by him on March 20, 1987.

Arnould of Scott asked and received unanimous consent that House File 566 be deferred and that the bill retain its place on the calendar.

The House resumed consideration of **House File 499**, a bill for an act relating to education including salary increases, efficiencies, and education enhancement, relating to the establishment of an educational excellence program consisting of three phases relating to the recruitment of quality teachers, the retention of quality teachers, and the

enhancement of the quality and effectiveness of teachers; collective bargaining; activities of the state board of education relating to the accreditation process; duration of a superintendent's contract; open enrollment of pupils in contiguous school districts; postsecondary enrollment options for certain high school students; redrawing boundary lines of area education agencies; plans for redrawing boundary lines of merged area schools; majority vote for school district bond issues under certain conditions; date of the organizational meeting of school corporations; annual publication of financial statements; sharing interscholastic activity programs; adoption of student achievement goals; provision for intercollegiate athletic activities at merged area schools; procedure for adoption of whole grade sharing; calculation of enrollment of school districts; establishment of a transportation foundation formula; inclusion of principals in supplementary weighting; to provide appropriations; and provide effective dates, deferred and retained on the calendar on March 24, 1987.

Blanshan of Greene offered the following amendment H—3289 filed by him and Carpenter of Polk and moved its adoption:

H—3289

1 Amend House File 499 as follows:

2 1. Page 18, by inserting after line 32 the  
3 following:

4 "Sec. \_\_\_\_\_. Section 256.13, Code 1987, is amended  
5 to read as follows:

6 256.13 NONRESIDENT PUPILS.

7 The boards of directors of two or more school  
8 districts may by agreement provide for attendance of  
9 pupils residing in one district in the schools of  
10 another district for the purpose of taking courses not  
11 offered in the district of their residence. The  
12 boards may also provide by agreement that the  
13 districts will combine their enrollments for one or  
14 more grades. Courses and grades made available to  
15 students in this manner shall be considered as  
16 complying with any standards or laws requiring the  
17 offering of such courses and grades. The boards of  
18 directors of districts entering into such agreements  
19 may shall provide for sharing the costs and expenses  
20 of the courses. If the agreement provides for whole  
21 grade sharing, the costs and expenses shall be paid as  
22 provided in sections 282.10 through 282.12."

23 2. Page 25, by inserting after line 29 the  
24 following:

25 "Sec. \_\_\_\_\_. Section 280.15, Code 1987, is amended  
26 to read as follows:

27 280.15 JOINT EMPLOYMENT AND SHARING.

28 Two or more public school districts may jointly  
29 employ and share the services of any school personnel,  
30 or acquire and share the use of classrooms,  
31 laboratories, equipment and facilities. Classes made  
32 available to students in the manner provided in this  
33 section shall be considered as complying with the  
34 requirements of section 275.1 relating to the  
35 maintenance of kindergarten and twelve grades by a  
36 school district. If students attend classes in  
37 another school district under this section under an  
38 agreement that provides for whole grade sharing, the  
39 boards of directors of districts entering into these  
40 agreements shall provide for sharing the costs and  
41 expenses as provided in sections 282.10 through  
42 282.12."

43 3. Page 29, by inserting after line 12 the  
44 following:

45 "Sec. \_\_\_\_\_. Section 282.7, subsection 1, Code 1987,  
46 is amended to read as follows:

47 1. The board of directors of a school district by  
48 record action may discontinue any or all of grades  
49 seven through twelve and negotiate an agreement for  
50 attendance of the pupils enrolled in those grades in

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1 the schools of one or more contiguous school districts  
2 having accredited school systems. If the board  
3 designates more than one contiguous district for  
4 attendance of its pupils, the board shall draw  
5 boundary lines within the school district for  
6 determining the school districts of attendance of the  
7 pupils. The portion of a district so designated shall  
8 be contiguous to the accredited school district  
9 designated for attendance. Only entire grades may be  
10 discontinued under this subsection and if a grade is  
11 discontinued, all higher grades in that district shall  
12 also be discontinued. A school district that has  
13 discontinued one or more grades under this subsection  
14 has complied with the requirements of section 275.1  
15 relating to the maintenance of kindergarten and twelve  
16 grades. A pupil who graduates from another school  
17 district under this subsection shall receive a diploma  
18 from the receiving district. Tuition shall be paid by  
19 the resident district as provided in section 282.24,  
20 subsection 2. The boards of directors entering into  
21 an agreement under this section shall provide for  
22 sharing the costs and expenses as provided in sections  
23 282.10 through 282.12. The agreement shall provide  
24 for transportation and authority and liability of the  
25 affected boards.

26 Sec. \_\_\_\_\_. NEW SECTION. 282.10 WHOLE GRADE  
27 SHARING.

28 1. Whole grade sharing is a procedure used by  
29 school districts whereby all or a substantial portion  
30 of the pupils in any grade in two or more school  
31 districts share an educational program for all or a  
32 substantial portion of a school day under a written  
33 agreement pursuant to section 256.13, 280.15, or  
34 282.7, subsection 1. Whole grade sharing may either  
35 be one-way or two-way sharing.

36 2. One-way whole grade sharing occurs when a  
37 school district sends pupils to one or more other  
38 school districts for instruction and does not receive  
39 a substantial number of pupils from those districts in  
40 return.

41 3. Two-way whole grade sharing occurs when a  
42 school district sends pupils to one or more other  
43 school districts for instruction and receives a  
44 substantial number of pupils from those school  
45 districts in return."

46 4. Page 29, line 14, by inserting after the word  
47 "a" the following: "whole grade".

48 5. Page 29, line 19, by inserting before the word  
49 "sharing" the following: "whole grade".

50 6. Page 30, by inserting after line 21 the

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1 following:

2 "Sec. \_\_\_\_\_. NEW SECTION. 282.12 FUNDING.

3 1. An agreement for whole grade sharing shall  
4 establish a method for determination of costs, if any,  
5 associated with the sharing agreement.

6 2. For one-way sharing, the sending district shall  
7 pay the district cost per pupil of the sending  
8 district minus a per pupil amount for transportation,  
9 costs if the sending district does not provide the  
10 transportation for the pupil sent to another district.

11 3. For two-way sharing, the costs shall be  
12 determined by mutual agreement of the boards.

13 4. The number of pupils participating in a whole  
14 grade sharing agreement shall be determined on the  
15 third Friday of September and third Friday of February  
16 of each year.

17 Sec. \_\_\_\_\_. Section 282.24, subsection 2, Code 1987,  
18 is amended to read as follows:

19 2. The tuition fee charged by the board of  
20 directors for pupils attending school in the district  
21 under section 282.7, subsection 1, shall not exceed  
22 the actual cost of providing the educational program  
23 for either the high school or the junior high school  
24 in that district and shall not be less than the

25 ~~maximum tuition rate in that district.~~ For the  
 26 purpose of this section, high school means a school  
 27 which commences with either grade nine or grade ten as  
 28 determined by the board of directors of the district,  
 29 and junior high school means the remaining grades  
 30 commencing with grade seven."

31 7. By numbering and renumbering sections as  
 32 necessary.

A non-record roll call was requested.

The ayes were 51, nays 26.

Amendment H—3289 was adopted.

Stromer of Hancock offered the following amendment H—3222  
 filed by him and moved its adoption:

H—3222

1 Amend House File 499 as follows:

2 1. Page 20, line 28, by inserting after the word  
 3 "actual" the following: "and customary".

Amendment H—3222 was adopted.

Stromer of Hancock offered the following amendment H—3221  
 filed by him and moved its adoption:

H—3221

1 Amend House File 499 as follows:

2 1. Page 20, by inserting after line 34 the  
 3 following: "If an eligible postsecondary institution  
 4 is an area school established under chapter 280A, the  
 5 contact hours of a pupil for which a tuition  
 6 reimbursement amount is received are not contact hours  
 7 eligible for general aid under chapter 286A."

Amendment H—3221 was adopted.

Haverland of Polk offered the following amendment H—3290 filed  
 by Haverland, et al.:

H—3290

1 Amend House File 499 as follows:

2 1. Page 21, by inserting after line 30, the  
 3 following:  
 4 "Sec. \_\_\_\_\_. **NEW SECTION. 273.14 ADMINISTRATION.**  
 5 Beginning July 1, 1988, the board of directors of  
 6 an area education agency and the board of directors of  
 7 the merged area school encompassing primarily the same  
 8 area may vote, by a majority of both boards, to  
 9 combine the administrative units of both boards into

10 one administrative unit. All statutes relating to the  
 11 functions of and funding of the area education agency  
 12 and the merged area school shall be applicable. If  
 13 the boards of directors approve the action, the  
 14 question shall be submitted to the electors of the  
 15 area at a special election in the manner specified in  
 16 section 280A.39."

17 2. Page 29, by inserting after line 12, the  
 18 following:

19 "Sec. \_\_\_\_\_. NEW SECTION. 280A.44 ADMINISTRATION.

20 Beginning July 1, 1988, the board of directors of a  
 21 merged area school and the board of directors of the  
 22 area education agency encompassing primarily the same  
 23 area may vote, by a majority of both boards, to  
 24 combine the administrative units of both boards into  
 25 one administrative unit. All statutes relating to the  
 26 functions of and funding of the merged area school and  
 27 the area education agency shall be applicable. If the  
 28 boards of directors approve the action, the question  
 29 shall be submitted to the electors of the area at a  
 30 special election in the manner specified in section  
 31 280A.39."

Haverland of Polk asked and received unanimous consent to with-  
 draw amendment H-3332, to amendment H-3290, filed by  
 Haverland, et al., on March 24, 1987.

On motion by Haverland of Polk, amendment H-3290 was  
 adopted.

Metcalf of Polk offered the following amendment H-3307 filed by  
 her and moved its adoption:

H-3307

1 Amend House File 499 as follows:  
 2 1. Page 21, by inserting after line 30 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 275.3, Code 1987, is amended to  
 5 read as follows:  
 6 275.3 MINIMUM SIZE.  
 7 No A new school district shall not be planned by an  
 8 area education agency board nor shall any proposal for  
 9 creation or enlargement of any school district be  
 10 approved by an area education agency board or  
 11 submitted to electors unless there reside within the  
 12 proposed limits of such the district at least three  
 13 six hundred persons of school age who were enrolled in  
 14 public schools in the preceding school year. Provided,  
 15 however, that the director of the department of  
 16 education shall have authority to may grant permission  
 17 to an area education agency board to approve the

18 formation or enlargement of a school district  
 19 containing a lower school enrollment than required in  
 20 this section on the written request of such the area  
 21 education agency board if such the request is  
 22 accompanied by evidence tending to show that sparsity  
 23 of population, natural barriers or other good reason  
 24 makes it impracticable to meet the school enrollment  
 25 requirement."

Amendment H—3307 lost.

Maulsby of Calhoun offered the following amendment H—3338  
 filed by him:

H—3338

1 Amend House File 499 as follows:  
 2 1. Page 21, by inserting after line 30 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 275.3A MANDATORY REOR-  
 5 GANIZATION.  
 6 A school district in which the certified enrollment  
 7 for three consecutive school years is fewer than three  
 8 hundred shall reorganize with a contiguous school  
 9 district within two school years thereafter. If the  
 10 board of the school district has not commenced action  
 11 under this chapter during the first year thereafter,  
 12 the area education agency board of the area in which  
 13 the school district is located shall meet with the  
 14 board of the school district to develop a petition for  
 15 reorganization based upon the reorganization plan of  
 16 the area education agency. Proposals for  
 17 reorganization submitted by the area education agency  
 18 board shall be based upon economic and geographic  
 19 factors and the political constituency of the school  
 20 district as well as the quality of the educational  
 21 offerings of the contiguous school district or school  
 22 districts with which it is proposed that the school  
 23 district merge. If the board cannot agree with the  
 24 proposals of the area education agency by the end of  
 25 the second year thereafter, the area education agency  
 26 board shall merge the district with one or more  
 27 contiguous school districts."

Maulsby of Calhoun offered the following amendment H—3353,  
 to amendment H—3338, filed by him from the floor and moved its  
 adoption:

H—3353

1 Amend the amendment, H—3338, to House File 499 as  
 2 follows:  
 3 1. Page 1, line 26, by inserting after the word

4 "board" the following: "shall notify the state board  
 5 of education, and the state board of education".  
 6 2. Page 1, line 27, by inserting after the word  
 7 "districts." the following: "This section does not  
 8 apply to school districts which are sharing academic  
 9 classes with another school district nor to districts  
 10 which are accredited under section 256.11. In  
 11 addition, the director of the department of education  
 12 may grant permission to an area education agency board  
 13 to approve the formation or enlargement of a school  
 14 district containing a lower school enrollment than  
 15 required in this section on the written request of the  
 16 area education agency board if the request is  
 17 accompanied by evidence tending to show that sparsity  
 18 of population, natural barriers or other good reason  
 19 makes it impracticable to meet the school enrollment  
 20 requirement."

Amendment H—3353 was adopted.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—3338, as amended.

The House resumed consideration of amendment H—3312E, found on page 777 of the House Journal.

Shoultz of Black Hawk offered the following amendment H—3315, to amendment H—3312E, filed by him and moved its adoption:

H—3315

1 Amend the amendment, H—3312, to House File 499 as  
 2 follows:  
 3 1. Page 3, by inserting after line 38 the  
 4 following:  
 5 "If area education agencies combine, the collective  
 6 bargaining agreement of the area education agency with  
 7 the largest enrollment served, as defined in section  
 8 442.27, in the new area education agency shall serve  
 9 as the base agreement and the employees of the other  
 10 area education agencies involved in the formation of  
 11 the new area education agency shall automatically be  
 12 accreted to the bargaining unit of that collective  
 13 bargaining agreement for purposes of negotiating the  
 14 contracts for the following years without further  
 15 action by the public employment relations board. If  
 16 only one collective bargaining agreement is in effect  
 17 among the area education agencies which are party to  
 18 the combination, then that agreement shall serve as  
 19 the base agreement, and the employees of the other  
 20 area education agencies involved in the formation of  
 21 the new area education agency shall automatically be

22 accreted to the bargaining unit of that collective  
23 bargaining agreement for purposes of negotiating the  
24 contracts for the following years without further  
25 action by the public employment relations board. The  
26 board of the newly formed area education agency, using  
27 the base agreement as its existing contract, shall  
28 bargain with the combined employees of the existing  
29 area education agencies for the school year beginning  
30 with the effective date of the combination. The  
31 bargaining shall be completed by March 15 prior to the  
32 school year in which the combination becomes effective  
33 or within one hundred eighty days after the  
34 organization of the new board, whichever is later. If  
35 a bargaining agreement was already concluded by the  
36 board and employees of the existing area education  
37 agency with the contract serving as the base agreement  
38 for the school year beginning with the effective date  
39 of the combination, that agreement shall be void.  
40 However, if the base agreement contains multiyear  
41 provisions affecting school years subsequent to the  
42 effective date of the combination, the base agreement  
43 shall remain in effect as specified in the agreement."

Amendment H—3315 was adopted.

On motion by Haverland of Polk, amendment H—3312E, as amended, was adopted.

Metcalf of Polk offered the following amendment H—3303 filed by her and moved its adoption:

H—3303

1 Amend House File 499 as follows:  
2 1. Page 22, by inserting after line 30 the  
3 following:  
4 "Sec. \_\_\_\_\_. NEW SECTION. 275.57 REORGANIZATION.  
5 Boards of directors of school districts with  
6 certified enrollments of fewer than three hundred on  
7 the second Friday in September 1987 shall develop and  
8 transmit to the area education agency in which they  
9 are located, by January 1, 1988, a reorganization or  
10 dissolution plan that places the district in a  
11 reorganized or enlarged district that includes more  
12 than six hundred students in certified enrollment.  
13 The plans shall consider boundary line changes that  
14 place territory in districts that form geographically  
15 compact boundaries. The area education agencies shall  
16 transmit the plans to all districts in the area and in  
17 the adjacent area education agencies by March 1, 1988.  
18 The boards of directors of any district may, prior to  
19 July 1, 1988, file written objections with the

20 appropriate area education agency to the plans of any  
 21 district in its area or the adjacent areas that  
 22 detrimentally affect the boundaries of the objecting  
 23 district. Prior to July 1, 1989, the area education  
 24 agency boards shall conduct hearings upon all  
 25 objections and shall rule upon each objection, and  
 26 shall establish boundary lines. By September 1, 1989,  
 27 each area education agency shall appoint one of its  
 28 members to serve on the state reorganization  
 29 commission, which shall form and organize itself by  
 30 October 1, 1989. Prior to December 1, 1989, any area  
 31 education agency board or board of directors of a  
 32 school district may file, in writing, objections  
 33 concerning a plan with the state reorganization  
 34 commission. Prior to July 1, 1990, the reorganization  
 35 commission shall conduct hearings and rule upon the  
 36 objections and finalize the plans submitted by the  
 37 boards of directors of the school districts and area  
 38 education agencies. Prior to November 30, 1990, each  
 39 reorganized district shall conduct a special election  
 40 for the board of the new district and the new board  
 41 shall organize prior to December 1, 1990, and shall  
 42 conduct business as provided in section 275.41. The  
 43 reorganized and newly enlarged districts shall be  
 44 effective July 1, 1991."

A non-record roll call was requested.

The ayes were 18, nays 44.

Amendment H—3303 lost.

Blanshan of Greene offered the following amendment H—3273  
 filed by Blanshan, et al.:

H—3273

1 Amend House File 499 as follows:  
 2 1. By striking page 23, line 33, through page 24,  
 3 line 35, and inserting the following:  
 4 "Sec. \_\_\_\_\_. Section 279.34, Code 1987, is amended  
 5 to read as follows:  
 6 279.34 FINANCIAL STATEMENT — PUBLICATION.  
 7 In each school district, the board shall, during  
 8 the second week of August of each year, publish by one  
 9 insertion in at least one newspaper, if there is a  
 10 newspaper published in the district, a summarized  
 11 statement verified by affidavit of the secretary of  
 12 the board showing the receipts and disbursements of  
 13 all funds for the preceding school year. In all  
 14 districts of more than one hundred twenty-five  
 15 thousand population, the statement of disbursements is  
 16 to show the names of the persons, firms, or

17 corporations, and the total amount paid to each during  
18 the school year.

19 Sec. \_\_\_\_\_. Section 279.35, Code 1987, is amended by  
20 striking the section and inserting in lieu thereof the  
21 following:

22 279.35 PUBLICATION OF PROCEEDINGS.

23 The proceedings of each regular, adjourned, or  
24 special meeting of the board, including the schedule  
25 of bills allowed, shall be published after the  
26 adjournment of the meeting in the manner provided in  
27 this section and section 279.36, and the publication  
28 of the schedule of the bills allowed shall include a  
29 list of claims allowed, including salary claims for  
30 services performed. The list shall include the name  
31 of the person or firm making the claim, the purpose of  
32 the claim, and the amount of the claim. However,  
33 salaries paid to individuals regularly employed by the  
34 district shall only be published annually and the  
35 publication shall include the total amount of the  
36 annual salary of each employee. The secretary shall  
37 furnish a copy of the proceedings to be published  
38 within two weeks following the adjournment of the  
39 meeting. Matters discussed in closed session pursuant  
40 to section 21.5 shall not be published until the  
41 matters are no longer confidential.

42 Sec. \_\_\_\_\_. Section 279.36, Code 1987, is amended by  
43 striking the section and inserting in lieu thereof the  
44 following:

45 279.36 PUBLICATION PROCEDURES AND FEE.

46 The requirements of sections 279.34 and 279.35 are  
47 satisfied by publication in at least one newspaper  
48 published in the district or, if there is none, in at  
49 least one newspaper having general circulation within  
50 the district.

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1 For the fiscal year beginning July 1, 1987, the fee  
2 for publications required under sections 279.34 and  
3 279.35 shall not exceed three-fifths of the legal  
4 publication fee provided by statute for the  
5 publication of legal notices. For the fiscal year  
6 beginning July 1, 1988, the fee for the publications  
7 shall not exceed three-fourths of that legal  
8 publication fee. For the fiscal year beginning July  
9 1, 1989, and each fiscal year thereafter, the fee for  
10 the publications shall be the legal publication fee  
11 provided by statute."

12 2. Page 37, by striking line 22.

Neuhauser of Johnson offered the following amendment H-3349,  
to amendment H-3273, filed by her from the floor and moved its  
adoption:

H—3349

- 1 Amend the amendment, H—3273, to House File 499 as
- 2 follows:
- 3 1. Page 1, line 10, by inserting after the word
- 4 "district" the following: "school newsletter, or
- 5 shopper".
- 6 2. Page 1, by striking lines 24 and 25 and
- 7 inserting the following: "special meeting of the
- 8 board shall be published after the".
- 9 3. Page 1, by striking lines 27 through 36 and
- 10 inserting the following: "this section and section
- 11 279.36. The secretary shall".
- 12 4. Page 1, by striking lines 39 through 41 and
- 13 inserting the following: "meeting."
- 14 5. Page 1, line 47, by inserting after the word
- 15 "newspaper" the following: ", school newsletter, or
- 16 shopper".
- 17 6. Page 1, line 49, by inserting after the word
- 18 "newspaper" the following: ", school newsletter, or
- 19 shopper".
- 20 7. Page 1, line 49, by inserting after the word
- 21 "circulation" the following: "or distribution".
- 22 8. Page 2, line 1, by inserting after the figure
- 23 "1987" the following: "and each fiscal year
- 24 thereafter".
- 25 9. Page 2, by striking lines 5 through 11 and
- 26 inserting the following: "publication of legal
- 27 notices."

Amendment H—3349 lost.

Blanshan of Greene moved the adoption of amendment H—3273.

A non-record roll call was requested.

The ayes were 52, nays 43.

Amendment H—3273 was adopted.

(House File 499 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 11:40 a.m., until 1:30 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-one members present, nineteen absent.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Royer of Page, for the afternoon session, on request of Corey of Louisa.

## 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, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 359, a bill for an act relating to movement of vehicles of excess size, weight, and load.

Also: That the Senate has on March 25, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 493, a bill for an act relating to the creation of a statewide regional network of small business economic development corporations to assist in providing financing for small businesses in the state.

JOHN F. DWYER, Secretary

## BUSINESS PENDING AT RECESS

The House resumed consideration of **House File 499**, a bill for an act relating to education including salary increases, efficiencies, and education enhancement, relating to the establishment of an educational excellence program consisting of three phases relating to the recruitment of quality teachers, the retention of quality teachers, and the enhancement of the quality and effectiveness of teachers; collective bargaining; activities of the state board of education relating to the accreditation process; duration of a superintendent's contract; open enrollment of pupils in contiguous school districts; postsecondary enrollment options for certain high school students; redrawing boundary lines of area education agencies; plans for redrawing boundary lines of merged area schools; majority vote for school district bond issues under certain conditions; date of the organizational meeting of school corporations; annual publication of financial statements; sharing interscholastic activity programs; adoption of student achievement goals; provision for intercollegiate athletic activities at merged area schools; procedure for adoption of whole grade sharing; calculation of enrollment of school districts; establishment of a transportation foundation formula; inclusion of principals in supplementary weighting; to provide appropriations; and provide effective dates, pending at recess.

Carpenter of Polk offered the following amendment H—3314 filed by her and Shoultz of Black Hawk and moved its adoption:

H—3314

- 1 Amend House File 499 as follows:
- 2 1. Page 24, by inserting after line 35 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 280.4, Code 1987, is amended by
- 5 adding the following new subsection:
- 6 **NEW SUBSECTION. 4.** In order to provide funds for
- 7 the excess costs of instruction of non-English-
- 8 speaking students above the costs of instruction of
- 9 pupils in a regular curriculum, students identified as
- 10 non-English-speaking are assigned an additional
- 11 weighting of two-tenths and that weighting shall be
- 12 included in the weighted enrollment of the school
- 13 district of residence."
- 14 2. Page 33, by inserting after line 10 the
- 15 following:
- 16 "Sec. \_\_\_\_\_. Section 442.4, subsection 6, unnumbered
- 17 paragraph 1, Code 1987, is amended to read as follows:
- 18 For the school year beginning July 1, 1980, and
- 19 each subsequent school year, weighted enrollment is
- 20 the budget enrollment as modified by application of
- 21 the special education weighting plan in section 281.9,
- 22 the non-English-speaking weighting plan in section
- 23 280.4, and the supplementary weighting plan in this
- 24 chapter."
- 25 3. Title page, line 20, by inserting after the
- 26 word "districts;" the following: "weighting for non-
- 27 English-speaking students;"
- 28 4. By numbering and renumbering sections as
- 29 necessary.

Amendment H—3314 was adopted.

The House resumed consideration of amendment H—3312F, found on pages 777 and 778 of the House Journal.

McKean of Jones offered the following amendment H—3328, to amendment H—3312F, filed by McKean, et al., and moved its adoption:

H—3328

- 1 Amend the amendment H—3312, to House File 499 as
- 2 follows:
- 3 1. Page 4, line 10, by inserting after the word
- 4 "the" the following: "academic".
- 5 2. Page 4, line 11, by inserting after the word
- 6 "substantial" the following: "educational".

Amendment H—3328 was adopted.

McKean of Jones offered the following amendment H—3329, to amendment H—3312F, filed by McKean, et al., and moved its adoption:

H—3329

- 1 Amend amendment, H—3312, to House File 499 as
- 2 follows:
- 3 1. Page 4, by striking lines 33 and 34 and
- 4 inserting the following:
- 5 "\_\_\_\_\_. Page 28, by striking lines 1 through 3."

A non-record roll call was requested.

The ayes were 45, nays 25.

Amendment H—3329 was adopted.

Buhr of Polk in the chair at 2:22 p.m.

Garman of Story offered the following amendment H—3327, to amendment H—3312F, filed by her and Hester of Pottawattamie and moved its adoption:

H—3327

- 1 Amend amendment, H—3312, to House File 499 as
- 2 follows:
- 3 1. By striking page 3, line 43 through page 4,
- 4 line 34, and inserting the following:
- 5 "\_\_\_\_\_. By striking page 25, line 30 through page
- 6 28, line 3."

Amendment H—3327 lost.

The Speaker announced that amendment H—3249, filed by McKean, et al., on March 23, 1987, was out of order as it contained subject matter previously considered in amendment H—3327.

On motion by Haverland of Polk, amendment H—3312F, as amended, was adopted.

Corbett of Linn offered the following amendment H—3305 filed by him and Garman of Story and moved its adoption:

H—3305

- 1 Amend House File 499 as follows:
- 2 1. Page 28, by striking lines 4 through 33.
- 3 2. Title page, by striking line 17 and inserting
- 4 the following: "programs; provision for".
- 5 3. By renumbering sections as necessary.

A non-record roll call was requested.

The ayes were 22, nays 53.

Amendment H—3305 lost.

Plasier of Sioux offered the following amendment H—3335 filed by him and Haverland of Polk and moved its adoption:

H—3335

- 1 Amend House File 499 as follows:
- 2 1. Page 29, by striking lines 28 through 34 and
- 3 inserting the following: "to the state board of
- 4 education. A parent or guardian may appeal on the
- 5 basis that".
- 6 2. Page 30, line 8, by striking the words "area
- 7 education agency" and inserting the following:
- 8 "state".
- 9 3. Page 30, line 10, by striking the words "area
- 10 education agency" and inserting the following:
- 11 "state".
- 12 4. Page 30, line 17, by striking the words "area
- 13 education agency board" and inserting the following:
- 14 "state board of education".

A non-record roll call was requested.

The ayes were 63, nays 4.

Amendment H—3335 was adopted.

The Speaker announced that amendment H—3299, filed by Pavich of Pottawattamie was out of order with the previous adoption of amendment H—3206.

Harbor of Mills asked and received unanimous consent to temporarily defer action on amendment H—3310.

The House resumed consideration of amendment H—3312G, found on pages 779 through 781 of the House Journal.

Metcalf of Polk offered the following amendment H—3354, to amendment H—3312G, filed by her from the floor and moved its adoption:

H—3354

- 1 Amend the amendment, H—3312, to House File 499 as
- 2 follows:
- 3 1. Page 5, by striking lines 5 through 22 and
- 4 inserting the following:
- 5 "\_\_\_\_\_. Page 32, by striking lines 20 through 25
- 6 and inserting the following: "budget year and shall
- 7 reduce the district's budget enrollment calculated
- 8 under paragraphs "a" and "b" by one-half that dif-
- 9 ference.""

A non-record roll call was requested.

The ayes were 15, nays 67.

Amendment H—3354 lost.

Ollie of Clinton asked and received unanimous consent to withdraw amendment H—3322, to amendment H—3312G, filed by him and Carpenter of Polk on March 24, 1987.

Ollie of Clinton offered the following amendment H—3350, to amendment H—3312G, filed by him from the floor and moved its adoption:

H—3350

- 1 Amend the amendment, H—3312, to House File 499 as
- 2 follows:
- 3 1. Page 5, by striking line 36 and inserting the
- 4 following: "For each of the budget years beginning
- 5 July 1, 1988, July 1, 1989, and July 1, 1990, the".
- 6 2. Page 6, line 6, by striking the word "The" and
- 7 inserting the following: "For the budget year
- 8 beginning July 1, 1988, the".
- 9 3. Page 6, line 10, by inserting after the word
- 10 "year" the following: "multiplied by the basic
- 11 enrollment of the district for that budget year. For
- 12 the budget year beginning July 1, 1989, the budget
- 13 reduction amount for a district is sixty-six and two-
- 14 thirds percent of the difference between one hundred
- 15 twenty percent of the state average cost per pupil and
- 16 the average cost per pupil in the district for the
- 17 budget year multiplied by the basic enrollment for the
- 18 district for that budget year. For the budget year
- 19 beginning July 1, 1990, the budget reduction amount is
- 20 the difference between one hundred twenty percent of
- 21 the state average cost per pupil and the average cost
- 22 per pupil in the district for the budget year
- 23 multiplied by the basic enrollment of the district for
- 24 that budget year".
- 25 4. Page 6, by striking lines 11 through 31.

A non-record roll call was requested.

The ayes were 59, nays 4.

Amendment H—3350 was adopted.

Halvorson of Webster in the chair at 3:47 p.m.

Stromer of Hancock offered the following amendment H—3356, to amendment H—3312G, filed by him from the floor and moved its adoption:

H-3356

1 Amend amendment, H-3312, to House File 499 as  
2 follows:

3 1. By striking page 5, line 5 through page 6,  
4 line 50, and inserting the following:

5 "\_\_\_\_\_. Page 32, by inserting after line 10 the  
6 following:

7 "Sec. \_\_\_\_\_. Section 442.4, subsection 2, Code 1987,  
8 is amended by striking the subsection and inserting in  
9 lieu thereof the following:

10 2. For the school year beginning July 1, 1988 and  
11 each subsequent school year, the adjusted enrollment  
12 for a school district is equal to the basic enrollment  
13 for the budget year."

14 \_\_\_\_\_. Page 32, line 13, by striking the letter  
15 "c." and inserting the following: "c."

16 \_\_\_\_\_. Page 32, line 14, by striking the words  
17 "school year thereafter" and inserting the following:  
18 "of the next three school years".

19 \_\_\_\_\_. Page 32, line 16, by striking the word "The"  
20 and inserting the following: "For each school year  
21 the".

22 \_\_\_\_\_. Page 32, line 17, by striking the words "the  
23 difference" and inserting the following: "an  
24 enrollment reduction difference".

25 \_\_\_\_\_. Page 32, by striking lines 20 through 27 and  
26 inserting the following: "budget year. For the  
27 budget year beginning July 1, 1988, the department of  
28 management shall reduce the budget enrollment of each  
29 applicable district by twenty-five percent of the  
30 enrollment reduction difference. For the budget year  
31 beginning July 1, 1989, the reduction shall be fifty  
32 percent of the enrollment reduction difference. For  
33 the budget year beginning July 1, 1990, the reduction  
34 shall be seventy-five percent of the enrollment  
35 reduction difference. For the budget year beginning  
36 July 1, 1991, and each succeeding budget year, the  
37 budget enrollment for a budget year is equal to the  
38 basic enrollment for the budget year."

39 ~~Adjustments made by the department of management~~  
40 ~~under subsection 5 of this section.~~

41 Sec. 100. Section 442.4, subsection 5, Code 1987,  
42 is amended by striking the subsection."

43 2. Page 7, by inserting after line 4 the  
44 following:

45 "\_\_\_\_\_. Page 37, line 25, by inserting after the  
46 word "enactment." the following: "Section 100 of this  
47 Act takes effect July 1, 1988." "

Roll call was requested by Haverland of Polk and Ollie of Clinton.

On the question "Shall amendment H—3356 be adopted?"  
(H.F. 499)

The ayes were, 15:

Carpenter	Clark	Corbett	Corey
Groninga	Hanson, D. R.	Hermann	Kremer
Metcalf	Paulin	Petersen, D. F.	Plasier
Schnekloth	Stromer	Stueland	

The nays were, 76:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Cohoon	Connolly
Connors	Cooper	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Harbor	Harper	Haverland	Hester
Holveck	Hummel	Jay	Jochum
Knapp	Koenigs	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Miller	Muhlbauer*	Mullins	Neuhauser
Norrgard	Ollie	Parker	Pavich
Pellett	Peters	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Svoboda
Swartz	Swearingen	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker (Halvorson of Webster)

Absent or not voting, 9:

Avenson	Brammer	Chapman	Hatch
Johnson	Osterberg	Rosenberg	Royer
Tabor			

Amendment H—3356 lost.

Ollie of Clinton offered the following amendment H—3358, to amendment H—3312G, filed by him from the floor and moved its adoption:

H—3358

- 1 Amend amendment, H—3312, to House File 499 as
- 2 follows:
- 3 1. Page 7, by inserting after line 4 the
- 4 following:
- 5 "\_\_\_\_\_. Page 37, line 25, by inserting after the
- 6 word "enactment." the following: "Section 47 of this
- 7 Act takes effect July 1, 1988."

Amendment H—3358 was adopted.

Further division of amendment H—3312G (found on page 781 of the House Journal) was requested; page 7, lines 3 and 4 and lines 11 through 13 to be amendment H—3312H.

On motion by Haverland of Polk amendment H—3312G, as amended, was adopted placing out of order amendment H—3236 filed by Metcalf of Polk on March 20, 1987.

Halvorson of Clayton offered amendment H—3310, previously deferred, filed by him and requested division as follows:

H—3310

1 Amend House File 499 as follows:

H—3310A

- 2 1. By striking page 31, line 24 through page 32,
- 3 line 10.
- 4 2. By striking page 33, line 11 through page 35,
- 5 line 25.

H—3310B

- 6 3. By striking page 35, line 32 through page 37,
- 7 line 21, and inserting the following:
- 8 "Sec. \_\_\_\_ NEW SECTION. 442.55 TRANSPORTATION
- 9 AID.
- 10 For the budget year commencing July 1, 1988 and
- 11 each succeeding budget year, each school district that
- 12 has a district average transportation cost per pupil
- 13 greater than the state average transportation cost per
- 14 pupil shall receive state transportation aid equal to
- 15 the difference between the district's average
- 16 transportation cost per pupil for the budget year and
- 17 the state average transportation cost per pupil for
- 18 the budget year. State average transportation cost
- 19 per pupil for a budget year is an amount equal to the
- 20 sum of all public school transportation costs for the
- 21 base year approved by the department of education
- 22 under chapter 285 times one hundred percent plus the
- 23 state percent of growth for the budget year divided by
- 24 the weighted enrollment for the state for the budget
- 25 year. District average transportation cost per pupil
- 26 for a budget year is an amount equal to the school
- 27 district public school transportation cost for the
- 28 budget year approved by the department of education
- 29 under chapter 285 times one hundred percent plus the
- 30 state percent of growth for the budget year divided by
- 31 the district's weighted enrollment for the district
- 32 for the budget year. Transportation costs approved by
- 33 the department of education under chapter 285 for a
- 34 school year do not include costs incurred in
- 35 transporting pupils from home to a bus route, or in

H—3310B

36 transporting pupils not entitled to free  
37 transportation but who are transported at the expense  
38 of the resident district or the parents; and do not  
39 include additional allowable growth granted in a base  
40 year but not added to the district cost of a school  
41 district under section 442.13. The secretary of each  
42 district shall, on or before September 1 of a budget  
43 year, report to the department of education on blanks  
44 furnished by the department, the information the  
45 department requires for determining the transportation  
46 costs approved by the department of education for the  
47 base year. The department of education shall report  
48 to the department of revenue and finance the amount of  
49 state transportation aid to be paid to each district  
50 qualifying for aid.

Page 2

1 There is appropriated from the general fund of the  
2 state an amount sufficient to pay state transportation  
3 aid.  
4 The department of revenue and finance shall draw  
5 warrants for state transportation aid and deliver them  
6 to the districts in the manner provided in section  
7 442.26 for state school foundation aid.  
8 State transportation aid is miscellaneous income."  
9 4. By numbering and renumbering sections and  
10 correcting internal references as necessary.

The Speaker announced that amendment H—3310A was out of order with the adoption of amendment H—3312G.

Halvorson of Clayton offered the following amendment H—3319, to amendment H—3310B, filed by him and moved its adoption:

H—3319

1 Amend the amendment, H—3310, to House File 499 as  
2 follows:  
3 1. Page 1, line 24, by striking the word  
4 "weighted" and inserting the following: "total  
5 basic".  
6 2. Page 1, line 31, by striking the word  
7 "weighted" and inserting the following: "basic".

Amendment H—3319 was adopted.

Halvorson of Clayton moved the adoption of amendment H—3310B, as amended.

Roll call was requested by Stromer of Hancock and Halvorson of Clayton.

On the question "Shall amendment H—3310B, as amended, be adopted?" (H.F. 499)

The ayes were, 35:

Bennett	Branstad	Clark	Corey
Daggett	De Groot	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Knapp	Kremer
Maulsby	McKean	Miller	Mullins
Norrgard	Osterberg	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Schnekloth	Stromer	Stueland	Swearingen
Tyrrell	Van Camp	Van Maanen	

The nays were, 59:

Adams	Arnould	Avenson	Beatty
Bisignano	Blanshan	Brammer	Buhr
Carpenter	Chapman	Cohoon	Connolly
Connors	Cooper	Corbett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Jay	Jochum	Johnson	Koenigs
Lageschulte	Lundby	May	McKinney
Metcalf	Neuhauser	Ollie	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Svoboda	Swartz
Teaford	Wise	Mr. Speaker (Halvorson of Webster)	

Absent or not voting, 6:

Beaman	Black	Holveck	Muhlbauer
Royer	Tabor		

Amendment H—3310B, as amended, lost.

Haverland of Polk offered the following amendment H—3263 filed by him:

H—3263

- 1 Amend House File 499 as follows:
- 2 1. Page 32, by inserting after line 10 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 442.4, Code 1987, is amended by
- 5 adding the following new unnumbered paragraph after
- 6 the fourth unnumbered paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. An eleventh or twelfth

8 grade pupil who is no longer a resident of a  
 9 contiguous school district, but who was a resident of  
 10 the district during the preceding school year may  
 11 enroll in the district and shall be included in the  
 12 basic enrollment of the district until the pupil  
 13 graduates. Tuition for that pupil shall not be  
 14 charged by the district in which the pupil is  
 15 enrolled."

Haverland of Polk asked and received unanimous consent to temporarily defer action on amendment H—3263.

Daggett of Adams offered the following amendment H—3259 filed by him. Division was requested as follows:

H—3259

1 Amend House File 499 as follows:

H—3259A

2 1. Page 33, line 6, by inserting after the word  
 3 "year" the following: "and minus the amount included  
 4 in district cost per pupil for school transportation  
 5 costs for the base year".

H—3259B

6 2. Page 33, line 31, by striking the word  
 7 "weighted" and inserting the following: "budget".  
 8 3. Page 34, line 11, by striking the word  
 9 "weighted" and inserting the following: "budget".  
 10 4. Page 34, line 34, by striking the word  
 11 "weighted" and inserting the following: "budget".

The Speaker announced that amendment H—3259B was out of order with the adoption of amendment H—3312G.

Daggett of Adams asked and received unanimous consent to withdraw amendment H—3259A.

Maulsby of Calhoun offered the following amendment H—3295 filed by him:

H—3295

1 Amend House File 499 as follows:  
 2 1. By striking page 32, line 28, through page 33,  
 3 line 10.

Speaker Avenson in the chair at 5:47 p.m.

Maulsby of Calhoun moved the adoption of amendment H—3295.

A non-record roll call was requested.

The ayes were 11, nays 36.

Amendment H—3295 lost.

Corbett of Linn offered the following amendment H—3293 filed by him and moved its adoption:

H—3293

- 1 Amend House File 499 as follows:
- 2 1. Page 35, by striking lines 26 through 31.
- 3 2. Title page, by striking lines 21 and 22 and
- 4 inserting the following: "transportation foundation
- 5 formula; to provide appropriations; and".
- 6 3. By renumbering sections as necessary.

Amendment H—3293 was adopted.

The House resumed consideration of amendment H—3312H, lines 3 and 4 and lines 11 through 13 on page 7, found on page 781 of the House Journal.

On motion by Haverland of Polk, amendment H—3312H was adopted.

Haverland of Polk offered the following amendment H—3282 filed by him and moved its adoption:

H—3282

- 1 Amend House File 499 as follows:
- 2 1. Page 37, by inserting after line 21 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 453.16, subsection 1,
- 5 unnumbered paragraph 1, Code 1987, is amended to read
- 6 as follows:
- 7 Before a deposit of public funds is made by a
- 8 public officer with a depository institution in excess
- 9 of the amount insured by federal deposit insurance or
- 10 federal savings and loan insurance, and before the
- 11 investment of public funds in investments authorized
- 12 in section 452.10 which either are not obligations of
- 13 or guaranteed by the United States government or any
- 14 of its agencies, are in excess of the amount insured
- 15 by federal deposit insurance or federal savings and
- 16 loan insurance, or are investments by the treasurer of
- 17 state specifically authorized by section 452.10 to be
- 18 made as additional investments under section 97B.7,
- 19 subsection 2, paragraph "b"; the public officer shall
- 20 obtain security for the deposit or investment by one
- 21 or more of the following:"

Amendment H—3282 was adopted.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—3235 filed by him on March 20, 1987.

Maulsby of Calhoun offered the following amendment H—3302 filed by Maulsby, et al., and moved its adoption:

H—3302

1 Amend House File 499 as follows:

2 1. By striking page 14, line 26, through page 37,  
3 line 22.

4 2. Page 37, by striking line 23 and inserting the  
5 following:

6 "Sec. \_\_\_\_\_. This Act, being".

A non-record roll call was requested.

The ayes were 32, nays 42.

Amendment H—3302 lost.

Buhr of Polk offered the following amendment H—3337 filed by her:

H—3337

1 Amend House File 499 as follows:

2 1. Page 2, line 35, by inserting after the word  
3 "system" the following: ", or a pension and annuity  
4 retirement system established under chapter 294,".

5 2. Page 4, line 3, by inserting after the word  
6 "system" the following: ", or a pension and annuity  
7 retirement system established under chapter 294,".

8 3. Page 7, line 29, by inserting after the word  
9 "system" the following: ", or a pension and annuity  
10 retirement system established under chapter 294,".

11 4. Page 9, line 28, by inserting after the word  
12 "system" the following: ", or a pension and annuity  
13 retirement system established under chapter 294,".

Chapman of Linn offered the following amendment H—3365, to amendment H—3337, filed by her and Doderer of Johnson from the floor and moved its adoption:

H—3365

1 Amend the amendment, H—3337, to House File 499 as  
2 follows:

3 1. Page 1, by inserting after line 13 the  
4 following:

5 "\_\_\_\_\_. Page 29, by inserting after line 12 the  
6 following:

7 "Sec. \_\_\_\_\_. Section 280A.25, Code 1987, is amended  
8 by adding the following new subsection:

9 NEW SUBSECTION. 12. Ensure that area schools that  
 10 provide intercollegiate athletics as a part of their  
 11 program comply with section 601A.9." "

Amendment H—3365 was adopted.

On motion by Buhr of Polk, amendment H—3337, as amended, was adopted.

Hummel of Benton offered the following amendment H—3323 filed by him:

H—3323

1 Amend House File 499 as follows:

2 1. Page 3, by striking lines 9 through 11 and in-  
 3 serting the following:

4 "\_\_\_\_\_. For phases I and II, forty-seven million  
 5 five hundred thousand (47,500,000) dollars. Moneys  
 6 appropriated for phases I and II shall be distributed  
 7 to school districts and area education agencies  
 8 pursuant to this chapter in an amount not exceeding  
 9 ninety-three dollars and seventy-seven cents  
 10 multiplied by each school district's certified  
 11 enrollment and four dollars and thirty cents  
 12 multiplied by each area education agency's enrollment  
 13 served."

14 2. By striking page 3, line 23, through page 5,  
 15 line 10, and inserting the following:

16 "Sec. \_\_\_\_\_. NEW SECTION. 294A.5 MINIMUM SALARY  
 17 PAYMENT.

18 For the school year beginning July 1, 1987 and  
 19 succeeding school years, if a school district or area  
 20 education agency is organized under chapter 20 for  
 21 collective bargaining purposes, the board of directors  
 22 and certified bargaining representative for the  
 23 certificated employees shall mutually agree upon a  
 24 minimum salary to be paid to teachers to be funded as  
 25 provided in this section. If the school district is  
 26 not organized for collective bargaining purposes, the  
 27 board of directors shall determine the minimum salary.

28 Each school year the board of directors of each  
 29 school district and area education agency shall  
 30 certify to the department of education the names of  
 31 all teachers employed by the district or area  
 32 education agency whose regular compensation is less  
 33 than the minimum salary determined under this section  
 34 and shall state the cost of increasing those teachers'  
 35 regular compensation to the minimum salary. The  
 36 department of education shall pay to each school  
 37 district and area education agency ninety percent of  
 38 that cost, subject to the appropriation limitations of

39 section 294A.3. The salaries of teachers employed on  
40 less than a full-time basis shall be prorated."

41 3. By striking page 5, line 17, through page 8,  
42 line 3, and inserting the following:

43 "Sec. \_\_\_\_\_. NEW SECTION. 294A.6 PHASE II PROGRAM.

44 Phase II is established to improve the salaries of  
45 teachers. For the school year beginning July 1, 1987  
46 and succeeding school years, if a school district or  
47 area education agency is organized under chapter 20  
48 for collective bargaining purposes, the board of  
49 directors and certified bargaining representative for  
50 the certificated employees shall mutually agree upon a

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1 salary schedule providing salary increases for  
2 teachers whose regular compensation exceeds the  
3 minimum salary established in section 294A.5 to be  
4 funded as provided in this section.

5 Each school year each school district and area  
6 education agency shall certify to the department of  
7 education the amounts required for the salary  
8 increases under the new salary schedules adopted. The  
9 department of education shall pay to each school  
10 district and area education agency seventy-five  
11 percent of that cost, subject to the appropriation  
12 limitations of section 294A.3.

#### DIVISION IIA

#### PAYMENTS

15 Sec. \_\_\_\_\_. NEW SECTION. 294A.7 PAYMENTS.

16 The department of education shall certify the  
17 amounts of the allocations to the department of  
18 revenue and finance and the department of revenue and  
19 finance shall make the payments to school districts  
20 and area education agencies.

21 If a school district has discontinued grades under  
22 section 282.7, subsection 1, or students attend school  
23 in another school district, under an agreement with  
24 the board of the other school district, the board of  
25 directors of the district in which the students are  
26 enrolled shall count those pupils as resident pupils  
27 in the district for determining the amount of the  
28 appropriation available to the district under section  
29 294A.3."

30 4. By numbering and renumbering sections and  
31 correcting internal references as necessary.

Hummel of Benton offered the following amendment H-3351, to amendment H-3323, filed by him from the floor and moved its adoption:

H-3351

1 Amend the amendment, H-3323, to House File 499 as  
2 follows:

3 1. By striking page 1, line 2 through page 2,  
4 line 29, and inserting the following:

5 " \_\_\_\_\_. By striking page 3, line 23, through page  
6 5, line 10, and inserting the following:

7 "Sec. \_\_\_\_\_. NEW SECTION. 294A.5 MINIMUM SALARY  
8 PAYMENT.

9 Within thirty days after the effective date of this  
10 section, if a school district or area education agency  
11 is organized under chapter 20 for collective  
12 bargaining purposes, the board of directors and  
13 certified bargaining representative for the  
14 certificated employees shall mutually agree upon a  
15 minimum salary, not exceeding twenty thousand dollars,  
16 to be paid to teachers for the school year beginning  
17 July 1, 1987, funded as provided in this section and  
18 based upon moneys appropriated by the general assembly  
19 for phase I. If the school district is not organized  
20 for collective bargaining purposes, the board of  
21 directors shall determine the minimum salary for that  
22 school year not exceeding twenty thousand dollars. In  
23 succeeding school years, the amount of the minimum  
24 salary may be increased using the procedure prescribed  
25 for the school year beginning July 1, 1987, based upon  
26 moneys appropriated by the general assembly for phase  
27 I for a school year.

28 For the school year beginning July 1, 1987, the  
29 board of directors of each school district and area  
30 education agency shall certify to the department of  
31 education the names of all teachers employed by the  
32 district or area education agency whose regular  
33 compensation is less than the minimum salary  
34 determined under this section and shall state the  
35 total cost of increasing those teachers' regular  
36 compensation to the minimum salary. The department of  
37 education shall notify the department of revenue and  
38 finance the amount required for each school district  
39 and area education agency to pay fifty percent of that  
40 cost. The remaining portion of the cost of increasing  
41 the teachers' regular compensation to the minimum  
42 salary shall be paid from other moneys available to  
43 the district or area education agency and from moneys  
44 received pursuant to phase II. The salaries of  
45 teachers employed on less than a full-time basis shall  
46 be prorated.

47 For school years after the school year beginning  
48 July 1, 1987, the department of revenue and finance  
49 shall pay to each school district and area education  
50 agency the amount paid for the school year beginning

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1 July 1, 1987 plus fifty percent of the additional cost  
 2 of increasing the minimum salary beyond the minimum  
 3 salary adopted for the school year beginning July 1,  
 4 1987. The remaining portion of the cost of the  
 5 minimum salary increase shall be paid in the same  
 6 manner as the remaining portion is paid for the school  
 7 year beginning July 1, 1987."

8 \_\_\_\_\_. Page 5, line 27, by inserting after the  
 9 figure "II." the following: "Moneys received by a  
 10 district under phase II shall be used to increase  
 11 teacher salaries and may be used as part of the school  
 12 district's portion of funding the minimum salary  
 13 adopted under phase I."

14 \_\_\_\_\_. Page 7, by striking lines 14 through 30 and  
 15 inserting the following: "section 294A.9, the phase  
 16 II allocation shall not be paid to the school district  
 17 or area education agency." "

A non-record roll call was requested.

The ayes were 38, nays 47.

Amendment H—3351 lost.

Hummel of Benton asked and received unanimous consent to with-  
 draw amendment H—3323.

Van Camp of Scott offered the following amendment H—3345 filed  
 by him and Lundby of Linn and moved its adoption:

H—3345

1 Amend House File 499 as follows:  
 2 1. Page 8, line 31, by inserting after the word  
 3 "days." the following: "As an additional condition  
 4 for the receipt of phase III moneys, annually the  
 5 board of directors of each school district shall  
 6 report to the department of education the results of  
 7 nationally standardized tests administered during that  
 8 school year to the pupils enrolled in grades three  
 9 through eight in that school district."

Amendment H—3345 lost.

Hummel of Benton offered the following amendment H—3346  
 filed by him and Pavich of Pottawattamie (See page 847 for sponsors  
 added) and moved its adoption:

H—3346

1 Amend House File 499 as follows:  
 2 1. Page 14, by inserting after line 25 the fol-  
 3 lowing:

4 "Sec. \_\_\_\_\_. NEW SECTION. 294A.22 COVERAGE OF  
5 CERTAIN TEACHERS.

6 The department of education shall make payments of  
7 minimum salary supplements for phase I to the Iowa  
8 braille and sight-saving school and the Iowa school  
9 for the deaf for the classroom teachers at those  
10 schools, and the department shall allocate moneys from  
11 phase II to the schools based upon the enrollment at  
12 the schools."

13 2. By numbering and renumbering sections as  
14 necessary.

A non-record roll call was requested.

The ayes were 53, nays 37.

Amendment H—3346 was adopted.

The House resumed consideration of amendment H—3263, temporarily deferred, found on pages 834 and 835 of the House Journal.

Haverland of Polk offered the following amendment H—3368, to amendment H—3263, filed by him from the floor and moved its adoption:

H—3368

- 1 Amend the amendment, H—3263, to House File 499, as
- 2 follows:
- 3 1. Page 1, line 9, by striking the word "con-
- 4 tiguous".

Amendment H—3368 was adopted.

On motion by Haverland of Polk, amendment H—3263, as amended, was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk, for the remainder of the day, on request of Stromer of Hancock; Skow of Guthrie, for a portion of the day, on request of Koenigs of Mitchell.

Bennett of Ida called up for consideration the motion to reconsider amendment H—3312B (found on pages 774 and 775 of the House Journal), and moved to reconsider the vote by which amendment H—3312B was adopted by the House on March 24, 1987.

Roll call was requested by Bennett of Ida and Maulsby of Calhoun.

On the question "Shall amendment H—3312B be reconsidered?" (H.F. 499)

## The ayes were, 42:

Beaman	Bennett	Black	Branstad
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Platt	Renken
Royer	Schneklath	Shoning	Siegrist
Stromer	Stueland	Svoboda	Tyrrell
Van Camp	Van Maanen		

## The nays were, 54:

Adams	Arnould	Beatty	Bisignano
Blanshan	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	May	McKinney
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Spear	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

## Absent or not voting, 4:

Brammer	Plasier	Skow	Swearingen
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## The motion to reconsider lost.

Corbett of Linn asked and received unanimous consent to withdraw the motion to reconsider amendment H—3308 filed by him from the floor.

Stromer of Hancock called up for consideration the motion to reconsider amendment H—3289 filed by him from the floor and moved to reconsider the vote by which amendment H—3289 (found on pages 814 through 817 of the House Journal) was adopted by the House on March 25, 1987.

The motion prevailed and the House reconsidered amendment H—3289.

Blanshan of Greene offered the following amendment H—3359, to amendment H—3289, filed by him and Stromer of Hancock from the floor and moved its adoption:

H-3359

- 1 Amend the amendment, H-3289, to House File 499 as
- 2 follows:
- 3 1. Page 1, line 4, by striking the word "Sec.
- 4 \_\_\_\_\_." and inserting the following: "Sec. 100."
- 5 2. Page 1, line 25, by striking the word "Sec.
- 6 \_\_\_\_\_." and inserting the following: "Sec. 101."
- 7 3. Page 1, line 45, by striking the word "Sec.
- 8 \_\_\_\_\_." and inserting the following: "Sec. 102."
- 9 4. Page 2, line 26, by striking the word "Sec.
- 10 \_\_\_\_\_." and inserting the following: "Sec. 103."
- 11 5. Page 3, line 2, by striking the word "Sec.
- 12 \_\_\_\_\_." and inserting the following: "Sec. 104."
- 13 6. Page 3, by striking lines 8 through 10 and
- 14 inserting the following: "district minus the trans-
- 15 portation costs incurred by the sending district in
- 16 transporting the pupil."
- 17 7. Page 3, by inserting after line 30 the
- 18 following:
- 19 "\_\_\_\_\_. Page 37, line 23, by striking the word and
- 20 figure "and 51" and inserting the following: ", 51,
- 21 and 100 through 104".
- 22 \_\_\_\_\_. Page 37, line 25, by inserting after the
- 23 word "enactment." the following: "Sections 51 and 100
- 24 through 104 of this Act do not apply to sharing
- 25 agreements signed before the effective date of those
- 26 sections."

Amendment H-3359 was adopted.

On motion by Blanshan of Greene, amendment H-3289, as amended, was adopted.

Cohon of Des Moines called up for consideration the motion to reconsider amendment H-3273 filed by him from the floor and moved to reconsider the vote by which amendment H-3273 (found on pages 822 and 823 of the House Journal) was adopted by the House on March 25, 1987.

A non-record roll call was requested.

The ayes were 37, nays 50.

The motion to reconsider lost.

Connolly of Dubuque called up for consideration the motion to reconsider amendment H-3346, (found on pages 841 and 842 of the House Journal) and moved to reconsider the vote by which amendment H-3346 was adopted by the House on March 25, 1987.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 46, nays 51.

The motion to reconsider lost.

The House stood at ease at 7:37 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 499 at 8:44 p.m., Speaker Avenson in the chair.

Maulsby of Calhoun called up for consideration the motion to reconsider amendment H—3292 (found on pages 791 through 797 of the House Journal), filed by him on March 24, 1987 and moved to reconsider the vote by which amendment H—3292 failed to be adopted by the House on March 24, 1987.

A non-record roll call was requested.

The ayes were 40, nays 52.

The motion to reconsider lost, placing out of order amendment H—3378, to amendment H—3292, filed by Stromer of Hancock from the floor.

Ollie of Clinton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 499)

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Rosenberg	Running	Schneklath	Schrauder
Sherzan	Shoning	Shoultz	Siegrist

Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Wise	Mr. Speaker	

The nays were, 12:

Bennett	Corey	Daggett	Hanson, D. R.
Harbor	Kremer	Maulsby	Miller
Renken	Royer	Van Camp	Van Maanen

Absent or not voting, 1:

Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### INTRODUCTION OF BILLS

**House File 644**, by committee on economic development, a bill for an act relating to the use of public funds to aid economic development.

Read first time and placed on the **calendar**.

**House File 645**, by committee on judiciary and law enforcement, a bill for an act relating to interception of communications by electronic, mechanical, or other devices, providing a penalty and providing an automatic repeal.

Read first time and placed on the **calendar**.

**House File 646**, by committee on small business and commerce, a bill for an act relating to the exchange of information regarding underground facilities and excavations affecting underground facilities.

Read first time and placed on the **calendar**.

**House File 647**, by Paulin, Beaman, Platt, Metcalf and Garman, a bill for an act relating to the operation of a watercraft by a person who is intoxicated and providing penalties.

Read first time and referred to committee on **natural resources and outdoor recreation**.

**House File 648**, by committee on judiciary and law enforcement, a bill for an act relating to the penalties for possession and distribution of controlled substances.

Read first time and placed on the **calendar**.

**House File 649**, by committee on judiciary and law enforcement, a bill for an act relating to exemptions from execution and attachment by revising provisions governing the exemption of insurance policies,

proceeds, and benefits, cash, and certain other personal property, and providing other properly related matters.

Read first time and placed on the calendar.

**House File 650**, by committee on education, a bill for an act relating to providing private instruction and this Act is repealed July 1, 1990.

Read first time and placed on the calendar.

**House File 651**, by committee on judiciary and law enforcement, a bill for an act relating to certain rights, duties, and liabilities of custodians and foster parents of children.

Read first time and placed on the calendar.

**House File 652**, by committee on economic development, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used.

Read first time and placed on the calendar.

#### SENATE MESSAGE CONSIDERED

**Senate File 327**, by committee on agriculture, a bill for an act requiring lenders and other secured parties to provide to debtors copies of documents signed by the debtors.

Read first time and referred to committee on agriculture.

#### IMMEDIATE MESSAGE

(House File 499)

Arnould of Scott asked and received unanimous consent that House File 499 be immediately messaged to the Senate.

#### SPONSORS ADDED

(Amendment H-3346 to House File 499)

Hester of Pottawattamie requested to be added as a sponsor of amendment H-3346 to House File 499.

(Amendment H-3346 to House File 499)

Siegrist of Pottawattamie requested to be added as a sponsor of amendment H-3346 to House File 499.

#### PRESENTATION OF VISITORS

De Groot of Lyon presented to the House, Foreign Exchange Students: Hans Blom from Sweden, presently attending Spaulding High

School, Granville and Philip Martinez, from Chili, presently attending Sheldon High School, Sheldon.

The Speaker announced that the following visitors were present in the House chamber:

Political Science students from Valley High School, Elgin, accompanied by Lynda Fedeler. By Avenson of Fayette.

Forty twelfth grade students from Bedford High School, Bedford, accompanied by Tim Gallager. By Daggett of Adams.

Seventeen fifth grade students from Glenwood Community School, Glenwood, accompanied by Mary Crum. By Harbor of Mills.

Thirty-eight senior students from Midland High School, Wyoming, accompanied by Gary Heiar. By McKean of Jones.

#### SUBCOMMITTEE ASSIGNMENTS.

##### House File 454

Ways and Means: Chapman, Chair; Hanson of Delaware and Tabor.

##### House File 512

Ways and Means: Chapman, Chair; Hanson of Delaware and Tabor.

##### House File 548

Ways and Means: Connolly, Chair; De Groot and Rosenberg.

##### House File 616

Ways and Means: Wise, Chair; Miller and Tabor.

##### House File 627

Ways and Means: Chapman, Chair; Hanson of Delaware and Tabor.

##### Senate File 311

Transportation: Koenigs, Chair; Cohoon, De Groot, Lageschulte and Neuhauser.

#### HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENT

##### House Study Bill 314

Ways and Means: Schnekloth, Chair; Connolly, May and Siegrist.

#### RESOLUTION FILED

**SCR 19**, by committee on education, a concurrent resolution directing the state board of education to include specific named topics in its study of restructuring.

Read first time and referred to committee on **education**.

## AMENDMENTS FILED

H-3352	H.F.	591	Brammer of Linn
H-3355	H.F.	631	Lageschulte of Bremer
H-3357	H.F.	631	Gruhn of Dickinson Koenigs of Mitchell Skow of Guthrie Black of Jasper
H-3360	H.F.	371	Senate Amendment
H-3362	H.F.	631	Rosenberg of Story
H-3363	H.F.	631	Fogarty of Palo Alto Skow of Guthrie Gruhn of Dickinson Branstad of Winnebago
H-3364	H.F.	631	Bennett of Ida
H-3366	H.F.	631	Sherzan of Polk Platt of Muscatine
H-3367	H.F.	574	Rosenberg of Story
H-3369	H.F.	384	Skow of Guthrie
H-3370	H.F.	631	Carpenter of Polk Cooper of Lucas
H-3371	H.F.	631	Carpenter of Polk Shoultz of Black Hawk Rosenberg of Story Halvorson of Clayton
H-3372	H.F.	601	Spear of Lee
H-3373	H.F.	591	Doderer of Johnson
H-3374	H.F.	631	Platt of Muscatine
H-3375	H.F.	631	Schnekloth of Scott Stueland of Clinton Svoboda of Tama
H-3376	H.F.	566	Corbett of Linn
H-3377	H.F.	631	Bennett of Ida Fogarty of Palo Alto Gruhn of Dickinson Eddie of Buena Vista Maulsby of Calhoun
H-3379	H.F.	631	Platt of Muscatine Sherzan of Polk
H-3380	H.F.	631	Van Maanen of Mahaska Platt of Muscatine Van Camp of Scott Hermann of Scott

H—3381	H.F.	631	Shoultz of Black Hawk
H—3382	H.F.	631	Bennett of Ida
			Petersen of Muscatine
H—3383	H.F.	631	Platt of Muscatine
			Sherzan of Polk
H—3384	H.F.	631	Mullins of Kossuth
			Plasier of Sioux
			McKean of Jones
			Johnson of Winneshiek
			De Groot of Lyon
H—3385	H.F.	631	Sherzan of Polk
			Platt of Muscatine
H—3386	H.F.	631	Mullins of Kossuth
			Plasier of Sioux
			Osterberg of Linn
			McKean of Jones
			Eddie of Buena Vista
			Gruhn of Dickinson
			De Groot of Lyon
			Garman of Story
H—3387	H.F.	631	De Groot of Lyon
H—3388	H.F.	631	Petersen of Muscatine
H—3389	H.F.	631	Stueland of Clinton
			Pellett of Cass
			Schneklath of Scott
			Hermann of Scott
H—3390	H.F.	631	Mullins of Kossuth
			Koenigs of Mitchell
			Skow of Guthrie
			Rosenberg of Story
			De Groot of Lyon
H—3391	H.F.	631	Schneklath of Scott
			Muhlbauer of Crawford
			Fogarty of Palo Alto
			Fuller of Hardin
			Pellett of Cass
			Cooper of Lucas
			Van Maanen of Mahaska
H—3392	H.F.	631	Koenigs of Mitchell
			Fogarty of Palo Alto
			Gruhn of Dickinson
			Muhlbauer of Crawford

H-3393	H.F.	631	Koenigs of Mitchell
Cooper of Lucas			Fogarty of Palo Alto
Skow of Guthrie			Muhlbauer of Crawford
Gruhn of Dickinson			Fuller of Hardin
H-3394	H.F.	631	Paulin of Plymouth
H-3395	H.F.	631	Paulin of Plymouth
H-3396	H.F.	631	Paulin of Plymouth
H-3397	H.F.	631	Paulin of Plymouth
H-3398	H.F.	631	Paulin of Plymouth
H-3399	H.F.	631	Pellett of Cass
			Svoboda of Tama
			Beaman of Clarke
			Cooper of Lucas
			De Groot of Lyon
H-3400	H.F.	631	Svoboda of Tama
H-3401	H.F.	631	Paulin of Plymouth
H-3402	H.F.	631	Paulin of Plymouth
H-3403	H.F.	567	Brammer of Linn
H-3404	H.F.	631	Paulin of Plymouth
H-3405	H.F.	631	Rosenberg of Story
H-3406	H.F.	631	Paulin of Plymouth
H-3407	H.F.	631	Osterberg of Linn
			Hatch of Polk
H-3408	H.F.	631	Koenigs of Mitchell
Skow of Guthrie			Fogarty of Palo Alto
Muhlbauer of Crawford			Cooper of Lucas
Gruhn of Dickinson			Fuller of Hardin
H-3409	H.F.	567	Brammer of Linn
H-3410	H.F.	631	Paulin of Plymouth
H-3411	H.F.	631	Koenigs of Mitchell
Cooper of Lucas			Skow of Guthrie
Fogarty of Palo Alto			Gruhn of Dickinson
Muhlbauer of Crawford			Fuller of Hardin

On motion by Arnould of Scott, the House adjourned at 9:36 p.m., until 9:00 a.m., Thursday, March 26, 1987.

# JOURNAL OF THE HOUSE

Seventy-fourth Calendar Day — Fiftieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, March 26, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Bob Skow, state representative from Guthrie County.

The Journal of Wednesday, March 25, 1987, was approved.

## PETITION FILED

The following petition was received and placed on file:

By Beatty of Warren, from sixty-six constituents of the 68th District favoring House File 166 which exempts state sales, services and use tax of the fees paid to cities for the privilege of participating in any athletic sports.

## INTRODUCTION OF BILLS

**House File 653**, by committee on small business and commerce, a bill for an act relating to issuance of collision damage waivers in motor vehicle rental agreements, making penalties applicable, and providing an effective date.

Read first time and placed on the **calendar**.

**House File 654**, by committee on energy and environmental protection, a bill for an act relating to the funding of the energy bank program.

Read first time and placed on the **calendar**.

**House File 655**, by committee on judiciary and law enforcement, a bill for an act relating to civil actions by removing the one hundred mile limit on subpoenas to witnesses in civil cases, by limiting the award of attorney's fees in small claims actions, by requiring actions to be brought in small claims court in a court having actual jurisdiction, and by providing a cause of action against a person filing certain false claims on real property.

Read first time and placed on the **calendar**.

**House File 656**, by committee on education, a bill for an act relating to the education of certain children living outside the district of residence and providing effective dates.

Read first time and placed on the calendar.

#### SENATE MESSAGE CONSIDERED

**Senate File 498**, by committee on appropriations, a bill for an act relating to the financing of primary road projects by permitting the borrowing of RISE funds and the issuance of anticipatory certificates 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 March 24, 1987, adopted the following joint resolution in which the concurrence of the Senate was asked:

House Joint Resolution 14, a joint resolution to nullify an administrative rule of the department of employment services relating to lockouts and providing an effective date.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 214, a bill for an act authorizing a city with a population of five thousand or less to reduce council membership to three by referendum.

JOHN F. DWYER, Secretary

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 20

Metcalf of Polk called up for consideration House Concurrent Resolution 20, recognizing the Iowa State University wrestling team as the 1987 National Collegiate Athletic Association Champions, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### HOUSE FILE 566 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 566 be deferred and that the bill retain its place on the calendar.

**CONSIDERATION OF BILLS**  
Regular Calendar

**House File 565**, a bill for an act relating to the issuance of teaching certificates by the board of educational examiners to certain applicants holding teacher's certificates issued by the national board for professional teaching standards, was taken up for consideration.

Tabor of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 565)

The ayes were, 98:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Jochum                      Spherzan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGE**  
(House Concurrent Resolution 20)

Arnould of Scott asked and received unanimous consent that House Concurrent Resolution 20 be immediately messaged to the Senate.

**HOUSE FILE 467 DEFERRED**

Arnould of Scott asked and received unanimous consent that House File 467 be deferred and that the bill retain its place on the calendar.

**House File 583**, a bill for an act relating to the procedures for adopting or amending county zoning ordinances, deferred and retained on the calendar March 24, 1987, was taken up for consideration.

Fuller of Hardin offered the following amendment H—3317 filed by him and moved its adoption:

H—3317

- 1 Amend House File 583 as follows:
- 2 1. Page 1, by striking lines 14 through 18 and
- 3 inserting the following: "paper of general
- 4 circulation in such county. Notice of the hearing
- 5 shall be given as provided in section 331.305. Such
- 6 The notice shall state the location of the district
- 7 affected by naming the township and section, and the
- 8 boundaries of such the district shall be expressed in
- 9 terms of streets or roads wherever possible. The
- 10 regulation, restriction, or boundary shall be".

Amendment H—3317 was adopted.

Fuller of Hardin moved that the bill be read a last time 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. 583)

The ayes were, 98:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn

Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Jochum                      Swartz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 568**, a bill for an act relating to the distribution of federal funds under Title III of the Job Training Partnership Act of 1982, was taken up for consideration.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 568)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf

Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Fuller	Jochum	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 9:55 a.m., until the fall of the gavel.

The House resumed session at 11:12 a.m., Speaker Avenson in the chair.

On motion by Arnould of Scott, the House was recessed at 11:17 a.m., until 1:15 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### INTRODUCTION OF BILLS

**House File 657**, by committee on human resources, a bill for an act relating to juveniles, regarding children in need of services, the detention of juveniles in adult detention facilities, and penalties for violations of certain misdemeanors and ordinances.

Read first time and placed on the **calendar**.

**House File 658**, by committee on small business and commerce, a bill for an act relating to the allocation of the state ceiling on private activity bonds for tax-exempt purposes and providing an effective date.

Read first time and placed on the **calendar**.

#### HOUSE FILE 631 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 631 be deferred and that the bill retain its place on the calendar.

**CONSIDERATION OF BILLS**  
**Regular Calendar**

**House File 573**, a bill for an act relating to the levying of property taxes in portions of school districts affected by school reorganizations or dissolutions and providing an effective date, was taken up for consideration.

Haverland 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. 573)

The ayes were, 93:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 4:

Corbett	Hammond	Kremer	Neuhauser
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Absent or not voting, 3:

Beaman	Gruhn	Plasier
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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 578**, a bill for an act providing for the use of vintage Iowa registration plates, was taken up for consideration.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 578)

The ayes were, 97:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Beaman	Clark	Knapp
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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 349 WITHDRAWN

Spear of Lee asked and received unanimous consent to withdraw House File 349 from further consideration by the House.

#### UNANIMOUS CONSENT

Arnould of Scott asked and received unanimous consent to take up out of order House Files 596 and 607.

**House File 596**, a bill for an act relating to the time for designating the period for which certain employer payments shall be allocated, was taken up for consideration.

Connors 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. 596)

The ayes were, 98:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Beaman            Hermann

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILE 446 WITHDRAWN

Groninga of Cerro Gordo asked and received unanimous consent to withdraw House File 446 from further consideration by the House.

## HOUSE FILE 218 WITHDRAWN

Halvorson of Clayton asked and received unanimous consent to withdraw House File 218 from further consideration by the House.

**House File 607**, a bill for an act relating to the maximum age for participation in an organized amateur boxing contest, was taken up for consideration.

Connors 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. 607)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 4:

Corbett	Lundby	Neuhauser	Teaford
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Absent or not voting, 2:

Cooper	Groninga
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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 MESSAGES CONSIDERED**

**Senate File 303**, by Boswell, a bill for an act relating to the merger and consolidation of cooperative associations, by defining the fair market value of assets held by an association and providing for determining the fair value of an equity interest held by a dissenting member

Read first time and **passed on file**.

**Senate File 319**, by Palmer, a bill for an act relating to the condition of a building as a basis for the filing of a petition or hearing procedures.

Read first time and **passed on file**.

**Senate File 359**, by committee on transportation, a bill for an act relating to movement of vehicles of excess size, weight, and load.

Read first time and **passed on file**.

**Senate File 370**, by Vande Hoef and Lloyd-Jones, a bill for an act relating to museums, providing for the disposition of loaned or undocumented property in the possession of a museum, notice, reclamation of loaned or undocumented property and statutes of limitations for actions against museums; prescribing museum obligations; prescribing lender and claimant obligations to museums; and providing for the retroactive applicability of certain sections of the Act.

Read first time and **passed on file**.

The House stood at ease at 1:58 p.m., until the fall of the gavel.

The House resumed session at 5:00 p.m., Speaker Avenson in the chair.

**QUORUM CALL**

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-six members present, thirty-four absent.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Beaman of Clarke, for the remainder of the day, on request of Daggett of Adams; Plasier of Sioux, until his return, on request of Hester of Pottawattamie; Swearingen of Keokuk, until his return, on request of Stromer of Hancock.

**CONSIDERATION OF BILLS**  
**Regular Calendar**

**House File 574**, a bill for an act relating to the crime of forgery and related fraudulent criminal acts, and providing penalties, was taken up for consideration.

Rosenberg of Story offered the following amendment H—3367 filed by him and moved its adoption:

H—3367

- 1 Amend House File 574 as follows:
- 2 1: Page 1, lines 10 and 11, by striking the words
- 3 "an electronic funds transfer card" and inserting the
- 4 following: "a debit card or access device used to
- 5 engage in an electronic transfer of funds through a
- 6 satellite terminal as defined in section 527.2,
- 7 subsection 1".

Amendment H—3367 was adopted.

Rosenberg 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. 574)

The ayes were, 96:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Pony
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell

Van Camp            Van Maanen            Wise            Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Beaman            Connors            Plasier            Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 585**, a bill for an act relating to including consumer rental purchase agreements in the consumer credit code, was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 585)

The ayes were, 96:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Beaman            Connors            Plasier            Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 576**, a bill for an act providing for the grading and marking of Iowa seal agricultural products, and providing penalties, was taken up for consideration.

Kremer of Buchanan offered the following amendment H—3226 filed by him and moved its adoption:

H—3226

- 1 Amend House File 576 is amended to read as follows:
- 2 1. Page 1, line 5, by striking the word "and" and
- 3 inserting the following: "or".

Amendment H—3226 was adopted.

May of Worth moved that the bill be read a last time 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. 576)

The ayes were, 76:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Chapman	Cohoon
Connolly	Cooper	Corbett	Corey
Daggett	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Holveck
Jay	Jochum	Johnson	Knapp
Koehnigs	May	McKean	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoning	Shoultz	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 20:

Bennett	Clark	De Groot	Eddie
Garman	Hester	Hummel	Kremer
Lageschulte	Lundby	Maulsby	Metcalf
Miller	Renken	Royer	Schneklath
Siegrist	Stromer	Stueland	Van Maanen

Absent or not voting, 4:

Beaman	Connors	Plasier	Swearingen
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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 472 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 472 be deferred and that the bill retain its place on the calendar.

**House File 542**, a bill for an act exempting county care facilities from rules regarding coordination of public transit programs, with report of committee recommending passage was taken up for consideration.

Koenigs of Mitchell asked and received unanimous consent that House File 542 be deferred and that the bill retain its place on the calendar.

#### BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

Mr. Speaker: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 26th day of March, 1987: House Files 168, 194, 265 and 314.

**JOSEPH O'HERN**

Chief Clerk of the House

Report adopted.

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Wednesday evening, March 25, 1987. Had I been present, I would have voted "aye" on House File 499.

**SWEARINGEN** of Keokuk

#### PRESENTATION OF VISITORS

Johnson of Winneshiek presented to the House the Honorable Semor Tofte, former state representative, from Winneshiek County.

The Speaker announced that the following visitors were present in the House chamber:

Thirty sixth grade students from Kellogg Elementary School, Kellogg, accompanied by Larry Lloyd. By Black of Jasper.

## SUBCOMMITTEE ASSIGNMENTS

**House File 496**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**House File 593**

Judiciary and Law Enforcement: Poncy-Renaud, Co-Chairs; Carpenter.

**House File 625**

Judiciary and Law Enforcement: Jay, Chair; Carpenter and Renaud.

**Senate File 70**

Agriculture: Hatch, Chair; Eddie and Muhlbauer.

**Senate File 138**

Agriculture: Osterberg, Chair; Johnson and Petersen of Muscatine.

**Senate File 146**

Agriculture: Skow, Chair; Kremer, Norrgard, Petersen of Muscatine and Svoboda.

**Senate File 179**

Local Government: Norrgard, Chair; Connors and Petersen of Muscatine.

**Senate File 265**

Local Government: Spear, Chair; Diemer and Peters.

**Senate File 274**

Agriculture: May, Chair; Johnson and Stueland.

## COMMITTEE RECOMMENDATION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

**JOSEPH O'HERN**

Chief Clerk of the House

## COMMITTEE ON HUMAN RESOURCES

**Senate File 219**, a bill for an act providing for public grants and public education relating to adolescent pregnancy prevention and services by establishing a task force on adolescent pregnancy prevention and services, providing for pilot project grants relating to adolescent pregnancy prevention and services, and establishing a local advisory committee to public school boards regarding the inclusion or exclusion of human growth and development instruction in the school curriculum.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3422 March 26, 1987.

## AMENDMENTS FILED

H-3412	H.F.	631	Gruhn of Dickinson Jay of Appanoose
H-3413	H.F.	631	Tabor of Jackson
H-3414	H.F.	616	Daggett of Adams
H-3415	H.F.	631	Lundby of Linn
H-3416	H.F.	631	Tabor of Jackson
H-3417	H.F.	631	Tabor of Jackson
H-3418	H.F.	631	Rosenberg of Story
H-3419	H.F.	567	Braimmer of Linn
H-3420	H.F.	634	Renken of Grundy
H-3421	H.F.	600	Running of Linn
H-3422	S.F.	219	Committee on Human Resources
H-3423	S.F.	219	Connors of Polk
H-3424	H.F.	566	Gruhn of Dickinson
H-3425	S.F.	219	Hermann of Scott
H-3426	H.F.	616	Daggett of Adams
H-3427	H.F.	244	Hummel of Benton Skow of Guthrie
H-3428	H.F.	631	Van Camp of Scott
H-3429	H.F.	600	Running of Linn
H-3430	H.F.	631	Tabor of Jackson
H-3431	H.F.	631	Petersen of Muscatine
H-3432	H.F.	613	Chapman of Linn
H-3433	H.F.	577	Koenigs of Mitchell
H-3434	H.F.	631	Bennett of Ida Mullins of Kossuth McKean of Jones
H-3435	H.F.	600	Running of Linn
H-3436	H.F.	595	Fogarty of Palo Alto Platt of Muscatine Schrader of Marion Groning of Cerro Gordo

On motion by Arnould of Scott, the House adjourned at 5:30 p.m., until 9:00 a.m., Friday, March 27, 1987.

# JOURNAL OF THE HOUSE

Seventy-fifth Calendar Day — Fifty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, March 27, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Ed Parker, state representative from Jasper County.

The Journal of Thursday, March 26, 1987 was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Peterson of Carroll, from one hundred twenty-two constituents favoring House File 453, requiring the court to consider the child's rights to get primary consideration for the physical, mental and emotional condition and needs of the child.

Also: From thirty-five constituents favoring House File 12, an act repealing the mandatory use of seat belts.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Johnson of Winneshiek and Osterberg of Linn on request of Rosenberg of Story; Pellett of Cass on request of Stueland of Clinton; Connors of Polk on request of Arnould of Scott.

## INTRODUCTION OF BILLS

**House File 659**, by committee on agriculture, a bill for an act relating to soil conservation districts, by changing the name to soil and water conservation districts.

Read first time and placed on the **calendar**.

**House File 660**, by committee on human resources, a bill for an act relating to dependent adult abuse, providing penalties, and establishing an effective date.

Read first time and placed on the **calendar**.

**House File 661**, by committee on small business and commerce, a bill for an act creating an Iowa life and health insurance guaranty association, protecting persons, within limits, against the failure of certain life, health, and annuity contracts because of impairment or

insolvency, specifying the powers and duties of the association, and providing administrative procedures and methods for the operation and financing of the association, including but not limited to the assessment of member insurers and the provision of a partial premium tax liability credit.

Read first time and placed on the **calendar**.

#### SENATE MESSAGES CONSIDERED

**Senate File 129**, by Miller of Des Moines, a bill for an act relating to the sale of unused highway right of way by the county board of supervisors.

Read first time and referred to committee on **local government**.

**Senate File 156**, by Husak, a bill for an act relating to the exemption from liability of care review committee members and the state concerning actions undertaken by care review committee members in the performance of their duties.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 177**, by Hannon and Boswell, a bill for an act relating to the disposal of dead animals.

Read first time and referred to committee on **agriculture**.

**Senate File 187**, by Nystrom, a bill for an act relating to the purchase of sacramental wine.

Read first time and referred to committee on **state government**.

**Senate File 201**, by committee on state government, a bill for an act related to the senate's review and confirmation of gubernatorial appointments, and providing an effective date.

Read first time and referred to committee on **state government**.

**Senate File 214**, by Taylor, a bill for an act authorizing a city with a population of five thousand or less to reduce council membership to three by referendum.

Read first time and referred to committee on **local government**.

**Senate File 222**, by Hannon, a bill for an act to prohibit the sale or gift of smokeless tobacco to a minor and providing for application of a penalty.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 231**, by Welsh, a bill for an act relating to the date on which a pleading is considered filed.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 276**, by Bruner, a bill for an act relating to the regulation of long-term care insurance.

Read first time and referred to committee on **small business and commerce**.

**Senate File 316**, by Gettings, a bill for an act to provide that a leased motor vehicle shall be registered in the county of the lessee's residence.

Read first time and referred to committee on **transportation**.

**Senate File 342**, by Priebe, a bill for an act relating to the assessment of costs to the owner of real estate subject to tax sale.

Read first time and referred to committee on **local government**.

**Senate File 381**, by Welsh, a bill for an act to legalize the payment of a sales tax refund claim to the city of Epworth, Iowa, by the department of revenue and finance.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 382**, by committee on agriculture, a bill for an act relating to soil conservation districts, by changing the name to soil and water conservation districts.

Read first time and **passed on file**.

**Senate File 388**, by committee on local government, a bill for an act relating to the filing time for nomination petitions for a special election to elect a member of a board of directors of a school district.

Read first time and referred to committee on **education**.

**Senate File 422**, by committee on judiciary, a bill for an act relating to presentence investigations.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 434**, by committee on state government, a bill for an act relating to issuance of certificates of inspection for boilers used on tourist railroads or tourist trains and providing an effective date.

Read first time and referred to committee on state government.

**Senate File 454**, by committee on local government, a bill for an act authorizing a city to establish an administrative agency to manage and control a city airport.

Read first time and referred to committee on local 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 March 25, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 13, a bill for an act relating to the protection of buyers of farm products against the enforcement of liens by secured parties and providing dates for the effectiveness and applicability of the Act.

Also: That the Senate has on March 25, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 290, a bill for an act relating to the requirement for foster parent training, confidentiality requirements for foster care review boards, and incorporating a penalty.

Also: That the Senate has on March 25, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 420, a bill for an act relating to the method to be used by the department of employment services for reporting unemployment statistics.

Also: That the Senate has on March 25, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 449, a bill for an act relating to the operation and administration of the department of employment services by correcting statutory omissions, inaccuracies, and inconsistencies to reflect or alter current practices, by limiting certain penalties, by continuing the reimbursable status of certain enterprises and businesses sold or transferred by reimbursable employers, and by authorizing the release of certain job service information to certain public or quasi-public officials and entities and certain business and labor organizations.

JOHN F. DWYER, Secretary

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 612**, a bill for an act relating to appeal of a magistrate's decision, was taken up for consideration.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 612)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Knapp	Koenigs	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Norrgard	Ollie	Parker	Paulin
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 1:

Neuhauser

Absent or not voting, 9:

Connors	Hatch	Jochem	Johnson
Kremer	Osterberg	Pellett	Plasier
Shoultz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILES 631, 600, 467 AND 542 DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 631, 600, 467 and 542, be deferred and that the bills retain their place on the calendar.

**House File 617**, a bill for an act relating to financial institutions, was taken up for consideration.

Schnekloth of Scott offered the following amendment H-3344 filed by Schnekloth, et al.:

H-3344

1 Amend House File 617 as follows:

2 1. Page 3, by inserting after line 12, the  
3 following:

4 "Sec. \_\_\_\_\_, NEW SECTION. 524.1421 REORGANIZATION  
5 OF BANK AFFILIATES.

6 1. Notwithstanding any other provision of this  
7 chapter, the resulting bank of a merger or  
8 consolidation of two or more banks, which have been  
9 affiliates as defined in section 524.1101 for more  
10 than five years prior to the effective date of the  
11 merger or consolidation, may retain and operate as its  
12 retained bank offices the principal places of business  
13 and all bank offices of the affiliate banks which are  
14 merged or consolidated into the resulting bank.

15 2. The resulting bank may establish bank offices  
16 allowed by other sections of this chapter to the same  
17 extent as if the merger or consolidation had not  
18 occurred.

19 3. This section does not permit the resulting bank  
20 to establish after the effective date of the merger or  
21 consolidation any bank offices in addition to those  
22 allowed to the resulting bank by other sections of  
23 this chapter. However, the resulting bank may  
24 establish and operate facilities which in the absence  
25 of the merger or consolidation would be considered  
26 under section 524.1202, subsection 2, paragraphs "c"  
27 and "d", to be an integral part of the former  
28 principal places of business of the affiliates which  
29 are merged or consolidated into the resulting bank.

30 4. Retained bank offices as provided in subsection  
31 1 shall be operated by the resulting bank in the same  
32 manner as bank offices established under section  
33 524.1201. The banks which are merged or consolidated  
34 under this section shall retain an advisory board of  
35 directors to advise on the operations of a retained  
36 bank office. The board shall be comprised of citizens  
37 residing in the area served by the bank office.

38 5. This section does not alter the limitations  
39 upon bank holding companies contained in section  
40 524.1802.

41 6. The privileges of this section are available on  
42 the same conditions to a national bank.

43 7. This section shall be strictly construed as an  
44 exception to the bank office location limitations  
45 contained in section 524.1202 and it is the intent of  
46 the general assembly that a court or regulatory agency  
47 interpreting this section shall not interpret it to  
48 permit statewide branch banking or the location of a  
49 bank office in this state other than as provided in  
50 this section and in sections 524.312 and 524.1202.

## Page 2

1 This section does not authorize the establishment of  
 2 bank offices at any time or by any bank except when  
 3 done as the direct and immediate consequence of a  
 4 merger or consolidation, does not authorize the  
 5 establishment of the principal place of business of  
 6 the resulting bank of a merger or consolidation at any  
 7 location other than one actually occupied and operated  
 8 as a principal place of business of one of the parties  
 9 to the merger or consolidation, does not authorize a  
 10 bank office at any location other than one actually  
 11 occupied and operated as a principal place of business  
 12 or bank office by one of the parties to the merger or  
 13 consolidation, and does not authorize a greater number  
 14 of bank offices within the municipality or urban  
 15 complex of the principal place of business of the  
 16 resulting bank than is expressly permitted by section  
 17 524.1202, subsection 2.”  
 18 2. By renumbering as necessary.

Parker of Jasper rose on a point of order that amendment H—3344 was not germane.

The Speaker ruled the point well taken and amendment H—3344 not germane.

Schnekloth of Scott asked and received unanimous consent to defer action on amendment H—3340.

Skow of Guthrie asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for amendment H—3437, filed by him from the floor as follows:

H—3437

1 Amend House File 617 as follows:  
 2 1. Page 8, by inserting after line 35 the fol-  
 3 lowing:  
 4 “Sec. \_\_\_\_\_. Section 534.206, subsection 3, Code  
 5 1987, is amended to read as follows:  
 6 3. PROTECTIVE PAYMENTS — ESCROW ACCOUNTS. An  
 7 association may include in the loan documents signed  
 8 by the borrower a provision requiring the borrower to  
 9 pay the association each month in addition to interest  
 10 and principal under the note an amount equal to one-  
 11 twelfth of the estimated annual real estate taxes,  
 12 special assessments, hazard insurance premium,  
 13 mortgage insurance premium, or any other payment  
 14 agreed to by the borrower and the association in order  
 15 to better secure the loan. The association shall be  
 16 deemed to be acting in a fiduciary capacity with

17 respect to these funds. An association receiving  
 18 funds pursuant to an escrow agreement executed on or  
 19 after July 1, 1982 in connection with a loan as  
 20 defined in section 535.8, subsection 1, shall pay  
 21 annual interest to the borrower on those funds,  
 22 calculated on a daily basis, at the rate the  
 23 association pays to members depositing funds in  
 24 ordinary savings accounts, as follows:

25 (a) If the original principal amount of the loan  
 26 is eighty percent or more of the association's  
 27 original appraised value of the real estate, then the  
 28 association is not required to pay any interest.

29 (b) If the original principal amount of the loan  
 30 is less than eighty percent of the association's  
 31 original appraised value of the real estate and the  
 32 association does not require the escrow account, then  
 33 the association is not required to pay any interest.

34 (c) If the original principal amount of the loan  
 35 is less than eighty percent of the association's  
 36 original appraised value of the real estate and the  
 37 association requires the escrow account, then the  
 38 association shall pay interest at the rate of five  
 39 percent per annum; however, if for any year the  
 40 average balance of the escrow account is two hundred  
 41 dollars or less, then the association is not required  
 42 to pay any interest for such year.

43 An association which maintains an escrow account in  
 44 connection with any real estate loan, whether or not  
 45 the mortgage has been assigned to a third person,  
 46 shall each year deliver to the mortgagor a written  
 47 annual accounting of all transactions made with  
 48 respect to the loan and escrow account."

49 2. By renumbering as necessary.

On motion by Skow of Guthrie, amendment H—3437 was adopted.

Parker of Jasper offered the following amendment H—3340 filed  
 by Schneklath of Scott and moved its adoption:

H—3340

- 1 Amend House File 617 as follows:
- 2 1. By striking page 3, line 24, through page 4,
- 3 line 3.
- 4 2. By renumbering as necessary.

Amendment H—3340 was adopted.

Parker of Jasper moved that the bill be read a last time now and  
 placed upon its passage which motion prevailed and the bill was read  
 a last time.

On the question "Shall the bill pass?" (H.F. 617)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Parker	Paulin
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Connors	Johnson	Osterberg	Pellett
Schrader			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 600**, a bill for an act relating to elections, was taken up for consideration.

Running of Linn asked and received unanimous consent to temporarily defer action on amendment H—3429.

Running of Linn offered the following amendment H—3435 filed by him:

H—3435

- 1 Amend House File 600 as follows:
- 2 1. Page 1, line 4, by striking the word "either"
- 3 and inserting the word "each".
- 4 2. Page 1, line 18, by striking the words "any
- 5 matters" and inserting the following: "the party
- 6 affiliation".

7 3. Page 1, line 32, by inserting after the word  
8 "courts." the following: "This section does not  
9 prevent the officers or employees of any other state  
10 agency from offering voter registration forms to  
11 persons in those offices."

12 4. Page 4, by inserting after line 25 the  
13 following:

14 "Sec. 10. Section 721.2, Code 1987, is amended by  
15 adding the following new subsection:

16 **NEW SUBSECTION. 8.** Permits persons to use the  
17 property owned by the state or a subdivision or agency  
18 of the state to operate a political phone bank for any  
19 of the following purposes:

20 a. To poll voters on their preferences for  
21 candidates or ballot measures at an election; however,  
22 this paragraph does not apply to authorized research  
23 at an educational institution.

24 b. To solicit funds for a political candidate or  
25 organization.

26 c. To urge support for a candidate or ballot  
27 measure to voters."

28 5. Title page, line 1, by inserting after the  
29 word "elections" the following: "and political  
30 activity and subjecting violators to a penalty".

Running of Linn offered the following amendment H-3441, to amendment H-3435, filed by him from the floor and moved its adoption:

H-3441

1 Amend the amendment, H-3435, to House File 600 as  
2 follows:

3 1. Page 1, by inserting after line 3 the  
4 following:

5 "2. Page 1, line 5, by striking the words "either  
6 of the" and inserting the words "each of the two"."

7 2. Page 1, by inserting after line 6 the follow-  
8 ing:

9 "4. Page 1, line 19, by striking the word "those"  
10 and inserting the word "that"."

Amendment H-3441 was adopted.

On motion by Running of Linn, amendment H-3435, as amended, was adopted.

Running of Linn offered the following amendment H-3421 filed by him and requested division as follows:

H-3421

1 Amend House File 600 as follows:

## H-3421A

- 2 1. Page 1, line 5, by inserting after the word  
3 "the" the word "two".

## H-3421B

- 4 2. Page 1, by striking lines 25 and 26 and  
5 inserting the following: "agencies shall offer to  
6 each person doing business in that office the  
7 opportunity to register, unless the officer or  
8 employee is reasonably certain that a person doing  
9 business in the office has already been offered a  
10 registration form within the previous twelve-month  
11 period. If the person does".

Running of Linn asked and received unanimous consent to withdraw amendment H-3421A.

Running of Linn offered the following amendment H-3342 filed by Running, et al., and moved its adoption:

## H-3342

- 1 Amend House File 600 as follows:  
2 1. Page 1, by inserting after line 19 the  
3 following:  
4 "Sec. 4. Section 48.7, subsection 1, paragraph b,  
5 Code 1987, is amended to read as follows:  
6 b. A qualified elector of any precinct in the  
7 county of the elector's current residence may record a  
8 change of name, telephone number, or address on  
9 election day at the polling place for the precinct in  
10 which the elector currently resides, ~~if the elector's~~  
11 ~~name or former name appears on the election register~~  
12 ~~of a polling place in that county or that polling~~  
13 ~~place for the election being held that day. The If~~  
14 the qualified elector is submitting a change of name,  
15 telephone number, or address from within the precinct,  
16 the precinct election officials shall furnish such a  
17 the qualified elector a registration form of the type  
18 prescribed for use by electors registering under  
19 section 48.3. The elector shall complete the form and  
20 submit it to the precinct election officials, who  
21 shall return it to the commissioner with the election  
22 supplies. If the qualified elector is submitting a  
23 change of address from an election register in another  
24 precinct within the county, the qualified elector may  
25 vote in the ordinary manner if the precinct election  
26 officials have verified the qualified elector's  
27 registration in the county by communicating with the  
28 commissioner's office or by reviewing a county  
29 registration list provided by the commissioner. The

30 commissioner may provide county registration lists to  
 31 some or all the precincts in the county. If the  
 32 qualified elector's registration in the county is not  
 33 verified by a precinct election official, the elector  
 34 shall cast a challenged ballot as provided in section  
 35 49.81, but is not required to certify that the elector  
 36 has not moved. If the name, telephone number, or  
 37 address provided by the qualified elector on the  
 38 challenged ballot envelope is different from the  
 39 information on the elector's last previous  
 40 registration, the commissioner shall change the  
 41 registration records accordingly.

42 PARAGRAPH DIVIDED. If the qualified elector's name  
 43 or former name appears on the election register in the  
 44 polling place for the election being held that day,  
 45 the elector may record a change of name, telephone  
 46 number, or address and cast a ballot in the usual  
 47 manner if the qualified elector currently resides in  
 48 that precinct. If the qualified elector's former  
 49 address and new address are in different counties, the  
 50 registration form completed by the qualified elector

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1 shall be forwarded to the commissioner of the  
 2 elector's current county of residence by the  
 3 commissioner conducting the election."

Amendment H—3342 was adopted.

Schneklath of Scott offered the following amendment H—3341  
 filed by him and moved its adoption:

H—3341

1 Amend House File 600 as follows:  
 2 1. Page 4, by inserting after line 14 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. Section 56.14, Code 1987, is amended to  
 5 read as follows:  
 6 56.14 POLITICAL ADVERTISEMENTS.  
 7 A person who causes the publication or distribution  
 8 of published material after July 1, 1984, designed to  
 9 promote or defeat the nomination or election of a  
 10 candidate for public office or the passage of a  
 11 constitutional amendment or public measure shall  
 12 include conspicuously on the published material the  
 13 identity and address of the person responsible for the  
 14 material. If the person responsible is an  
 15 organization, the name of one officer of the  
 16 organization shall appear on the material. However,  
 17 if the organization is a committee which has filed a  
 18 statement of organization under this chapter, only the

19 name of the committee is required to be included on  
 20 the published material. In addition to the  
 21 identification requirement, material subject to this  
 22 section designed to promote the nomination or election  
 23 of a candidate shall state whether or not the  
 24 candidate is seeking reelection. This section does  
 25 not apply to the editorials or news articles of a  
 26 newspaper or magazine which are not political  
 27 advertisements. For the purpose of this  
 28 section, "published material" means any newspaper,  
 29 magazine, shopper, outdoor advertising facility,  
 30 poster, yard sign including hand lettered signs,  
 31 direct mailing, brochure, or any other form of printed  
 32 general public political advertising, however, the  
 33 identification need not be conspicuous on posters and  
 34 yard signs including hand lettered signs. This  
 35 section does not apply to bumper stickers, pins,  
 36 buttons, pens, matchbooks and similar small items upon  
 37 which the inclusion of the disclaimer would be  
 38 impracticable or to published material which is  
 39 subject to federal regulations regarding a disclaimer  
 40 requirement."

Amendment H—3341 lost.

Tabor of Jackson in the chair at 10:06 a.m.

Running of Linn offered the following amendment H—3429, temporarily deferred, filed by him and moved its adoption:

H—3429

1 Amend House File 600 as follows:  
 2 1. Page 1, by inserting before line 1 the  
 3 following:  
 4 "Section 1. Section 43.26, Code 1987, is amended  
 5 to read as follows:  
 6 43.26 BALLOT — FORM.  
 7 The official primary election ballot shall be  
 8 prepared, arranged, and printed substantially in the  
 9 following form:

PRIMARY ELECTION BALLOT

(Name of Party)

of .

..... Township or Precinct,

..... Ward, City of ....., County

of ....., State of Iowa,.....Rotation (if any).

Primary election held on the ..... day of June, 19....

FOR UNITED STATES SENATOR

(Vote for one.)

..... Candidate's name CANDIDATE'S NAME

..... Candidate's name CANDIDATE'S NAME

.....

22 FOR UNITED STATES REPRESENTATIVE  
 23 (Vote for one.)  
 24 \_\_\_\_\_ Candidate's name CANDIDATE'S NAME  
 25 \_\_\_\_\_ Candidate's name CANDIDATE'S NAME  
 26 \_\_\_\_\_  
 27 FOR GOVERNOR  
 28 (Vote for one.)  
 29 \_\_\_\_\_ Candidate's name CANDIDATE'S NAME  
 30 \_\_\_\_\_ Candidate's name CANDIDATE'S NAME  
 31 \_\_\_\_\_  
 32 (Followed by other elective state officers in the  
 33 order in which they appear in section 39.9 and  
 34 district officers in the order in which they appear in  
 35 sections 39.15 and 39.16.)  
 36 FOR COUNTY AUDITOR  
 37 (Vote for one.)  
 38 \_\_\_\_\_ Candidate's name CANDIDATE'S NAME  
 39 \_\_\_\_\_ Candidate's name CANDIDATE'S NAME  
 40 \_\_\_\_\_  
 41 (Followed by other elective county officers in the  
 42 order in which they appear in sections 39.17 and  
 43 39.18.)  
 44 FOR TOWNSHIP CLERK  
 45 (Vote for one.)  
 46 \_\_\_\_\_ Candidate's name CANDIDATE'S NAME  
 47 \_\_\_\_\_ Candidate's name CANDIDATE'S NAME  
 48 \_\_\_\_\_  
 49 FOR TOWNSHIP TRUSTEES  
 50 (Vote for no more than two.)

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1 \_\_\_\_\_ Candidate's name CANDIDATE'S NAME  
 2 \_\_\_\_\_ Candidate's name CANDIDATE'S NAME  
 3 \_\_\_\_\_ Candidate's name CANDIDATE'S NAME  
 4 \_\_\_\_\_  
 5 Sec. 2. Section 43.45, subsections 4 through 7,  
 6 Code 1987, are amended to read as follows:  
 7 4. Seal Place the ballots cast on behalf of each  
 8 of the parties in separate envelopes, and on the  
 9 outside of such envelope write or print the names of  
 10 said party's candidates for all offices and opposite  
 11 each name enter the number of votes cast for such  
 12 candidate in said precinct. Seal each envelope and  
 13 place the signature of all board members of the  
 14 precinct across the seal of the envelope so that it  
 15 cannot be opened without breaking the seal.  
 16 5. Seal all the envelopes of all political parties  
 17 in one large envelope and on the outside thereof, or  
 18 on a paper attached thereto, On the outside of each  
 19 envelope enter the number of votes ballots cast by  
 20 each party in said the precinct and contained in the

21 envelope.

22 6. Seal the ~~precinct election register and the~~  
 23 tally sheets and certificates of the precinct election  
 24 officials in an envelope, or other secure container,  
 25 on the outside of which are written or printed in  
 26 ~~perpendicular columns~~ the names of the several  
 27 political parties with the names of the candidates for  
 28 the different offices under their party name, and  
 29 opposite each candidate's name enter the number of  
 30 votes cast for such candidate in said precinct.

31 7. Enter at the bottom of each party column on  
 32 said envelope the total vote cast by said party in  
 33 said number of voters of each party who cast ballots  
 34 in the precinct.

35 Sec. 3. Section 44.4, subsection 3, Code 1987, is  
 36 amended to read as follows:

37 3. Those filed with the city clerk, at least  
 38 ~~thirty~~ forty-two days prior to the municipal election.

39 Sec. 4. Section 44.9, Code 1987, is amended by  
 40 adding the following new subsection:

41 NEW SUBSECTION. 6. In the office of the proper  
 42 city clerk, at least forty-two days before the  
 43 regularly scheduled city election.

44 Sec. 5. Section 44.9, subsection 3, Code 1987, is  
 45 amended to read as follows:

46 3. In the office of the proper school board  
 47 secretary or city clerk, at least thirty-five days  
 48 before the day of a regularly scheduled school or city  
 49 election.

50 Sec. 6. Section 45.3, subsection 1, Code 1987, is

### Page 3

1 amended by striking the subsection."

2 2. Page 1, by inserting after line 32 the  
 3 following:

4 "Sec. \_\_\_\_\_. Section 49.12, unnumbered paragraph 1,  
 5 Code 1987, is amended to read as follows:

6 There shall be appointed in each election precinct  
 7 an election board which shall ordinarily consist of  
 8 five precinct election officials. However, in  
 9 precincts using only one voting machine at any one  
 10 time, and in precincts voting by paper ballot where no  
 11 more than one hundred votes were cast three hundred  
 12 twenty persons cast ballots in the last preceding  
 13 similar election, the board shall consist of three  
 14 precinct election officials; and in precincts using  
 15 more than two voting machines one additional precinct  
 16 election official may be appointed for each such  
 17 additional machine. At the commissioner's discretion,  
 18 additional precinct election officials may be  
 19 appointed to work at any election. Double election  
 20 boards may be appointed for any precinct as provided

21 by chapter 51. Not more than a simple majority of the  
 22 members of the election board in any precinct, or of  
 23 the two combined boards in any precinct for which a  
 24 double election board is appointed, shall be members  
 25 of the same political party or organization if one or  
 26 more qualified electors of another party or  
 27 organization are qualified and willing to serve on the  
 28 board.

29 Sec. \_\_\_\_\_. Section 49.31, subsection 3, Code 1987,  
 30 is amended to read as follows:

31 3. The ballots for any city elections, school  
 32 elections, special election, or any other election at  
 33 which any office is to be filled on a nonpartisan  
 34 basis and the statutes governing the office to be  
 35 filled are silent as to the arrangement of names on  
 36 the ballot, shall contain the names of all nominees or  
 37 candidates arranged in alphabetical order by surname  
 38 under the heading of the office to be filled. When a  
 39 city election, school election, special election, or  
 40 any other election at which an office is to be filled  
 41 on a nonpartisan basis, is held in more than one  
 42 precinct, the candidates' names shall be rotated on  
 43 the ballot from precinct to precinct in the manner  
 44 prescribed by subsection 2 unless there are no more  
 45 candidates for an office than the number of persons to  
 46 be elected to that office.

47 Sec. \_\_\_\_\_. Section 49.31, subsection 4, Code 1987,  
 48 is amended to read as follows:

49 4. If electors in any precinct are entitled to  
 50 vote for more than one nominee or candidate for a

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1 particular office, the heading for that office on the  
 2 precinct ballot shall be immediately followed by a  
 3 notation of the maximum number of nominees or  
 4 candidates for that office for whom each elector may  
 5 vote. Provision shall be made on the ballot to allow  
 6 the elector to write in the name of any person for  
 7 whom the elector desires to vote for any office or  
 8 nomination on the ballot."

9 3. Page 4, by inserting after line 14 the  
 10 following:

11 "Sec. \_\_\_\_\_. Section 49.81, subsection 4, Code 1987,  
 12 is amended by striking the subsection and inserting in  
 13 lieu thereof the following:

14 4. The individual envelopes used for each paper  
 15 ballot cast pursuant to subsection 1 shall have  
 16 printed on them the format of the face of the  
 17 registration form under section 48.3 and the  
 18 following:

19 I believe I am a qualified elector of this

20 precinct. I registered to vote in  
 21 ..... county on or about .....  
 22 at ..... My name at that time was .....  
 23 I have not moved to a different county since that  
 24 time. I am a United States citizen, at least eighteen  
 25 years of age. ....  
 26 ..... (signature of elector)  
 27 (date)

28 The following information is to be provided by the  
 29 precinct election official:  
 30 Reason for challenge:

31 .....  
 32 .....  
 33 .....  
 34 ..... (signature of precinct election official)

35 Sec. \_\_\_\_\_. Section 50.12, Code 1987, is amended to  
 36 read as follows:

37 50.12 RETURN AND PRESERVATION OF BALLOTS.

38 Immediately after making such proclamation, and  
 39 before separating, the board members of each precinct  
 40 in which votes have been received by paper ballot  
 41 shall fold in two folds, and string closely upon a  
 42 single piece of flexible wire, enclose in an envelope  
 43 or other container all ballots which have been counted  
 44 by them, except those endorsed "Rejected as double",  
 45 "Defective", or "Objected to", unite the ends of such  
 46 wire in a firm knot, seal the knot in such a manner  
 47 that it cannot be untied without breaking the seal,  
 48 enclose the ballots so strung in an envelope, and  
 49 securely seal such envelope. The signatures of all  
 50 board members of the precinct shall be placed across

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1 the seal or the opening of the container so that it  
 2 cannot be opened without breaking the seal. The  
 3 precinct election officials shall return all the  
 4 ballots to the commissioner, who shall carefully  
 5 preserve them for six months.

6 Sec. \_\_\_\_\_. Section 50.21, Code 1987, is amended to  
 7 read as follows:

8 50.21 SPECIAL PRECINCT BOARD RECONVENED.

9 The commissioner shall reconvene the election board  
 10 of the special precinct established by section 53.20  
 11 at not earlier than noon on the third second day  
 12 following each election which is required by law to be  
 13 canvassed on the Monday following the election. If  
 14 the third second day following such an election is a  
 15 legal holiday the special precinct election board  
 16 shall may be convened at noon on the second day  
 17 following the election, and if the canvass of the  
 18 election is required at any time earlier than the

19 Monday following the election, the special precinct  
20 election board shall be reconvened at noon on the day  
21 following the election.

22 **PARAGRAPH DIVIDED.** If no challenged ballots were  
23 cast in the county pursuant to section 49.81 at any  
24 election, the special precinct election board need not  
25 be so reconvened. If the number of challenged ballots  
26 so cast at any election is not sufficient to require  
27 reconvening of the entire election board of the  
28 special precinct, the commissioner may reconvene only  
29 the number of members required; but in so doing shall  
30 observe the requirements of sections 49.12 and 49.13.  
31 If the number of challenged ballots cast at any  
32 election exceeds the number of absentee ballots cast,  
33 the size of the special precinct election board may be  
34 increased at the commissioner's discretion. The  
35 commissioner shall observe the requirements of  
36 sections 49.12 and 49.13 in making adjustments to the  
37 size of the special precinct election board.

38 Sec. \_\_\_\_\_. Section 53.2, Code 1987, is amended to  
39 read as follows:

40 **53.2 APPLICATION FOR BALLOT.**

41 Any qualified elector, under the circumstances  
42 specified in section 53.1, may on any day, except  
43 election day, and not more than seventy days prior to  
44 the date of the election, make written application to  
45 the commissioner for an absentee ballot. The state  
46 commissioner shall prescribe a form for absentee  
47 ballot applications. However, if an elector submits  
48 an application that includes all of the information  
49 required in this section, the prescribed form is not  
50 required.

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1 This section does not require that a written  
2 communication mailed to the commissioner's office to  
3 request an absentee ballot, or any other document be  
4 notarized as a prerequisite to receiving or marking an  
5 absentee ballot or returning to the commissioner an  
6 absentee ballot which has been voted.

7 Each application shall contain the name and  
8 signature of the qualified elector, the address at  
9 which the elector is qualified to vote, and the name  
10 or date of the election for which the absentee ballot  
11 is requested, and such other information as may be  
12 necessary to determine the correct absentee ballot for  
13 the qualified elector. If insufficient information  
14 has been provided, the commissioner shall, by the best  
15 means available, obtain the additional necessary  
16 information.

17 If the application is for a primary election ballot  
18 and the request is for a ballot of a party different

19 from that recorded on the qualified elector's voter  
20 registration record, the requested ballot shall be  
21 mailed or given to the applicant together with a  
22 "Change or Declaration of Party Affiliation" form as  
23 prescribed in section 43.42, to be completed by the  
24 qualified elector at the time of voting. Upon receipt  
25 of the properly completed form, the commissioner shall  
26 approve the change or declaration and enter a notation  
27 of the change on the registration records.

28 If a request an application for an absentee ballot  
29 is received from an eligible elector who is not a  
30 qualified elector the commissioner shall send a  
31 registration form under section 48.3 and an absentee  
32 ballot to the eligible elector. If the application is  
33 received so late that it is unlikely that the  
34 registration form can be returned in time to be  
35 effective on election day, the commissioner shall  
36 enclose with the absentee ballot a notice to that  
37 effect, informing the voter of the registration time  
38 limits in sections 48.3 and 48.11. The commissioner  
39 shall record on the elector's application that the  
40 elector is not currently registered to vote. If the  
41 registration form is properly returned by the time  
42 provided by section 48.3, the commissioner shall send  
43 the absentee ballot to the qualified elector record on  
44 the elector's application the date of receipt of the  
45 registration form and enter a notation of the  
46 registration on the registration records.

47 A qualified elector who has not moved from the  
48 county in which the elector is registered to vote may  
49 submit a change of name, telephone number, or address  
50 on the form prescribed in section 48.3 when casting an

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1 absentee ballot. Upon receipt of a properly completed  
2 form, the commissioner shall enter a notation of the  
3 change on the registration records.

4 Sec. \_\_\_\_\_. Section 53.22, Code 1987, is amended by  
5 adding the following new subsections:

6 NEW SUBSECTION. 4. The commissioner shall mail an  
7 absentee ballot to a qualified elector who has applied  
8 for an absentee ballot and who is a patient or  
9 resident of a hospital or health care facility outside  
10 the county in which the elector is qualified to vote.

11 NEW SUBSECTION. 5. If the qualified elector  
12 becomes a patient or resident of a hospital or health  
13 care facility outside the county where the elector is  
14 registered to vote within three days before the date  
15 of any election, the elector may designate a person to  
16 deliver and return the absentee ballot. The designee  
17 may be any person the elector chooses except that no

18 candidate for any office to be voted upon for the  
19 election for which the ballot is requested may deliver  
20 a ballot under this subsection. The request for an  
21 absentee ballot may be made by telephone to the office  
22 of the commissioner not later than four hours before  
23 the close of the polls. If the requester is found to  
24 be a qualified elector of that county, the ballot  
25 shall be delivered by mail or by the person designated  
26 by the elector. An application form shall be included  
27 with the absentee ballot and shall be signed by the  
28 voter and returned with the ballot.

29 Sec. \_\_\_\_\_. Section 53.22, subsection 2, Code 1987,  
30 is amended to read as follows:

31 2. Any qualified elector who becomes a patient or  
32 resident of a hospital or health care facility in the  
33 county where the elector is qualified to vote within  
34 three days prior to the date of any election may  
35 request an absentee ballot during that period or on  
36 election day. As an alternative to the application  
37 procedure prescribed by section 53.2, the qualified  
38 elector may make the request directly to the officers  
39 who are delivering and returning absentee ballots  
40 under this section. Alternatively, the request may be  
41 made by telephone to the office of the commissioner  
42 not later than four hours before the close of the  
43 polls. If the requester is found to be a qualified  
44 elector of that county, these officers shall deliver  
45 the appropriate absentee ballot to the qualified  
46 elector in the manner prescribed by this section.

47 Sec. \_\_\_\_\_. NEW SECTION. 53.45 SPECIAL ABSENTEE  
48 BALLOT.

49 1. As provided in this section, the commissioner  
50 shall provide special absentee ballots to be used for

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1 state general elections. A special absentee ballot  
2 shall only be provided to a qualified elector who  
3 completes an application stating both of the following  
4 to the best of the qualified elector's belief:

5 a. The qualified elector will be residing or  
6 stationed or working outside the continental United  
7 States.

8 b. The qualified elector will be unable to vote  
9 and return a regular absentee ballot by normal mail  
10 delivery within the period provided for regular  
11 absentee ballots.

12 The application for a special absentee ballot shall  
13 not be filed earlier than ninety days prior to the  
14 general election. The special absentee ballot shall  
15 list the offices and measures, if known, scheduled to  
16 appear on the general election ballot. The qualified  
17 elector may use the special absentee ballot to write

18 in the name of any eligible candidate for each office  
19 and may vote on any measure.

20 2. With any special absentee ballot issued under  
21 this section, the commissioner shall include a listing  
22 of any candidates who have filed before the time of  
23 the application for offices that will appear on the  
24 ballot at that general election and a list of any  
25 measures that have been referred to the ballot before  
26 the time of the application.

27 3. Write-in votes on special absentee ballots  
28 shall be counted in the same manner provided by law  
29 for the counting of other write-in votes. The  
30 commissioner shall process and canvass the special  
31 absentee ballots provided under this section in the  
32 same manner as other absentee ballots.

33 4. Notwithstanding the provisions of section  
34 53.49, a qualified elector who requests a special  
35 absentee ballot under this section may also make  
36 application for an absentee ballot under section 53.2  
37 or an armed forces absentee ballot under section  
38 53.40. If the regular absentee or armed forces  
39 absentee ballot is properly voted and returned, the  
40 special absentee ballot is void and the commissioner  
41 shall reject it in whole when special absentee ballots  
42 are canvassed.

43 Sec. \_\_\_\_\_. Section 53.49, unnumbered paragraph 2,  
44 code 1987, is amended by striking the paragraph.

45 Sec. \_\_\_\_\_. Section 69.12, subsection 1, paragraphs  
46 a and b, Code 1987, are amended to read as follows:

47 a. A vacancy shall be filled at the next pending  
48 election if it occurs:

49 (1) Sixty or more days prior to the election, if  
50 it is a general or primary election.

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1 (2) Fifty-two or more days prior to the election  
2 if it is a regularly scheduled or special city  
3 election.

4 ~~(2)~~ (3) Forty-five or more days prior to the  
5 election, if it is a regularly scheduled school or  
6 city election.

7 ~~(3)~~ (4) Forty or more days prior to the election,  
8 if it is a special election.

9 b. Nomination papers on behalf of candidates for a  
10 vacant office to be filled pursuant to paragraph "a"  
11 of this subsection shall be filed, in the form and  
12 manner prescribed by applicable law, by five o'clock  
13 p.m. on:

14 (1) The fifty-fifth day prior to a general or  
15 primary election.

16 (2) The forty-seventh day prior to a regularly  
17 scheduled or special city election.

18     (2) (3) The fortieth day prior to a regularly  
 19 scheduled school or city election.  
 20     (3) (4) The twenty-fifth day prior to a special  
 21 election.  
 22     Sec. \_\_\_\_\_. Section 277.4, unnumbered paragraph 1,  
 23 Code 1987, is amended to read as follows:  
 24     Nomination papers for all candidates for election  
 25 to office in each school district shall be filed with  
 26 the secretary of the school board not more than sixty-  
 27 five days, nor less than forty days prior to the  
 28 election. Nomination petitions shall be filed not  
 29 later than five o'clock p.m. on the last day for  
 30 filing. If the school board secretary is not readily  
 31 available during normal office hours, the secretary  
 32 may designate a full-time employee of the school  
 33 district who is ordinarily available to accept  
 34 nomination papers under this section. Each candidate  
 35 shall be nominated by a petition signed by not less  
 36 than ten eligible electors of the district. ~~To each~~  
 37 ~~such petition shall be attached the affidavit of an~~  
 38 ~~eligible elector of the district that all of the~~  
 39 ~~signers thereof are electors of such district and that~~  
 40 ~~the signatures thereto are genuine. The candidate~~  
 41 ~~being nominated by the petition may sign the affidavit~~  
 42 ~~only if the candidate personally circulated the~~  
 43 ~~petition. If the affiant also signed the nomination~~  
 44 ~~petition, that signature shall not be counted toward~~  
 45 ~~the total required by this section. The petition~~  
 46 ~~shall include the affidavit of the candidate being~~  
 47 ~~nominated, stating the candidate's name, place of~~  
 48 ~~residence, that such person is a candidate and is~~  
 49 ~~eligible for the office the candidate seeks, and that~~  
 50 ~~if elected the candidate will qualify for the office.~~

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1     Sec. \_\_\_\_\_. Section 376.4, unnumbered paragraph 4,  
 2 Code 1987, is amended by striking the paragraph."  
 3     4. Page 4, by inserting after line 25 the  
 4 following:  
 5     "Sec. \_\_\_\_\_. Section 53.3, Code 1987, is repealed."

**Amendment H—3429 was adopted.**

The House resumed consideration of amendment H—3421B (found on page 879 of the House Journal).

On motion by Running of Linn, amendment H—3421B was adopted.

Running 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. 600)

The ayes were, 94:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Neuhauser	Norrgard
Ollie	Parker	Paulin	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker (Tabor)		

The nays were, none.

Absent or not voting, 6:

Connors	Gruhn	Johnson	Mullins
Osterberg	Pellett		

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:

Mullins of Kossuth, until her return, on request of Groninga of Cerro Gordo; Connors of Polk on request of Metcalf of Polk.

**House File 472**, a bill for an act to authorize the funding of state park and institutional road projects and county conservation parkway projects from RISE funds, deferred March 26, 1987, with report of committee recommending passage was taken up for consideration.

Connolly of Dubuque asked and received unanimous consent to withdraw amendment H—3333 filed by him on March 24, 1987.

Speaker Avenson in the chair at 10:39 a.m.

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?" (H.F. 472)

The ayes were, 63:

Adams	Arnould	Beatty	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Cohoon	Connolly	Cooper
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Hester	Holveck
Jay	Jochum	Knapp	Koenigs
Kremer	Lageschulte	Maulsby	May
McKean	McKinney	Muhlbauer	Neuhauser
Norrgard	Ollie	Pavich	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Teaford
Tyrrell	Van Camp	Mr. Speaker	

The nays were, 29:

Beaman	Bennett	Bisignano	Chapman
Clark	Corbett	Corey	Daggett
De Groot	Eddie	Garman	Groninga
Halvorson, R. N.	Hanson, D. R.	Hermann	Hummel
Lundby	Metcalf	Miller	Paulin
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schnekloth	Swearingen	Van Maanen
Wise			

Absent or not voting, 8:

Connors	Johnson	Mullins	Osterberg
Parker	Pellett	Svoboda	Tabor

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES (House Files 612, 600 and 472)

Arnould of Scott asked and received unanimous consent that House Files 612, 600 and 472 be immediately messaged to the Senate.

**House File 244**, a bill for an act relating to progress payments, final payments, and retention from payments made to subcontractors on public improvement construction projects, with report of committee recommending passage was taken up for consideration.

Hummel of Benton offered the following amendment H—3427 filed by him and Skow of Guthrie and moved its adoption:

H—3427

- 1 Amend House File 244 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "law," the following: "including, but not limited to,
- 4 section 573.2 and 573.14,".

A non-record roll call was requested.

The ayes were 38, nays 45.

Amendment H—3427 lost.

Hansen 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. 244)

The ayes were, 61:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Cohoon	Connolly
Cooper	Diemer	Doderer	Dvorsky
Eddie	Fey	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hester	Holveck	Jay	Jochum
Koenigs	Kremer	May	McKinney
Muhlbauer	Neuhauser	Ollie	Parker
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Running
Schnekloth	Schrader	Sherzan	Shoultz
Spear	Stromer	Stueland	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

The nays were, 35:

Beaman	Bennett	Branstad	Clark
Corbett	Corey	Daggett	De Groot
Fogarty	Garman	Hanson, D. R.	Harbor
Hermann	Hummel	Knapp	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Norrgard	Paulin

Petersen, D. F.	Platt	Renken	Royer
Shoning	Siegrist	Skow	Swearingen
Tyrrell	Van Camp	Van Maanen	

Absent or not voting, 4:

Connors	Johnson	Osterberg	Pellett
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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 324**, a bill for an act authorizing the joint investment of funds by counties, cities, and city utilities, with report of committee recommending amendment and passage was taken up for consideration.

Cooper of Lucas offered the following amendment H—3229 filed by the committee on local government and moved its adoption:

H—3229

- 1 Amend House File 324 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "counties" the following: ", cities, or city
- 4 utilities".
- 5 2. Page 1, line 10, by striking the words "or
- 6 utility boards" and inserting the following: ",
- 7 utility boards, or counties".

The committee amendment H—3229 was adopted.

Cooper 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. 324)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisighano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhibauer
Mullins	Neuhauser	Norrgard	Paulin

Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 10:

Connolly	Connors	Harbor	Johnson
Ollie	Osterberg	Parker	Pellett
Sherzan	Stromer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 517**, a bill for an act relating to requirements for lender reporting to the title guaranty division, was taken up for consideration.

Parker of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 517)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Parker	Paulin	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Connors  
Pellett

Johnson

Ollie

Osterberg

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**IMMEDIATE MESSAGES**  
(House Files 324 and 517)

Arnould of Scott asked and received unanimous consent that House Files 324 and 517 be immediately messaged to the Senate.

Ollie of Clinton in the chair at 11:24 a.m.

**ADOPTION OF SENATE CONCURRENT RESOLUTION 14**

Poncy of Wapello called up for consideration Senate Concurrent Resolution 14, congratulating Deere and Company on its 150th anniversary, and moved its adoption.

The motion prevailed and the resolution was adopted.

**House File 586**, a bill for an act relating to the federal low-income housing credit allowance, was taken up for consideration.

Shoultz 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. 586)

The ayes were, 93:

Adams	Arnould	Avenson	Beaman
Beatty	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Parker
Paulin	Pavich	Peters	Petersen, D. F.

Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker (Ollie)			

The nays were, none.

Absent or not voting, 7:

Bennett	Connolly	Connors	Johnson
May	Osterberg	Pellett	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to,

### HOUSE FILES DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 609, 592 and 602 be deferred and that the bills retain their place on the calendar.

**House File 610**, a bill for an act to grant the commissioner of insurance the authority to approve discretionary group insurance, was taken up for consideration.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 610)

The ayes were, 94:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Muhlbauer	Mullins	Neuhauser	Norrgard

Parker	Paulin	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poney	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker (Ollie)		

The nays were, none.

Absent or not voting, 6:

Connors	Hansen, S. D.	Johnson	Miller
Osterberg	Pellett		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 533**, a bill for an act relating to weight restrictions for vehicles on bridges and culverts and including a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Muhlbauer of Crawford offered the following amendment H—3228 filed by the committee on transportation and moved its adoption:

H—3228

- 1 Amend House File 533 as follows:
- 2 1. Page 1, line 31, by striking the word "Local"
- 3 and inserting the following: "Upon a finding that a
- 4 bridge or culvert does not meet established standards
- 5 set forth by state and federal authorities, local".
- 6 2. Page 1, line 34, by inserting after the word
- 7 "their" the following: "sole".
- 8 3. Page 1, line 34, by inserting after the word
- 9 "jurisdiction." the following: "The ordinance or
- 10 resolution shall not apply to implements of husbandry
- 11 as defined in section 321.1, subsection 16."

The committee amendment H—3228 was adopted.

Platt of Muscatine offered the following amendment H—3256 filed by him and Koenigs of Mitchell and moved its adoption:

H—3256

- 1 Amend House File 533 as follows:
- 2 1. Page 1, line 8 by striking the words "farm
- 3 tractors" and inserting the words "farm tractors
- 4 implements of husbandry".

- 5 2. Page 1, line 9 by striking the figure "7"  
6 and inserting the figures "7 16".

Amendment H — 3256 was adopted.

Muhlbauer 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?" (H.F. 533)

The ayes were, 96:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgrard	Parker	Paulin
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stuejland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker (Ollie)

The nays were, none.

Absent or not voting, 4:

Connors	Johnson	Osterberg	Pellett
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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 345**, a bill for an act relating to the procedures for authorization of drainage district improvements, with report of committee recommending amendment and passage was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H—3227 filed by the committee on agriculture and moved its adoption:

H—3227

- 1 Amend House File 345 as follows:
- 2 1. Page 1, line 19, by inserting after the word
- 3 "hearing." the following: "The board shall also mail
- 4 a copy of the notice to any state agency which is a
- 5 landowner in the district."

The committee amendment H—3227 was adopted.

Kremer of Buchanan offered the following amendment H—3257 filed by him and Fogarty of Palo Alto and moved its adoption:

H—3257

- 1 Amend House File 345 as follows:
- 2 1. Page 2, line 3, by inserting after the figure
- 3 "455,45." the following: "In lieu of publishing the
- 4 notice of a hearing as provided by this subsection the
- 5 board may mail a copy of the notice to each address
- 6 where a landowner in the district resides by first
- 7 class mail if the cost of mailing is less than
- 8 publication of the notice. The mailing shall be made
- 9 during the time the notice would otherwise be required
- 10 to be published."

Amendment H—3257 was adopted.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 345)

The ayes were, 94:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Clark	Cohoon
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard

Parker	Paulin	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker (Ollie)		

The nays were, none.

Absent or not voting, 6:

Connolly	Connors	Hansen, S. D.	Johnson
Osterberg	Pellet		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 595**, a bill for an act authorizing the department of natural resources to establish a system of certificates of title for vessels, was taken up for consideration.

Fogarty of Palo Alto offered the following amendment H-3436 filed by Fogarty, et al.:

H-3436

- 1 Amend House File 595 as follows:
- 2 1. Page 2, by inserting after line 4 the
- 3 following:
- 4 "Sec. 3. Section 106.5, Code 1987, is amended by
- 5 adding the following new subsection:
- 6 **NEW SUBSECTION. 8.** The registration certificate
- 7 shall indicate if the vessel is subject to the
- 8 requirement of a certificate of title and the county
- 9 from which the certificate of title is issued."
- 10 2. Page 2, line 10, by striking the word
- 11 "department" and inserting the following: "county
- 12 recorder of the county in which the owner resides".
- 13 3. Page 2, line 11, by inserting after the word
- 14 "vessel." the following: "The requirement of a
- 15 certificate of title does not apply to canoes or
- 16 inflatable vessels regardless of length."
- 17 4. Page 2, by striking lines 14 through 17.
- 18 5. Page 2, line 19, by inserting after the word
- 19 "vessel" the following: "seventeen feet or longer in
- 20 length".
- 21 6. Page 2, line 24, by striking the word
- 22 "department" and inserting the words "county
- 23 recorder".
- 24 7. Page 3, line 7, by striking the word

25 "department" and inserting the words "county  
26 recorder".

27 8. Page 3, line 19, by striking the word  
28 "department" and inserting the words "county  
29 recorder".

30 9. Page 3, line 20, by striking the word  
31 "department" and inserting the words "county  
32 recorder".

33 10. Page 3, line 30, by striking the word  
34 "department" and inserting the words "county  
35 recorder".

36 11. Page 4, line 1, by striking the word  
37 "department" and inserting the words "county  
38 recorder's".

39 12. Page 4, line 2, by striking the word  
40 "department" and inserting the words "county  
41 recorder".

42 13. Page 4, by inserting after line 14 the  
43 following:

44 "5. The funds collected under this section shall  
45 be placed in the general fund of the county and used  
46 for the expenses of the county conservation board if  
47 one exists in that county."

48 14. Page 5, line 6, by inserting after the word  
49 "department" the words "in cooperation with the county  
50 recorder".

## Page 2

1 15. Page 5, by striking lines 15 through 20 and  
2 inserting the following:

3 "The owner of the vessel or device shall file an  
4 affidavit with the department which describes the  
5 vessel or device."

6 16. Page 5, line 33, by striking the word  
7 "department" and inserting the words "county  
8 recorder".

9 17. Page 5, line 34, by striking the word  
10 "department" and inserting the words "county  
11 recorder".

12 18. Page 6, by inserting after line 23 the  
13 following:

14 "7. A security interest perfected under chapter  
15 554 before the effective date of this Act."

16 19. By striking page 6, line 24 through page 10,  
17 line 6, and inserting the following:

18 "Sec. 10. NEW SECTION. 106.79 PERFECTION AND  
19 TITLES.

20 1. In addition to the requirements of chapter 554,  
21 a security interest created in this state in a vessel  
22 required to have a certificate of title is not  
23 perfected unless and until the security interest is

24 noted on the certificate of title.

25 2. The certificate of title shall be filed with  
26 the county recorder when the financing statement for  
27 that security interest or assigning the security  
28 interest is filed and a new or endorsed certificate of  
29 title shall be issued to the secured party with the  
30 name and address of the secured party upon it.

31 3. The secured party shall file the certificate of  
32 title with the county recorder when a termination or  
33 release statement is filed and a new or endorsed  
34 certificate shall be issued to the owner."

35 20. Page 10, line 10, by inserting after the word  
36 "forms" the following: ", other than those provided  
37 under chapter 554,".

38 21. Page 10, line 11, by striking the figure  
39 "106.84" and inserting the following: "106.79".

40 22. Page 10, line 14, by striking the figure  
41 "106.84" and inserting the figure "106.79".

42 23. Page 10, by striking lines 15 through 23.

43 24. Title page, line 1, by striking the words  
44 "authorizing the department of natural resources".

Paulin of Plymouth offered the following amendment H-3442, to amendment H-3436, filed by him and Schrader of Marion from the floor and moved its adoption:

H-3442

1 Amend amendment H-3436 to House File 595 as

2 follows:

3 1. Page 1, line 16, by inserting after the word  
4 "length" the words "or to a vessel with a value of  
5 less than \$500.00".

A non-record roll call was requested.

The ayes were 31, nays 46.

Amendment H-3442 lost.

Schnekloth of Scott rose on a point of order and invoked Rule 32 to refer House File 595 to the committee on ways and means.

The Speaker ruled the point well taken and Rule 32 in order.

### RULE 32 SUSPENDED

Arnould of Scott asked for unanimous consent to suspend Rule 32.

Objection was raised.

Arnould of Scott moved that Rule 32 be suspended on House File 595.

A non-record roll call was requested.

The ayes were 52, nays 34.

The motion prevailed and Rule 32 was suspended.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingin of Keokuk, for the remainder of the day, on request of Carpenter of Polk.

Speaker Avenson in the chair at 12:10 p.m.

On motion by Fogarty of Palo Alto, amendment H—3436 was adopted.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 595)

The ayes were, 61:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Branstad
Buhr	Carpenter	Chapman	Cohoon
Connolly	Cooper	Diemer	Dvorsky
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Holveck	Hummel	Jay	Jochum
Knapp	Koenigs	Kremer	Lageschulte
May	McKinney	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Parker
Pavich	Peterson, M. K.	Platt	Poncy
Renaud	Rosenberg	Running	Sherzan
Siegrist	Skow	Spear	Stueland
Swartz	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 30:

Beaman	Bennett	Clark	Corbett
Corey	Daggett	De Groot	Eddie
Garman	Hanson, D. R.	Hermann	Hester
Lundby	Maulsby	McKean	Metcalf
Miller	Paulin	Peters	Petersen, D. F.
Plasier	Renken	Schnekloth	Schrader
Shoning	Shoultz	Svoboda	Tabor
Tyrrell	Van Maanen		

Absent or not voting, 9:

Connors	Doderer	Fey	Johnson
Osterberg	Pellett	Royer	Stromer
Swearingen			

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:

Lageschulte of Bremer on request of Shoultz of Black Hawk; Skow of Guthrie on request of Koenigs of Mitchell, both for the remainder of the day.

**House File 603**, a bill for an act establishing and appropriating from a housing trust fund and appropriating its funds, was taken up for consideration.

Shoultz 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. 603)

The ayes were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Cooper
Diemer	Doderer	Dvorsky	Fogarty
Fuller	Groninga	Gruhn	Hammond
Hansen, S. D.	Harper	Hatch	Haverland
Hermann	Holveck	Jay	Jochum
Knapp	Koenigs	May	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Shoultz	Siegrist	Spear
Svoboda	Swartz	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 33:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hester	Hummel
Kremer	Lundby	Maulsby	McKean
Metcalf	Miller	Paulin	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schnekloth	Shoning	Stueland	Tyrrell
Van Maanen			

Absent or not voting, 12:

Connors	Fey	Halvorson, R. N.	Johnson
Lageschulte	Osterberg	Parker	Pellett
Sherzan	Skow	Stromer	Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 591**, a bill for an act relating to domestic abuse, assaults involving an act of domestic abuse, and court orders issued and enforced pursuant to the domestic abuse law, and providing penalties, was taken up for consideration.

Neuhauser of Johnson offered the following amendment H—3277 filed by Neuhauser, et al., and moved its adoption:

H—3277

- 1 Amend House File 591 as follows:
- 2 1. Page 1, by inserting after line 5 the follow-
- 3 ing:
- 4 "Sec. \_\_\_\_\_. Section 236.5, subsection 2, Code 1987,
- 5 is amended by adding the following new paragraph:
- 6 **NEW PARAGRAPH.** The order shall state whether a
- 7 person is to be taken into custody by a peace officer
- 8 for a violation of the terms stated in the order.
- 9 Sec. \_\_\_\_\_. Section 236.5, subsection 4, Code 1987,
- 10 is amended to read as follows:
- 11 4. A certified copy of any order or approved
- 12 consent agreement shall be issued to the plaintiff,
- 13 the defendant and law enforcement agencies having
- 14 jurisdiction to enforce the order or consent
- 15 agreement, and the twenty-four hour dispatcher for the
- 16 law enforcement agencies. Any subsequent amendment or
- 17 revocation of an order or consent agreement shall be
- 18 forwarded by the clerk to all individuals and agencies
- 19 previously notified."
- 20 2. Page 1, by striking lines 13 through 15 and
- 21 inserting the words "arising from domestic abuse. If
- 22 held in contempt, the".
- 23 3. Page 1, by striking lines 22 through 30 and
- 24 inserting the following: "any a civil or criminal
- 25 order or, a protective order issued in a criminal
- 26 prosecution of a domestic abuse violation, approved
- 27 consent agreement issued pursuant to this chapter, or,
- 28 any order or consent agreement entered in a juvenile
- 29 court action arising from domestic abuse. If a peace
- 30 officer has probable cause to believe that a person
- 31 has violated any a civil or criminal order, a
- 32 protective order issued in a criminal prosecution of a
- 33 domestic abuse violation, or approved consent

34 agreement, the peace officer shall take”.

35 4. Page 2, by striking lines 22 through 28 and  
36 inserting the following:

37 “**NEW SUBSECTION. 3. a.** A peace officer may, with  
38 or without a warrant, arrest a person under section  
39 708.2, subsection 3, if, upon investigation, including  
40 a reasonable inquiry of the alleged victim and other  
41 witnesses, the officer has probable cause to believe  
42 that domestic abuse has been committed.

43 b. A peace officer shall, with or without a  
44 warrant, arrest a person under section 708.2,  
45 subsection 2, if, upon investigation, including a  
46 reasonable inquiry of the alleged victim and other  
47 witnesses, the officer has probable cause to believe  
48 that domestic abuse has been committed and that bodily  
49 injury has resulted therefrom.

50 c. A peace officer shall, with or without a

**Page 2**

1 warrant, arrest a person under section 708.2,  
2 subsection 1, if, upon investigation, including a  
3 reasonable inquiry of the alleged victim and other  
4 witnesses, the officer has probable cause to believe  
5 that domestic abuse has been committed and that the  
6 assault was committed with the intent to commit  
7 serious injury.”

8 5. Renumber sections and correct internal  
9 references as necessary in accordance with this  
10 amendment.

**Amendment H—3277 was adopted.**

Doderer of Johnson offered the following amendment H—3373  
filed by her and moved its adoption:

**H—3373**

1 Amend House File 591 as follows:

2 1. By striking page 3, line 28, through page 5,  
3 line 13.

**Amendment H—3373 was adopted.**

Brammer of Linn offered the following amendment H—3352 filed  
by him and moved its adoption:

**H—3352**

1 Amend House File 591 as follows:

2 1. Page 5, by striking line 23 and inserting the  
3 following: “defined in section 708.1, who is subject  
4 to mandatory arrest pursuant to section 236.12 and who  
5 performs a sex act with the”.

Amendment H—3352 was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

McKean of Jones, for the remainder of the day, on request of Gruhn of Dickinson.

Metcalf of Polk offered the following amendment H—3264 filed by her:

H—3264

- 1 Amend House File 591 as follows:
- 2 1. Page 6, by inserting after line 2 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 728.4, Code 1987, is amended by
- 5 striking the section and inserting the following:
- 6 728.4 SALE OF OBSCENE MATERIAL.
- 7 A person who knowingly sells or offers for sale
- 8 obscene material commits a class "D" felony. Charges
- 9 under this section may only be brought by a county
- 10 attorney or the attorney general.
- 11 Sec. \_\_\_\_\_. Section 728.12, subsection 2, Code 1987,
- 12 is amended to read as follows:
- 13 2. A person commits a class "~~D~~" "C" felony when
- 14 the person knowingly promotes any material visually
- 15 depicting a live performance of a child engaging in a
- 16 prohibited sexual act or in the simulation of a,
- 17 prohibited sexual act. Notwithstanding section 902.9,
- 18 the court may assess a fine of not more than twenty-
- 19 five thousand dollars for each offense under this
- 20 subsection in addition to imposing any other
- 21 authorized sentence."

Fey of Scott rose on a point of order that amendment H—3264 was not germane.

The Speaker ruled the point well taken and amendment H—3264 not germane.

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. 591)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Cooper	Corbett	Corey	De Groot

Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Knapp	Koenigs	Lundby
May	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Parker	Paulin	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Siegrist	Spear	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 4:

Kremer	Maulsby	Renken	Van Maanen
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Absent or not voting, 12:

Connors	Daggett	Johnson	Lageschulte
McKean	Osterberg	Pellett	Plasier
Shultz	Skow	Stromer	Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 586, 610, 533, 345, 595, 603 and 591.

### HOUSE FILES DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 319, 460 and 422 be deferred and that the bills retain their place on the calendar.

**House File 505**, a bill for an act relating to adoption decrees for children born outside of the United States, was taken up for consideration.

Mullins of Kossuth offered the following amendment H—3309 filed by her and moved its adoption:

H—3309

- 1 Amend House File 505 as follows:
- 2 1. Page 1, by inserting after line 20 the
- 3 following:

4 "Sec. \_\_\_\_\_. APPLICABILITY. Section 3 of this Act  
5 applies to adoptions finalized on or after the  
6 effective date of this Act."

Amendment H—3309 was adopted.

Mullins 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?" (H.F. 505)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Chapman
Clark	Cohoon	Connolly	Corbett
Corey	De Groot	Doderer	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Knapp
Koenigs	Kremer	Lundby	Maulsby
May	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Parker	Paulin	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Spear	Stueland	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 16:

Carpenter	Connors	Cooper	Daggett
Diemer	Dvorsky	Eddie	Harbor
Johnson	Lageschulte	McKean	Osterberg
Pellett	Skow	Stromer	Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 588**, a bill for an act relating to child in need of assistance proceedings, was taken up for consideration.

Rosenberg 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. 588)

The ayes were, 85:

Adams	Arnould	Beaman	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Cooper
Corbett	Corey	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Knapp
Koenigs	Kremer	Lundby	Maulsby
May	McKinney	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Parker	Paulin	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stueland
Svoboda	Swartz	Tabar	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 15:

Beatty	Connors	Daggett	Doderer
Johnson	Lageschulte	McKean	Metcalf
Osterberg	Pavich	Pellett	Platt
Skow	Stromer	Swearingen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 520**, a bill for an act relating to the regulation of membership campgrounds, membership camping operators, and membership camping contracts, requiring registration and disclosures, providing for cancellation of membership camping contracts, providing remedies, providing penalties, and providing properly related matters, was taken up for consideration.

McKinney of Dallas offered the following amendment H-3252 filed by him and moved its adoption:

H-3252

- 1 Amend House File 520 as follows:
- 2 1. Page 11, line 22; by striking the words "of

- 3 any" and inserting the following: "or any".  
 4 2. Page 11, by striking lines 26 and 27.  
 5 3. Page 17, line 28, by striking the word  
 6 "advertising" and inserting the word "advertisement".  
 7 4. Page 19, line 10, by striking the words "this  
 8 section" and inserting the following: "registration  
 9 under sections 557B.2 and 557B.3".  
 10 5. Page 19, line 15, by striking the words "this  
 11 section" and inserting the following: "registration  
 12 under sections 557B.2 and 557B.3".  
 13 6. Page 19, line 19, by striking the word  
 14 "reasonable" and inserting the word "reasonably".  
 15 7. Page 19, line 23, by striking the words "this  
 16 section" and inserting the following: "registration  
 17 under sections 557B.2 and 557B.3".  
 18 8. Page 19, line 32, by striking the words "this  
 19 section" and inserting the following: "registration  
 20 under sections 557B.2 and 557B.3".  
 21 9. Page 20, line 11, by striking the words "this  
 22 section" and inserting the following: "registration  
 23 under sections 557B.2 and 557B.3".  
 24 10. Page 20, line 15, by striking the words "this  
 25 section" and inserting the following: "registration  
 26 under sections 557B.2 and 557B.3".  
 27 11. By relettering as necessary.

Amendment H—3252 was adopted.

McKinney of Dallas offered the following amendment H—3196 filed by him and moved its adoption:

H—3196

- 1 Amend House File 520 as follows:  
 2 1. Page 17, line 12, by inserting after the word  
 3 "indebtedness." the following: "The aggregate  
 4 liability of the surety for all damages shall not  
 5 exceed the amount of the bond."

Amendment H—3196 was adopted.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 520)

The ayes were, 73:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohon	Cooper	Corey

De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Hermann	Hester	Holveck	Jay
Jochum	Knapp	Koenigs	Kremer
May	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Spear
Stueland	Svoboda	Swartz	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 12:

Beaman	Corbett	Eddie	Garman
Hanson, D. R.	Hummel	Lundby	Maulsby
Paulin	Renken	Schnekloth	Van Maanen

Absent or not voting, 15:

Connolly	Connors	Daggett	Haverland
Johnson	Lageschulte	McKean	Ollie
Osterberg	Parker	Pellett	Plasier
Skow	Stromer	Swearingen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Ollie of Clinton and Connolly of Dubuque on request of Halvorson of Webster, both for the remainder of the day.

**House File 536**, a bill for an act relating to public bonds by specifying requirements for the issuance of certain bonds, providing for the use of bond proceeds, and providing for the security of certain bonds, was taken up for consideration.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 536)

The ayes were, 81:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan

Brammer	Branstad	Buhr	Carpenter
Clark	Cohoon	Cooper	Corbett
Corey	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jochum	Knapp	Koenigs	Kremer
Lundby	Maulsby	May	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Parker	Paulin
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shultz	Siegrist
Spear	Stueland	Swartz	Tabor
Teaford	Tyrell	Van Camp	Van Maanen
Mr. Speaker			

The nays were, 1:

Hummel

Absent or not voting, 18:

Chapman	Connolly	Connors	Daggett
Doderer	Johnson	Lageschulte	McKean
Ollie	Osterberg	Pavich	Pellett
Petersen, D. F.	Skow	Stromer	Svoboda
Swearingen	Wise		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Teaford of Black Hawk, for the remainder of the day, on request of Harper of Black Hawk.

**House File 438**, a bill for an act relating to the definition of a snowmobile, with report of committee recommending amendment and passage was taken up for consideration.

Platt of Muscatine asked and received unanimous consent to temporarily defer action on amendment H—3181.

Platt of Muscatine offered the following amendment H—3320 filed by him and Black of Jasper and moved its adoption:

H-3320

- 1 Amend House File 438 as follows:  
 2 1. By striking everything after the enacting  
 3 clause and inserting the following:  
 4 "Section 1. NEW SECTION. 321G.30 ALL-TERRAIN  
 5 VEHICLES.  
 6 For the purposes of section 321G.2, subsection 2,  
 7 and sections 321G.3 through 321G.7, 321G.15, 321G.21,  
 8 and 321G.25 through 321G.27, the term "snowmobile"  
 9 shall include all-terrain vehicles as defined in  
 10 section 321.1 and all-terrain vehicles shall be  
 11 subject to registration requirements provided for  
 12 snowmobiles in this chapter."

Amendment H-3320 was adopted, placing out of order amendment H-3181, temporarily deferred, filed by the committee on natural resources and outdoor recreation on March 13, 1987.

Platt 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. 438)

The ayes were, 78:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Cooper	Corbett
Corey	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Knapp
Koenigs	Lundby	May	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrgard	Parker	Paulin	Pavich
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stueland
Svoboda	Swartz	Tyrrell	Van Maanen
Wise	Mr. Speaker		

The nays were, 6:

Kremer	Maulsby	Petersen, D. F.	Renken
Royer	Van Camp		

Absent or not voting, 16:

Brammer	Connolly	Connors	Daggett
Johnson	Lageschulte	McKean	Muhlbauer
Ollie	Osterberg	Pellett	Skow
Stromer	Swearingen	Tabor	Teaford

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 505, 588, 520 and 536.

### 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, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 180, a bill for an act relating to economic crisis relief by providing for a small business legal services program and a small business mediation program, and making appropriations.

Also: That the Senate has on March 27, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 209, a bill for an act exempting gas public utilities having less than two thousand customers from the rate regulation authority of the utilities board and defining the areas in which such utilities remain subject to regulation and providing an effective date.

Also: That the Senate has on March 27, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 384, a bill for an act relating to section 321.445 of the Code, and providing an effective date.

Also: That the Senate has on March 27, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 387, a bill for an act directing certain political subdivisions of the state to consider joint purchases of equipment.

Also: That the Senate has on March 27, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 389, a bill for an act relating to free landowner and tenant licenses for taking deer or wild turkey.

JOHN F. DWYER, Secretary

**MOTIONS TO RECONSIDER**  
(House File 244)

I move to reconsider the vote by which House File 244 passed the House on March 27, 1987.

HANSEN of Woodbury

(House File 244)

I move to reconsider the vote by which House File 244 passed the House on March 27, 1987.

STROMER of Hancock

(House File 438)

I move to reconsider the vote by which House File 438 passed the House on March 27, 1987.

HUMMEL of Benton

(House File 438)

I move to reconsider the vote by which House File 438 passed the House on March 27, 1987.

PLATT of Muscatine

(House File 617)

I move to reconsider the vote by which House File 617 passed the House on March 27, 1987.

PARKER of Jasper

(House File 617)

I move to reconsider the vote by which House File 617 passed the House on March 27, 1987.

HOLVECK of Polk

**PRESENTATION OF VISITORS**

The Speaker announced that the following visitors were present in the House chamber:

Eighteen sixth grade students from Orient Elementary School, Orient, accompanied by Mr. Dunlevy. By Skow of Guthrie and Beaman of Clarke.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENTS

### **H.S.B. 315 Ways and Means**

Relating to exemption certificates for the resale and processing exemptions of the state sales, services, and use tax.

### **H.S.B. 316 Ways and Means**

Imposing the sales, services, and use tax upon certain membership fees or charges of private, not-for-profit organizations.

### **H.S.B. 317 Ways and Means**

Relating to the determination, for purposes of the state sales, services, and use tax, of gross receipts and purchase price when tangible personal property is traded to the retailer as part of the transaction subject to the tax.

### **H.S.B. 318 Ways and Means**

Relating to transportation funding to support business, industrial, and agricultural development by the establishment of a commercial network of highways funded by an increase in the rate of excise taxes on motor fuel and special fuel, by the creation of a comprehensive transportation development fund consolidating the funding for railroads, aeronautics, bikeways, recreational trails, commercial navigation, and intermodal projects, by establishing an excise tax on transportation fuels used by rail, air, and water transportation, by establishing an excise tax on rail freight transportation, by providing for the registration of aircraft, and providing effective dates.

## SUBCOMMITTEE ASSIGNMENTS

### House File 597

Education: Teaford, Chair; Beaman, Connolly, Corey and Harper.

### House File 628

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

## AMENDMENTS FILED

H-3438	H.F.	650	Spear of Lee
H-3439	H.F.	650	Spear of Lee
H-3440	H.F.	631	Paulin of Plymouth
H-3443	H.F.	631	Hansen of Woodbury McKinney of Dallas
H-3444	H.F.	656	Teaford of Black Hawk

H—3445	H.F.	567	Peterson of Carroll
Black of Jasper			Brammer of Linn
Clark of Cerro Gordo			Teaford of Black Hawk
Siegrist of Pottawattamie			Fey of Scott
			Bisignano of Polk
H—3446	H.F.	631	Peterson of Carroll
Cooper of Lucas			Tabor of Jackson
Fogarty of Palo Alto			Paulin of Plymouth
Bisignano of Polk			Lundby of Linn
Harbor of Mills			Mullins of Kossuth
H—3447	H.F.	631	Shoultz of Black Hawk
H—3448	H.F.	624	Jay of Appanoose
H—3449	H.F.	624	Kremer of Buchanan
H—3450	H.F.	654	Schrader of Marion
H—3451	H.F.	631	Paulin of Plymouth
Renaud of Polk			Running of Linn
Miller of Cherokee			Maulsby of Calhoun
Renken of Grundy			Shoning of Woodbury
De Groot of Lyon			Jay of Appanoose
Petersen of Muscatine			Siegrist of Pottawattamie
			Halvorson of Clayton
H—3452	H.F.	467	Schnekloth of Scott
H—3453	H.F.	631	Van Camp of Scott
H—3454	H.F.	631	Maulsby of Calhoun
H—3455	H.F.	609	Van Camp of Scott
H—3456	H.F.	567	Brammer of Linn
H—3457	H.F.	393	Renaud of Polk
			Swartz of Marshall
			Jay of Appanoose
H—3458	H.F.	393	Hummel of Benton

On motion by Arnould of Scott, the House adjourned at 1:23 p.m., until 10:00 a.m., Monday, March 30, 1987.

# JOURNAL OF THE HOUSE

Seventy-eighth Calendar Day — Fifty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, March 30, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Dana Wimmer, pastor of the United Methodist Church, Rockwell City.

The Journal of Friday, March 27, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Chapman of Linn from one hundred fifty-nine constituents of District 49 favoring Senate File 219, relating to adolescent pregnancy prevention.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Eddie of Buena Vista, for March 30 and 31, 1987 on request of Stueland of Clinton; Plasier of Sioux, until his arrival, on request of Miller of Cherokee; Muhlbauer of Crawford, until his arrival, on request of Cooper of Lucas; Peters of Woodbury, until his arrival, on request of Bisignano of Polk; Clark of Cerro Gordo, until her arrival, on request of Carpenter of Polk and Hester of Pottawattamie, until her arrival, on request of Siegrist of Pottawattamie.

## SENATE MESSAGE CONSIDERED

**Senate File 374**, by committee on judiciary, a bill for an act relating to statutory corrections of a noncontroversial and nonsubstantive nature.

Read first time and referred to committee on **judiciary and law enforcement**.

## 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, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 38, a bill for an act relating to conservation easements.

Also: That the Senate has on March 26, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 55, a bill for an act to remove the requirement that a gambling license cannot be issued for a period of two years for a location for which a gambling license was revoked, and removing the prohibition against conducting games of skill, games of chance, and raffles on the premises of a liquor control licensee or beer permittee.

Also: That the Senate has on March 26, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 76, a bill for an act relating to third-party payor reimbursements for patient charges at a mental health institute.

Also: That the Senate has on March 26, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 90, a bill for an act relating to the county responsible for payment of costs for commitment of admission to a state hospital for the mentally ill.

Also: That the Senate has on March 26, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 132, a bill for an act relating to the payment of delinquent property taxes.

Also: That the Senate has on March 26, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 283, a bill for an act relating to the duties of a trustee upon appointment by requiring the filing of an inventory of the property of the trust.

Also: That the Senate has on March 26, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 341, a bill for an act relating to the standard of proof required under forfeiture of property law.

JOHN F. DWYER, Secretary

## HOUSE FILE 631 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 631 be deferred and that the bill retain its place on the calendar.

## CONSIDERATION OF BILLS Regular Calendar

**House File 567**, a bill for an act relating to the permanency plan and placement of a child in need of assistance, was taken up for consideration.

Brammer of Linn offered the following amendment H - 3403 filed by him:

H-3403

1 Amend House File 567 as follows:

2 1. By striking page 1, line 1 through page 2,  
3 line 17 and inserting the following:

4 "Section 1. Section 232.50, Code 1987, is amended  
5 to read as follows:

6 232.50 DISPOSITIONAL HEARING.

7 1. As soon as practicable following the entry of  
8 an order of adjudication pursuant to section 232.47,  
9 the court shall hold a dispositional hearing in order  
10 to determine what disposition should be made of the  
11 matter.

12 2. The court shall hold a periodic dispositional  
13 review hearing for each child in placement pursuant to  
14 section 232.52, subsection 2, paragraph "d" or "e", to  
15 determine the future disposition status of the child.  
16 The hearings shall not be waived or continued beyond  
17 eighteen months after the last dispositional hearing  
18 or dispositional review hearing.

19 2 3. At that hearing dispositional hearings under  
20 this section all relevant and material evidence shall  
21 be admitted.

22 3 4. When the a dispositional hearing under this  
23 section is concluded the court shall enter an order to  
24 make any one or more of the dispositions authorized  
25 under section 232.52.

26 Sec. 2. Section 232.95, Code 1987, is amended by  
27 adding the following new subsection:

28 **NEW SUBSECTION. 4.** If the court orders the child  
29 removed from the home pursuant to subsection 2,  
30 paragraph "a", the court shall hold a hearing to  
31 review the removal order within six months unless a  
32 dispositional hearing pursuant to section 232.99 has  
33 been held.

34 Sec. 3. section 232.102, subsection 7, Code 1987,  
35 is amended to read as follows:

36 7. The duration of any placement made after an  
37 order pursuant to this section shall be for an initial  
38 period of six months. At the expiration of that  
39 period and every six months thereafter, the court  
40 shall hold a hearing and review the placement An  
41 agency, facility, institution, or person to whom  
42 custody of the child has been transferred pursuant to  
43 this section shall file a written report with the  
44 court at least every six months concerning the status  
45 and progress of the child. The court shall hold a  
46 periodic dispositional review hearing for each child  
47 in placement pursuant to this section in order to  
48 determine whether the child should be returned home,  
49 an extension of the placement should be made, a  
50 permanency hearing should be held, or a termination of

Page 2

1 the parent-child relationship proceeding should be  
 2 instituted. The placement shall be terminated and the  
 3 child returned to the child's home if the court finds  
 4 by a preponderance of the evidence that the child will  
 5 not suffer harm in the manner specified in section  
 6 232.2, subsection 6. If the placement is extended,  
 7 the court shall determine whether additional services  
 8 are necessary to facilitate the return of the child to  
 9 the child's home, and if the court determines such  
 10 services are needed, the court shall order the  
 11 provision of such services. When the child is not  
 12 returned to the child's home and if the child has been  
 13 previously placed in a licensed foster care facility,  
 14 the department or agency responsible for the placement  
 15 of the child shall consider placing the child in the  
 16 same licensed foster care facility.

17 a. The initial dispositional review hearing shall  
 18 not be waived or continued beyond six months after the  
 19 date of the dispositional hearing.

20 b. Subsequent dispositional review hearings shall  
 21 not be waived or continued beyond twelve months after  
 22 the date of the most recent dispositional review  
 23 hearing.

24 c. For purposes of this subsection, a hearing held  
 25 pursuant to section 232.103 satisfies the requirements  
 26 for initial or subsequent dispositional review.

27 **Sec. 4. NEW SECTION. 232.104 PERMANENCY HEARING.**

28 1. If custody of a child has been transferred for  
 29 placement pursuant to section 232.102 for a period of  
 30 twelve months, or if the prior legal custodian of a  
 31 child has abandoned efforts to regain custody of the  
 32 child, the court shall, on its own motion, or upon  
 33 application by any interested party, hold a hearing to  
 34 consider the issue of the establishment of permanency  
 35 for the child.

36 Such a permanency hearing may be held concurrently  
 37 with a hearing to review, modify, substitute, vacate,  
 38 or terminate a dispositional order. Reasonable notice  
 39 of a permanency hearing in a case of juvenile  
 40 delinquency shall be provided pursuant to section  
 41 232.37. A permanency hearing shall be conducted in  
 42 substantial conformance with the provisions of section  
 43 232.99. During the hearing the court shall consider  
 44 the child's need for a secure and permanent placement  
 45 in light of any permanency plan or evidence submitted  
 46 to the court. Upon completion of the hearing the  
 47 court shall enter written findings and make a  
 48 determination based upon the permanency plan which  
 49 will best serve the child's individual interests at  
 50 that time.

## Page 3

- 1 2. After a permanency hearing the court shall do  
2 one of the following:
- 3 a. Enter an order pursuant to section 232.102 to  
4 return the child to the child's home.
- 5 b. Enter an order pursuant to section 232.102 to  
6 continue placement of the child for an additional six  
7 months at which time the court shall hold a hearing to  
8 consider modification of its permanency order.
- 9 c. Direct the county attorney or the attorney for  
10 the child to institute proceedings to terminate the  
11 parent-child relationship.
- 12 d. Enter an order, pursuant to findings required  
13 by subsection 3, to do one of the following:
- 14 (1) Transfer guardianship and custody of the child  
15 to a suitable person.
- 16 (2) Transfer sole custody of the child from one  
17 parent to another parent.
- 18 (3) Transfer custody of the child to a suitable  
19 person for the purpose of long-term care.
- 20 (4) Order long-term foster care placement for the  
21 child in a licensed foster care home or facility.
- 22 3. Prior to entering a permanency order pursuant  
23 to subsection 2, paragraph "d", convincing evidence  
24 must exist showing that all of the following apply:
- 25 a. A termination of the parent-child relationship  
26 would not be in the best interest of the child.
- 27 b. Services were offered to the child's family to  
28 correct the situation which led to the child's removal  
29 from the home.
- 30 c. The child cannot be returned to the child's  
31 home.
- 32 4. Any permanency order may provide restrictions  
33 upon the contact between the child and the child's  
34 parent or parents, consistent with the best interest  
35 of the child.
- 36 5. Subsequent to the entry of a permanency order  
37 pursuant to this section, the child shall not be  
38 returned to the care, custody, or control of the  
39 child's parent or parents, over a formal objection  
40 filed by the child's attorney or guardian ad litem,  
41 unless the court finds by clear and convincing  
42 evidence, that returning the child to such custody  
43 would be in the best interest of the child.
- 44 6. Following the entry of a permanency order which  
45 places a child in the custody or guardianship of  
46 another person or agency, the court shall retain  
47 jurisdiction and annually review the order to  
48 ascertain whether the best interest of the child is  
49 being served. Any modification shall be accomplished  
50 through a hearing procedure following reasonable

**Page 4**

1 notice. During the hearing, all relevant and material  
 2 evidence shall be admitted and procedural due process  
 3 shall be provided to all parties.

4 Sec. 5. Section 232.117, subsection 5, Code 1987,  
 5 is amended to read as follows:

6 5. If the court orders the termination of parental  
 7 rights and transfers guardianship and custody under  
 8 subsection 3, the department of human services or the  
 9 agency responsible for the placement shall submit a  
 10 case permanency plan to the court and shall make every  
 11 effort to establish a stable placement for the child  
 12 by adoption or other permanent placement. The child's  
 13 placement shall be reviewed by the court every six  
 14 months until the child is adopted."

15 2. Page 2, line 25, by striking the word "six"  
 16 and inserting the following: "twelve".

17 3. Page 2, line 34, by striking the word "six"  
 18 and inserting the following: "twelve".

19 4. By renumbering as necessary.

Connors of Polk in the chair at 10:16 a.m.

Brammer of Linn offered the following amendment H—3456, to  
 amendment H—3403, filed by him and moved its adoption:

H—3456

1 Amend the amendment, H—3403, to House File 567 as  
 2 follows:

3 1. Page 2, line 25, by inserting after the figure  
 4 "232.103" the following: "or 232.104".

5 2. Page 3, line 49, by inserting after the word  
 6 "served." the following: "When such order places the  
 7 child in the custody of the department for the purpose  
 8 of long-term foster care placement in a facility, the  
 9 review shall be in a hearing that shall not be waived  
 10 or continued beyond twelve months after the permanency  
 11 hearing or the last review hearing."

12 3. Page 4, by striking lines 15 and 16.

Amendment H—3456 was adopted.

Arnould of Scott asked and received unanimous consent that  
 House File 567 be deferred and that the bill retain its place on  
 the calendar.

(Amendment H—3403, as amended, pending.)

### HOUSE FILES 609 AND 527 DEFERRED

Arnould of Scott asked and received unanimous consent that  
 House Files 609 and 527 be deferred and that the bills retain  
 their place on the calendar.

**House File 613**, a bill for an act relating to the licensing and examination of first mortgage bankers and mortgage brokers, and regulation of other mortgage lenders, and providing penalties, was taken up for consideration.

Chapman of Linn offered the following amendment H—3432 filed by her:

H—3432

- 1 Amend House File 613 as follows:
- 2 1. Page 2, by striking lines 3 through 16 and
- 3 inserting the following:
- 4 "This chapter, except for sections 535B.10,
- 5 535B.11, and 535B.12, does not apply to any of the
- 6 following:
- 7 1. A national bank.
- 8 2. A federally chartered savings and loan
- 9 association.
- 10 3. A federally chartered savings bank.
- 11 4. A federally chartered credit union.
- 12 5. A loan company licensed under chapter 536 or
- 13 536A.
- 14 6. A bank organized under chapter 524.
- 15 7. A savings and loan association or savings bank
- 16 organized under chapter 534.
- 17 8. A credit union organized under chapter 533.
- 18 9. A wholly owned subsidiary of an organization
- 19 listed in subsections 1 through 8 if the listed
- 20 organization has its principal place of business in
- 21 Iowa.
- 22 10. A bank, savings and loan association, or
- 23 credit union organized or chartered under the laws of
- 24 any other state provided the financial institution has
- 25 a place of business in Iowa.
- 26 11. Mortgage lenders of mortgage bankers
- 27 maintaining an office in this state whose principal
- 28 business in this state is conducted with or through
- 29 mortgage lenders or mortgage bankers otherwise exempt
- 30 under this section."
- 31 2. Page 5, by inserting after line 23 the
- 32 following:
- 33 "1. Within one hundred twenty days after the end
- 34 of a licensee's fiscal year, the licensee shall file
- 35 financial statements which are certified by an
- 36 independent accounting firm."
- 37 3. Page 5, line 29 by inserting after the word
- 38 "licensee," the following: "However, if the financial
- 39 statement required by subsection 1 shows that the
- 40 licensee satisfies the minimum net worth requirement
- 41 necessary to be an approved mortgagee by the United

42 States department of housing and urban development  
43 pursuant to its guidelines, as amended, the licensee  
44 is not subject to an investigation or examination as  
45 described in this subsection.

46 3. Notwithstanding subsection 2, all licensees are  
47 subject to a limited examination by the administrator  
48 to investigate any specific complaint or alleged  
49 violation about a licensee made to the administrator.  
50 Such investigation or examination by the administrator

**Page 2**

1 shall be restricted to acquiring the information from  
2 the licensee necessary to resolve the specific  
3 complaint or relevant to the alleged violation."

4 4. Page 5, by striking line 30 and inserting the  
5 following:

6 "4. In conducting any examination under this  
7 section, the administrator may rely on".

8 5. By striking page 6, line 33 through page 7,  
9 line 10.

10 6. Page 8, by striking lines 21 through 25.

11 7. Page 8, line 26 by striking the word "five"  
12 and inserting the following: "ten".

13 8. Page 8, line 30 by striking the word "thirty"  
14 and inserting the following: "forty-five".

15 9. Page 9, line 9 by inserting after the word  
16 "days." the following: "The administrator may waive  
17 the penalty if the administrator finds the failure was  
18 not intentional and resulted from bona fide error  
19 notwithstanding the maintenance of procedures  
20 reasonably adapted to avoid error."

21 10. Page 9, by striking lines 10 through 31 and  
22 inserting the following:

23 "6. If a person in connection with a first  
24 mortgage loan has possession of an abstract of title  
25 and fails to deliver the abstract to the borrower  
26 within twenty calendar days of the borrower's request  
27 made by certified mail return receipt requested in  
28 connection with a proposed sale of the property, then  
29 the borrower may authorize the preparation of a new  
30 abstract of title to the property and the person  
31 failing to deliver the original abstract shall pay to  
32 the borrower the reasonable costs of preparation. If  
33 the borrower brings an action against the person  
34 failing to deliver to recover such payment and in the  
35 action recovers the payment, then the borrower shall  
36 also be entitled to recover attorney fees and court  
37 costs incurred in the action."

38 11. Page 10, by striking lines 1 and 2 and  
39 inserting the following: "post all periodic payments  
40 in full within two business days of receipt."

- 41 12. Page 11, line 20 by striking the words “, but  
 42 is not limited to.”  
 43 13. Page 11, line 22, by striking the words  
 44 “mortgage applicant or”.  
 45 14. Page 11, by striking lines 24 and 25.  
 46 15. By renumbering and relettering as necessary.

Chapman of Linn offered the following amendment H—3460, to amendment H—3432, filed by her from the floor and moved its adoption:

H—3460

- 1 Amend amendment H—3432 to House File 613 as follows:  
 2 1. Page 1, by striking line 47 through page 2, line  
 3 3, and inserting the following: “subject to limited  
 4 examination by the administrator to investigate  
 5 complaints or alleged violations about the licensee  
 6 made to the administrator. Such investigation or  
 7 examination by the administrator shall be restricted to  
 8 acquiring information from the licensee relevant to the  
 9 alleged violations.”

Amendment H—3460 was adopted.

On motion by Chapman of Linn, amendment H—3432, as amended, was adopted.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (H.F. 613)

The ayes were, 93:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Cohoon	Connolly
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Holveck	Hummel	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy

Renaud	Renken	Rosenberg	Royer
Running	Schneklloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker (Connors)			

The nays were, none.

Absent or not voting, 7:

Clark	Eddie	Hester	Jay
Muhlbauer	Peters	Plasier	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 382**, a bill for an act to reserve a specific amount of a claim payable on an insurance policy on property located within the corporate limits of a city for the cost of demolition of the property by the city, with report of committee recommending amendment and passage, was taken up for consideration.

Hatch of Polk offered the following amendment H—3251 filed by the committee on local government and moved its adoption:

H—3251

- 1 Amend House File 382 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "city" the following: "with a population of twenty
- 4 thousand or more".

The committee amendment H—3251 was adopted.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 382)

The ayes were, 80:

Adams	Arnould	Avenson	Beaman
Beatty	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Cohoon
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hermann	Holveck	Jochum

Johnson	Knapp	Koenigs	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Paulin
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Van Camp	Wise	Mr. Speaker (Connors)

The nays were, 11:

Bennett	Branstad	Garman	Halvorson, R. N.
Harbor	Hummel	Kremer	Maulsby
Poncy	Tyrrell	Van Maanen	

Absent or not voting, 9:

Bisignano	Clark	Eddie	Hester
Jay	Muhlbauer	Parker	Peters
Plasier			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGES (House File 613 and 382)

Arnould of Scott asked and received unanimous consent that House Files 613 and 382 be immediately messaged to the Senate.

#### HOUSE FILES 629 AND 594 DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 629 and 594 be deferred and that the bills retain their place on the calendar.

**House File 636**, a bill for an act relating to international trade by establishing the Iowa export business finance program, directing the department of economic development, to the extent funds are available, to provide for certain economic development activities and services, and suggesting the legislative council study the feasibility of establishing a world trade institute and its programs and activities, was taken up for consideration.

Skow 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. 636)

The ayes were, 86:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Chapman	Cphoon	Connolly
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKinney	Metcalf
Miller	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Pavich	Pellett
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Schneklath	Schrader	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker (Connors)		

The nays were, 7:

Clark	Garman	Maulsby	McKean
Paulin	Running	Van Maanen	

Absent or not voting, 7:

Doderer	Eddie	Muhlbauer	Parker
Peters	Plasier	Shultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 640**, a bill for an act relating to revenue adjustments and revised revenue requirements to be reflected in rates and charges to customers of certain public utilities based on the federal Tax Reform Act of 1986, with civil penalties applicable and providing an effective date, was taken up for consideration.

Dvorsky 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. 640)

The ayes were, 89:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Branstad	Buhr
Carpenter	Clark	Cohoon	Connolly
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Paulin
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spew	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker (Connors)			

The nays were, 5:

Chapman	Corey	Maulsby	Renken
Van Maanen			

Absent or not voting, 6:

Eddie	Hermann	Muhlbauer	Parker
Peters	Plasier		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 11:18 a.m.

**House File 641**, a bill for an act relating to the wastewater treatment facility and making variances granted subject to the review of the environmental protection commission, was taken up for consideration.

Holveck 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. 641)

## The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Doderer	Dvorsky	Fey
Fuller	Garman	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Paulin
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poney	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Brammer	Diemer	Eddie	Fogarty
Gruhn	Muhlbauer	Parker	Peters
Plasier			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 636, 640 and 641.

## HOUSE FILE 422 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 422 be deferred and that the bill retain its place on the calendar.

**House File 210**, a bill for an act relating to certain admissions to county care facilities, with report of committee recommending amendment and passage was taken up for consideration.

Norrsgard of Des Moines offered the following amendment H—3217 filed by the committee on human resources and moved its adoption:

H—3217

- 1 Amend House File 210 as follows:
- 2 1. Page 1, line 4, by striking the word "an" and
- 3 inserting the following: "an a".
- 4 2. Page 1, by striking lines 5 through 7 and in-
- 5 serting the following: "intermediate care facility or
- 6 skilled nursing facility health care facility when the
- 7 intermediate care facility or skilled nursing facility
- 8 health care facility has a".
- 9 3. Page 1, by striking lines 9 through 10 and in-
- 10 serting the following: "to properly care for and
- 11 manage the patient. An intermediate care facility or
- 12 skilled nursing facility A health care".
- 13 4. Page 1, by striking lines 12 and 13 and
- 14 inserting the following: "dangerous or disturbing
- 15 behavior when the intermediate care facility or
- 16 skilled nursing facility health care facility".
- 17 5. Page 1, by striking lines 18 and 19 and
- 18 inserting the following: "intermediate care
- 19 facilities and skilled nursing facilities health care
- 20 facilities that admit patients or have".
- 21 6. Page 1, line 25, by striking the word "county"
- 22 and inserting the following: "health".
- 23 7. Page 1, line 27, by striking the word "county"
- 24 and inserting the following: "health".
- 25 8. Page 1, line 29, by striking the word "county"
- 26 and inserting the following: "health".
- 27 9. Page 1, line 30, by striking the word "county"
- 28 and inserting the following: "health".
- 29 10. Page 1, line 32, by striking the word
- 30 "county" and inserting the following: "health".
- 31 11. Page 1, line 34, by striking the word
- 32 "county" and inserting the following: "health".
- 33 12. Page 2, line 18, by striking the words
- 34 "county care facility" and inserting the following:
- 35 "health care facility as defined pursuant to section
- 36 135C.1, subsection 4".
- 37 13. Page 2, line 19, by striking the word
- 38 "county" and inserting the following: "health".
- 39 14. Title page, line 1, by striking the word
- 40 "county" and inserting the following: "health".

The committee amendment H—3217 was adopted.

Norrsgard of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 210)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Paulin
Pavich	Pellett	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Eddie	Muhlbauer	Parker	Peters
Plasier	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGE (House File 210)

Arnould of Scott asked and received unanimous consent that House File 210 be immediately messaged to the Senate.

On motion by Arnould of Scott, the House was recessed at 11:44 a.m., until 1:15 p.m.

### AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed seventy-five members present, twenty-five 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 30, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 139, a bill for an act relating to economic development, by declaring economic development as a public purpose and by allowing money received from the county government assistance fund or the municipal assistance fund to be used for economic development projects.

Also: That the Senate has on March 30, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 208, a bill for an act pertaining to aircraft registration fees for aircraft owned and operated by nonprofit hospitals.

Also: That the Senate has on March 30, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 338, a bill for an act relating to environmental protection performance standards for coal mining and providing an effective date.

Also: That the Senate has on March 30, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 20, a senate concurrent resolution urging the postmaster general to issue a special commemorative stamp to honor Harry Lloyd Hopkins.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 629**, a bill for an act relating to the self-inflicted injury or death of persons being held in a city or county jail or detention facility, previously deferred, was taken up for consideration.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 629)

The ayes were, 90:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Branstad	Carpenter	Clark
Cohoon	Connolly	Cooper	Corey
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch

Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker (Connors)		

The nays were, 5:

Bisignano	Buhr	Fuller	Halvorson, R. N.
Rosenberg			

Absent or not voting, 5:

Chapman	Corbett	Daggett	Eddie
Plasier			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 624**, a bill for an act relating to the distribution, transportation, storage, and use of fireworks, defining fireworks, the presumptions applicable where property is destroyed by fire, establishing permits, licenses, and fees, and providing penalties, was taken up for consideration.

Jay of Appanoose offered the following amendment H—3448 filed by him and moved its adoption:

H—3448

- 1 Amend House File 624 as follows:
- 2 1. Page 3, line 17, by inserting after the word
- 3 "dollars" the words "for each retail outlet".
- 4 2. Title page, by striking lines 2 and 3 and
- 5 inserting the following: "acts or activities
- 6 involving the use of an incendiary or explosive device
- 7 or material, establishing".

Amendment H—3448 was adopted.

Kremer of Buchanan offered the following amendment H—3449 filed by him and moved its adoption:

H-3449

- 1 Amend House File 624 as follows:
- 2 1. Page 4, line 3, by inserting after the word
- 3 "aid" the following: "nor to municipalities".
- 4 2. Page 6, line 1, by inserting after the word
- 5 "aid" the following: "nor to municipalities".

Amendment H-3449 was adopted.

Speaker Avenson in the chair at 2:20 p.m.

Harbor of Mills moved that the bill be read a last time 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. 624)

The ayes were, 52:

Arnould	Beaman	Beatty	Bennett
Brammer	Branstad	Buhr	Cohoon
Connolly	Cooper	Corey	Diemer
Dvorsky	Fey	Halvorson, R. A.	Hammond
Hansen, S. D.	Harbor	Hatch	Hester
Hummel	Jay	Jochum	Koenigs
Kremer	Maulsby	McKinney	Muhlbauer
Ollie	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Shoning	Siegrist	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 43:

Adams	Bisignano	Black	Blanshan
Carpenter	Chapman	Clark	Connors
Corbett	De Groot	Doderer	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. N.	Hanson, D. R.	Harper	Haverland
Holveck	Johnson	Lageschulte	Lundby
May	McKean	Metcalf	Miller
Mullins	Neuhauser	Norrgard	Osterberg
Paulin	Pellett	Petersen, D. F.	Platt
Sherzan	Shoultz	Skow	Spear
Stromer	Tyrrell	Van Maanen	

Absent or not voting, 5:

Daggett	Eddie	Hermann	Knapp
Plasier			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 556**, a bill for an act relating to, and defining, bed and breakfast inns, and subjecting violators to existing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Gruhn of Dickinson offered the following amendment H—3231 filed by the committee on natural resources and outdoor recreation and moved its adoption:

H—3231

- 1 Amend House File 556 as follows:
- 2 1. Page 1, line 4, by striking the words
- 3 "However, an inn".
- 4 2. Page 1, by striking lines 5 through 8.

The committee amendment H—3231 was adopted.

Gruhn of Dickinson moved that the bill be read a last time 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. 556)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Cooper
Corbett	Corey	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard.	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 2:

Bisignano                      Shoultz

Absent or not voting, 5:

Connors                      Daggett                      Eddie                      Haverland  
Plasier

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 639**, a bill for an act relating to investments of Iowa life insurance companies, was taken up for consideration.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 639)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
De Groot	Diemer	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Maulsby
May	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Maanen	Wise
Mr. Speaker			

The nays were, 5:

Garman                      Lundby                      McKean                      Platt  
Van Camp

Absent or not voting, 6:

Daggett                      Doderer                      Dvorsky                      Eddie  
Plasier                      Royer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 310**, a bill for an act relating to acquired immune deficiency syndrome including the establishment of a central registry for victims and screening and testing procedures, with report of committee recommending amendment and passage was taken up for consideration.

Hammond of Story offered the following amendment H—3230 filed by the committee on human resources and moved its adoption:

H—3230

- 1 Amend House File 310 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 "syndrome." the following: "Access to the registry
- 4 shall be limited to departmental personnel having a
- 5 need for such information in connection with their
- 6 official duties."
- 7 2. Page 1, line 14, by striking the word "to" and
- 8 inserting the following: "at the request of".

The committee amendment H—3230 was adopted.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 310)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Cooper
Corey	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Pony	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shultz

Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 6:

Branstad	Corbett	Garman	Lundby
Maulsby	Van Maanen		

Absent or not voting, 5:

Chapman	Daggett	Eddie	Plasier
Tabor			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 629, 624, 556, 639 and 310.

The House resumed consideration of **House File 567**, a bill for an act relating to the permanency plan and placement of a child in need of assistance, and amendment H—3403, as amended, (found on pages 922 through 925 of the House Journal) deferred and retained on the calendar March 30, 1987.

On motion by Brammer of Linn, amendment H—3403, as amended, was adopted.

Peterson of Carroll offered the following amendment H—3445 filed by Peterson, et al., and moved its adoption:

H—3445

- 1 Amend House File 567 as follows:
- 2 1. Page 2, by inserting after line 17 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 232.116, Code 1987, is amended
- 5 to read as follows:
- 6 232.116 GROUNDS FOR TERMINATION.
- 7 1. Except as provided in subsection 6 3, the court
- 8 may order the termination of both the parental rights
- 9 with respect to a child and the relationship between
- 10 the parents parent and the child on any of the
- 11 following grounds:
- 12 1 a. The parents voluntarily and intelligently
- 13 consent to the termination of parental rights and the
- 14 parent-child relationship and for good cause desire
- 15 the termination.

16 2 b. The court finds that there is clear and  
17 convincing evidence that the child has been abandoned.

18 3 c. The court finds that all of the following  
19 have occurred:

20 a. (1) One or both parents has have physically or  
21 sexually abused the child; and.

22 b. (2) The court has previously adjudicated the  
23 child to be a child in need of assistance after  
24 finding the child to have been physically or sexually  
25 abused as the result of the acts or omissions of the  
26 parent one or both parents, or the court has  
27 previously adjudicated a child who is a member of the  
28 same family to be a child in need of assistance after  
29 such a finding; and.

30 e. (3) There is clear and convincing evidence that  
31 the parents were offered but refused services or  
32 failed to cooperate to correct the situation which led  
33 to the abuse or that the parents had received services  
34 to correct the situation which led to the abuse but  
35 the services did not correct the abusive situation.

36 4 d. The court finds that all of the following  
37 have occurred:

38 a. (1) The child has been adjudicated a child in  
39 need of assistance pursuant to section 232.96; and.

40 b. (2) The custody of the child has been  
41 transferred from the child's parents for placement  
42 pursuant to section 232.102 and the placement has  
43 lasted for a period of at least six consecutive  
44 months, but less than twelve consecutive months, and.

45 e. (3) There is clear and convincing evidence that  
46 the child cannot be returned to the custody of the  
47 child's parents as provided in section 232.102; and.

48 d. (4) There is clear and convincing evidence that  
49 the parents have not maintained contact with the child  
50 during the previous six consecutive months and have

**Page 2**

1 made no reasonable efforts to resume care of the child  
2 despite being given the opportunity to do so.

3 5 e. The court finds that all of the following  
4 have occurred:

5 a. (1) The child has been adjudicated a child in  
6 need of assistance pursuant to section 232.96; and.

7 b. (2) The custody of the child has been  
8 transferred from the child's parents for placement  
9 pursuant to section 232.102 for at least twelve of the  
10 last eighteen months; and.

11 e. (3) There is clear and convincing evidence that  
12 the child cannot be returned to the custody of the  
13 child's parents as provided in section 232.102.

14 f. The court finds that all of the following have

15 occurred:

16 (1) The child has been adjudicated a child in need  
 17 of assistance pursuant to section 232.96.

18 (2) The court has terminated parental rights pur-  
 19 suant to section 232.117 with respect to another child  
 20 who is a member of the same family.

21 (3) There is clear and convincing evidence that  
 22 the child cannot be returned to or placed in the  
 23 custody of the child's parents.

24 (4) There is clear and convincing evidence that  
 25 the parent continues to lack the ability or  
 26 willingness to respond to services which would correct  
 27 the situation.

28 (5) There is clear and convincing evidence that an  
 29 additional period of rehabilitation would not correct  
 30 the situation.

31 2. In considering whether to terminate the rights  
 32 of a parent under this section, the court shall give  
 33 primary consideration to the physical, mental, and  
 34 emotional condition and needs of the child. Such  
 35 consideration may include any of the following:

36 a. Whether the parent's ability to provide the  
 37 needs of the child is affected by the parent's mental  
 38 capacity or mental condition or the parent's  
 39 imprisonment for a felony.

40 b. For a child who has been placed in foster  
 41 family care by a court or has been voluntarily placed  
 42 in foster family care by a parent or by another  
 43 person, whether the child has become integrated into  
 44 the foster family to the extent that the child's  
 45 familial identity is with the foster family, and  
 46 whether the foster family is able and willing to  
 47 permanently integrate the child into the foster  
 48 family. In considering integration into a foster  
 49 family, the court shall review the following:

50 (1) The length of time the child has lived in a

**Page 3**

1 stable, satisfactory environment and the desirability  
 2 of maintaining that environment and continuity for the  
 3 child.

4 (2) The reasonable preference of the child, if the  
 5 court determines that the child has sufficient  
 6 capacity to express a reasonable preference.

7 6 3. Notwithstanding the provisions of subsections  
 8 2 to 5 the The court need not terminate the  
 9 relationship between parents the parent and child if  
 10 the court finds any of the following:

11 a. A relative has legal custody of the child; or,

12 b. The child is over ten years of age and objects  
 13 to such the termination; or.

14 c. There is clear and convincing evidence that  
15 such the termination would be detrimental to the child  
16 at the time due to the closeness of the parent-child  
17 relationship; or.

18 d. It is necessary to place the child in a  
19 hospital, facility, or institution for care and  
20 treatment and the continuation of the parent-child  
21 relationship is not preventing a permanent family  
22 placement for the child.

23 e. That the The absence of a parent is due to the  
24 parent's admission or commitment to any institution,  
25 hospital, or health facility or due to active service  
26 in the state or federal armed forces."

27 2. By renumbering as necessary.

Amendment H—3445 was adopted.

Brammer of Linn offered the following amendment H—3409 filed  
by him:

H—3409

1 Amend House File 567 as follows:

2 1. Page 2, by inserting after line 35 the  
3 following:

4 "Sec. \_\_\_\_\_. NEW SECTION. 232.119 ADOPTION  
5 EXCHANGE ESTABLISHED.

6 1. The purpose of this section is to facilitate  
7 the placement of all children in Iowa who are legally  
8 available for adoption through the establishment of an  
9 adoption exchange to help find adoptive homes for  
10 these children.

11 2. An adoption information exchange is established  
12 within the department to be operated by the department  
13 or by an individual or agency under contract with the  
14 department.

15 a. All special needs children under state  
16 guardianship shall be registered on the adoption  
17 exchange within sixty days of the termination of  
18 parental rights pursuant to section 232.117 or 600A.9  
19 and assignment of guardianship to the commissioner.

20 b. Prospective adoptive families requesting a  
21 special needs child shall be registered on the  
22 adoption exchange upon receipt of an approved home  
23 study.

24 3. To register a child on the exchange, the  
25 adoption worker or agency shall submit all pertinent  
26 information concerning the child, a brief description  
27 and photo of the child, and other information needed  
28 to be compatible with the national adoption exchange.  
29 The exchange shall include a photo-listing book which  
30 shall be updated regularly. The adoption worker or

31 agency which places a child on the exchange shall  
 32 provide updated registration information within ten  
 33 working days after a change in the information  
 34 previously submitted occurs.

35 4. The exchange shall include a matching service  
 36 for children registered or listed in the adoption  
 37 photo-listing book and prospective adoptive families  
 38 listed on the exchange. A child shall be registered  
 39 with the national exchange if the child has not been  
 40 placed for adoption after three months on the exchange  
 41 established pursuant to this section.

42 5. A request to defer registering the child on the  
 43 exchange shall be granted if any of the following  
 44 conditions exist:

45 a. The child is in an adoptive placement.

46 b. The child's foster parents or another person  
 47 with a significant relationship is being considered as  
 48 the adoptive family.

49 c. The child needs diagnostic study or testing to  
 50 clarify the child's problem and provide an adequate

**Page 2**

1 description of the problem.

2 d. The child is currently hospitalized and  
 3 receiving medical care that does not permit adoptive  
 4 placement.

5 e. The child is fourteen years of age or older and  
 6 will not consent to an adoption plan and the  
 7 consequences of not being adopted have been explained  
 8 to the child.

9 Upon receipt of a valid written request for  
 10 deferral pursuant to paragraphs "a" through "e", the  
 11 exchange shall grant the deferral, except that a  
 12 deferral based on paragraph "b" or "c" shall be  
 13 granted for no more than a one-time ninety-day  
 14 period."

15 2. Title page, by striking line 2, and inserting  
 16 the following: "under the jurisdiction of the  
 17 juvenile court."

18 3. By renumbering as necessary.

**Brammer of Linn offered the following amendment H-3419, to  
 amendment H-3409, filed by him and moved its adoption:**

**H-3419**

1 Amend the amendment, H-3409, to House File 567 as  
 2 follows:

3 1. Page 2, by striking lines 15 through 17 and  
 4 inserting the following:

5 "\_\_\_\_\_. Title page, by striking lines 1 and 2 and

6 inserting the following: "An Act relating to

- 7 permanency planning for children by providing for  
 8 dispositional and placement review hearings for  
 9 certain children subject to the jurisdiction of the  
 10 juvenile court, by authorizing permanency placement  
 11 orders for certain children in need of assistance, by  
 12 modifying certain grounds and procedures for the  
 13 termination of parental rights, and by establishing an  
 14 adoption exchange." "

Amendment H—3419 was adopted.

On motion by Brammer of Linn, amendment H—3409, as amended, was adopted.

Brammer of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 567)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cophoon	Connolly
Connors	Cooper	Corbett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Neuhauser	Norrgard	Ollié
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise

Mr. Speaker

The nays were, none.

Absent or not voting, 7:

Corey	Daggett	Eddie	Mullins
Petersen, D. F.	Plasier	Swearingen	

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**IMMEDIATE MESSAGE**  
(House File 567)

Arnould of Scott asked and received unanimous consent that House File 567 be immediately messaged to the Senate.

**HOUSE FILES 614 AND 611 DEFERRED**

Arnould of Scott asked and received unanimous consent that House Files 614 and 611 be deferred and that the bills retain their place on the calendar.

**House File 630**, a bill for an act relating to state liability for torts committed by juveniles while performing community service assignments pursuant to an order of the juvenile court, was taken up for consideration.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 630)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Swartz	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Daggett	Eddie	Harbor	Plasier
Shoultz	Svoboda	Swearingen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 653**, a bill for an act relating to issuance of collision damage waivers in motor vehicle rental agreements, making penalties applicable, and providing an effective date, was taken up for consideration.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 653)

The ayes were, 91:

Adams	Arnould	Beaman	Betty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
De Groot	Diemer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Daggett	Doderer	Eddie	Garman
Gruhn	Harbor	McKean	Plasier
Swearingen			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 507**, a bill for an act relating to employment discrimination by employers on the basis of sex, and making a penalty applicable, with report of committee recommending amendment and passage was taken up for consideration.

Buhr of Polk offered the following amendment H—3261 filed by the committee on state government and moved its adoption:

H—3261

- 1 Amend House File 507 as follows:
- 2 1. Page 1, line 1, by striking the words
- 3 "subsection 1, Code 1987, is" and inserting the
- 4 following: "subsections 1 and 2, Code 1987, are".
- 5 2. Page 1, by inserting after line 9 the
- 6 following:
- 7 "2. It shall be unlawful for any A labor union or
- 8 organization or an officer thereof ~~to shall not~~
- 9 discriminate against any person as to membership
- 10 therein because of race, religion, color, sex,
- 11 national origin or ancestry."
- 12 3. Title page, line 1, by striking the words
- 13 "employment discrimination by employers" and inserting
- 14 the following: "discrimination by employers and by
- 15 labor unions, organizations, and officers".

The committee amendment H—3261 was adopted.

Buhr of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 507)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Cooper
Corbett	Corey	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKean	McKinney

Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poney
Renaud	Renken	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Bisignano	Connolly	Daggett	Eddie
Maulsby	Osterberg	Plasier	Rosenberg
Swearingen			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**MOTION TO RECONSIDER PREVAILED**  
(House File 617)

Parker of Jasper called up for consideration the motion to reconsider House File 617, filed on March 27, 1987, and moved to reconsider the vote by which House File 617, a bill for an act relating to financial institutions, passed the House and was placed on its last reading on March 27, 1987.

A non-record roll call was requested.

The ayes were 56, nays none.

The motion prevailed and the House reconsidered House File 617, placing out of order the motion to reconsider filed by Holveck of Polk on March 27, 1987.

Skow of Guthrie asked and received unanimous consent to reconsider the vote by which amendment H—3437 (found on pages 875 and 876 of the House Journal) was adopted by the House on March 27, 1987.

Skow of Guthrie asked and received unanimous consent to withdraw amendment H—3437.

Skow 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. 617)

The ayes were, 86:

Adams	Arnould	Beaman	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connors	Cooper
Corbett	Corey	De Groot	Diemer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 14:

Beatty	Connolly	Daggett	Doderer
Eddie	Hansen, S. D.	Harbor	Kremer
Norrgard	Plasier	Sherzan	Shoultz
Swearingen	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### MOTION TO RECONSIDER LOST (House File 244)

Hansen of Woodbury called up for consideration the motion to reconsider House File 244, filed on March 27, 1987, and moved to reconsider the vote by which House File 244, a bill for an act relating to progress payments, final payments, and retention from payments made to subcontractors on public improvement construction projects, passed the House and was placed on its last reading on March 27, 1987.

A non-record roll call was requested.

The ayes were 34, nays 56.

The motion lost, placing out of order the motion to reconsider filed by Stromer of Hancock on March 27, 1987.

**BILLS SIGNED BY THE GOVERNOR**

A communication was received from the Governor announcing that on March 30, 1987, he approved and transmitted to the Secretary of State the following bills:

House File 168, an act to prohibit a person who intentionally and unjustifiably causes or procures the death of another from receiving any property, benefit, or other interest by reason of the death.

House File 194, an act repealing the prohibition of use of toxic halogenated fire extinguishers in public buildings.

House File 265, an act relating to the regulation of industrial loan companies.

House File 314, an act relating to the obstruction of emergency communications and making a penalty applicable.

**EXPLANATIONS OF VOTE**

I was necessarily absent from the House chamber on Friday, March 27, 1987. Had I been present, I would have voted "aye" on House Files 438, 520 and 536.

**CONNOLLY of Dubuque**

I was necessarily absent from the House chamber on Friday afternoon, March 27, 1987. Had I been present, I would have voted "aye" on House Files 505, 536, 588, 591 and "nay" on House Files 438 and 520.

**DAGGETT of Adams**

I was necessarily absent from the House chamber on Friday, March 27, 1987. Had I been present, I would have voted "aye" on House Files 438, 520 and 536.

**OLLIE of Clinton**

**REPORT OF HOUSE RULES AND ADMINISTRATION COMMITTEE**

MR. SPEAKER: Pursuant to Senate Concurrent Resolution 6, your committee on rules and 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>
Supervisor of Secretaries	Virginia Rowen	22-4 to 22-5	P-FT	2-20-87

<u>Position</u>	<u>Name</u>	<u>Grade and Step</u>	<u>Class of Appointment</u>	<u>Eff. Date</u>
Legislative Committee Secretary	Betty J. LaCava	17-1 + 2	S-O	2-6-87
Legislative Committee Secretary	JoAnn M. Leachman	17-1 + 2	S-O	2-6-87
Legislative Committee Secretary	Dorothy A. Mauro	17-1 + 2 to 17-2 + 2	S-O	3-6-87
Legislative Secretary	Doris M. Burford	17-1 + 2	S-O	2-6-87
Legislative Secretary	Claudia L. Shepherd	16-1	S-O	3-16-87
Legislative Committee Secretary	Gretchen M. Cardamon	17-1 + 2	S-O	3-16-87
Postmaster	George Pendergraft	11-1	S-O	3-27-87

The following are resignations from the officers and employees of the House:

Legislative Committee Secretary	Jenifer L. Parsons		S-O	3-20-87
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The following is a leave of absence from the officers and employees of the House:

Postmaster	Max D. Perdue	11-1	S-O	3-27-87
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CHAPMAN of Linn, Chair

### CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

1987-15	The Sibley-Ocheyedan Chapter of the Future Farmers of America – Celebrating its 50th Anniversary as a chapter
1987-16	The Estherville High School Boys Basketball Team, Estherville – 1987 Class 2-A Boys State Basketball Tournament Champion
1987-17	The Pocahontas High School Boys Basketball Team, Pocahontas – 1987 Class 1-A Boys State Basketball Tournament Champion
1987-18	The Palmer High School Boys Basketball Team, Palmer – 1987 Class A Boys State Basketball Tournament Champion
1987-19	The Burlington High School Boys Basketball Team, Burlington – 1987 Class 3-A Boys State Basketball Tournament Champion

JOSEPH O'HERN  
Chief Clerk of the House

## COMMITTEE RECOMMENDATION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

## COMMITTEE ON SMALL BUSINESS AND COMMERCE

**House File 619**, a bill for an act relating to foreclosure and redemption of real property, by removing certain restrictions on redemption in certain cases, providing a cause of action against the receiver in certain cases, permitting the use of independent appraisers to determine the value of the homestead, providing for the designation of a farmstead right of a former owner to repurchase or lease a farmstead, providing dates of applicability, and providing an effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H-3459 March 27, 1987.

## RESOLUTION FILED

**SCR 20**, by committee on rules and administration, a concurrent resolution urging the postmaster general to issue a special commemorative stamp to honor Harry Lloyd Hopkins.

Laid over under Rule 25.

## AMENDMENTS FILED

H-3459	H.F.	619	Committee on Small Business and Commerce
H-3461	H.F.	631	Dvorsky of Johnson Neuhauser of Johnson
H-3462	S.F.	359	Koenigs of Mitchell
H-3463	H.F.	420	Spear of Lee
H-3464	H.F.	631	Mullins of Kossuth
H-3465	H.F.	577	Koenigs of Mitchell
H-3467	H.F.	631	Fogarty of Palo Alto Gruhn of Dickinson
H-3468	H.F.	527	Koenigs of Mitchell
H-3469	H.F.	631	Renaud of Polk Spear of Lee
H-3470	H.F.	660	Spear of Lee
H-3471	H.F.	660	Spear of Lee
H-3472	H.F.	631	Stromer of Hancock
H-3473	S.F.	359	Koenigs of Mitchell
H-3474	H.F.	623	Branstad of Winnebago
H-3475	H.F.	594	Beatty of Warren

H-3476	H.F.	655	Miller of Cherokee
H-3477	H.F.	660	Spear of Lee
H-3478	H.F.	660	Spear of Lee
H-3479	H.F.	631	Mullins of Kossuth Stueland of Clinton

On motion by Arnould of Scott, the House adjourned at 3:38 p.m., until 9:00 a.m., Tuesday, March 31, 1987.

# JOURNAL OF THE HOUSE

Seventy-ninth Calendar Day — Fifty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, March 31, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Kay Chapman, state representative from Linn County.

The Journal of Monday, March 30, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Harper of Black Hawk, from forty-eight constituents favoring a comprehensive bill to resolve the problems of liability for the state of Iowa.

## INTRODUCTION OF BILLS

**House File 662**, by Hummel, a bill for an act relating to debt collection practices.

Read first time and referred to committee on **small business and commerce**.

**House File 663**, by Hummel, a bill for an act requiring gas and electric public utilities to provide annual gas or electric energy costs for certain properties when requested by persons having an interest in the properties and making civil penalties applicable.

Read first time and referred to committee on **energy and environmental protection**.

## SENATE MESSAGES CONSIDERED

**Senate File 13**, by committee on agriculture, a bill for an act relating to the protection of buyers of farm products against the enforcement of liens by secured parties and providing dates for the effectiveness and applicability of the Act.

Read first time and referred to committee on **agriculture**.

**Senate File 38**, by Priebe, a bill for an act relating to conservation easements.

Read first time and referred to committee on **natural resources and outdoor recreation.**

**Senate File 55**, by Hall, a bill for an act to remove the requirement that a gambling license cannot be issued for a period of two years for a location for which a gambling license was revoked, and removing the prohibition against conducting games of skill, games of chance, and raffles on the premises of a liquor control licensee or beer permittee.

Read first time and referred to committee on **state government.**

**Senate File 90**, by Holt, a bill for an act relating to the county responsible for payment of costs for commitment or admission to a state hospital for the mentally ill.

Read first time and referred to committee on **local government.**

**Senate File 132**, by Holt, a bill for an act relating to the payment of delinquent property taxes.

Read first time and referred to committee on **local government.**

**Senate File 139**, by Hutchins, a bill for an act relating to economic development, by declaring economic development as a public purpose and by allowing money received from the county government assistance fund or the municipal assistance fund to be used for economic development projects.

Read first time and referred to committee on **economic development.**

**Senate File 180**, by committee on small business and economic development, a bill for an act relating to economic crisis relief by providing for a small business legal services program and a small business mediation program, and making appropriations.

Read first time and referred to committee on **small business and commerce.**

**Senate File 208**, by Wells, a bill for an act pertaining to aircraft registration fees for aircraft owned and operated by nonprofit hospitals.

Read first time and referred to committee on **transportation.**

**Senate File 209**, by Boswell and Schwengels, a bill for an act exempting gas public utilities having less than two thousand customers from the rate regulation authority of the utilities board and defining the areas in which such utilities remain subject to regulation and providing an effective date.

Read first time and **passed on file.**

**Senate File 283**, by committee on judiciary, a bill for an act relating to the duties of a trustee upon appointment by requiring the filing of an inventory of the property of the trust.

Read first time and referred to committee on **judiciary and law enforcement.**

**Senate File 290**, by Vande Hoef, a bill for an act relating to the requirement for foster parent training, confidentiality requirements for foster care review boards, and incorporating a penalty.

Read first time and referred to committee on **human resources.**

**Senate File 338**, by committee on natural resources, a bill for an act relating to environmental protection performance standards for coal mining and providing an effective date.

Read first time and referred to committee on **energy and environmental protection.**

**Senate File 341**, by Mann, a bill for an act relating to the standard of proof required under forfeiture of property law.

Read first time and referred to committee on **judiciary and law enforcement.**

**Senate File 384**, by committee on judiciary, a bill for an act relating to section 321.445 of the Code, and providing an effective date.

Read first time and referred to committee on **transportation.**

**Senate File 387**, by committee on local government, a bill for an act directing certain political subdivisions of the state to consider joint purchases of equipment.

Read first time and referred to committee on **local government.**

**Senate File 389**, by committee on natural resources, a bill for an act relating to free landowner and tenant licenses for taking deer or wild turkey.

Read first time and referred to committee on **natural resources and outdoor recreation.**

**Senate File 420**, by Hannon, Wells, Gettings, Fraise, Riordan, Doyle, Boswell, Lind, Soorholtz, Coleman, Dieleman, Welsh and Deluhery, a bill for an act relating to the method to be used by the department of employment services for reporting unemployment statistics.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 449**, by committee on business and labor relations, a bill for an act relating to the operation and administration of the department of employment services by correcting statutory omissions, inaccuracies, and inconsistencies to reflect or alter current practices, by limiting certain penalties, by continuing the reimbursable status of certain enterprises and businesses sold or transferred by reimbursable employers, and by authorizing the release of certain job service information to certain public or quasi-public officials and entities and certain business and labor organizations.

Read first time and referred to committee on **labor and industrial relations**.

**Senate File 493**, by committee on small business and economic development, a bill for an act relating to the creation of a statewide regional network of small business economic development corporations to assist in providing financing for small businesses in the state.

Read first time and referred to committee on **small business and commerce**.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1987, adopted the following concurrent resolution in which the concurrence of the Senate was asked:

House Concurrent Resolution 20, a concurrent resolution recognizing the Iowa State University wrestling team as the 1987 National Collegiate Athletic Association Champions.

Also: That the Senate has on March 27, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 62, a bill for an act requiring school districts to offer or make available an approved driver education course to certain persons who have successfully completed the general educational development tests.

Also: That the Senate has on March 30, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 149, a bill for an act relating to insurance by defining provider discrimination against persons licensed to practice dentistry as an unfair trade practice, if coverage is denied for a service rendered which would be a covered service if rendered by a person licensed to practice medicine and surgery.

Also: That the Senate has on March 30, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 153, a bill for an act requiring a rural mail carrier to display a flashing light at designated times while delivering mail and providing an effective date.

Also: That the Senate has on March 30, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 195, a bill for an act relating to the duties of the state board of tax review.

Also: That the Senate has on March 30, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 373, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities.

Also: That the Senate has on March 30, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 394, a bill for an act relating to care of animals in commercial establishments.

Also: That the Senate has on March 30, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 428, a bill for an act relating to the protection of buyers of fine art and providing a penalty.

Also: That the Senate has on March 30, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 458, a bill for an act relating to the abatement of taxes by the county.

Also: That the Senate has on March 27, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 469, a bill for an act relating to the confinement and treatment of persons convicted of a violation of operating a motor vehicle while intoxicated by requiring counties to provide temporary confinement for offenders under the supervision of the department of corrections who violate the conditions of treatment programs, by providing that a work release program may include out-of-state work or treatment placement, by specifying that an offender committing a third offense shall serve the minimum thirty-day term in the county jail, and may be sentenced to up to one year in the county jail, by providing that a person convicted of a second or subsequent offense shall be ordered to undergo a substance abuse evaluation, by providing that a person convicted of a third or subsequent offense or an offender whose substance abuse evaluation recommended treatment may be sentenced to the custody of the department of corrections who shall assign the person to a facility pursuant to section 246.513 or to treatment in the community under supervision of the department, by requiring judicial district departments of correctional services to provide programs for offenders under chapter 321J, by providing that a requirement for a mandatory minimum sentence for repeat offenders shall not apply to offenders under chapter 321J, and by providing that an offender under chapter 321J who is under the supervision of the depart-

ment of corrections shall receive a clothing allowance and expense money allotted to inmates when the offender is assigned to a community-based corrections program.

JOHN F. DWYER, Secretary

### HOUSE FILES DEFERRED

Arnould of Scott asked and received unanimous consent that the following bills be deferred and that the bills retain their place on the calendar: House Files 467, 631, 609 and 592.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 602**, a bill for an act providing for the appointment of a person to administer the inspection of meat and poultry under chapter 189A, deferred and retained on the calendar March 27, 1987, was taken up for consideration.

Skow 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. 602)

The ayes were, 81:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Chapman	Cohoon	Connolly
Connors	Cooper	Corey	Daggett
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	May	McKean
McKinney	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Plasier	Platt	Pony	Renaud
Rosenberg	Royer	Running	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 18:

Bennett	Branstad	Carpenter	Clark
Corbett	De Groot	Garman	Hester

Hummel	Lundby	Maulsby	Metcalf
Paulin	Pellett	Petersen, D. F.	Renken
Schnekloth	Van Maanen		

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 FILES DEFERRED

Arnould of Scott asked and received unanimous consent that the following bills be deferred and that the bills retain their place on the calendar: House Files 422, 428, 611 and 398.

**House File 518**, a bill for an act relating to powers and duties of certain political subdivisions in relation to their operational procedures and financial arrangements, and providing an effective date, was taken up for consideration.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 518)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Rasier	Platt	Poncy
Renaud	Rosenberg	Royer	Running
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 9:

Carpenter	Chapman	De Groot	Garman
Hummel	Maulsby	Renken	Schnekloth
Van Maanen			

Absent or not voting, 2:

Eddie	Schrader
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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 443**, an act to authorize games of skill, games of chance, or raffles to be conducted by a qualified organization on the premises of a liquor control licensee or beer permittee in cities with a population of twenty-five hundred or less subject to certain restrictions, with report of committee recommending passage was taken up for consideration.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 443)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Pony	Renaud	Renken
Rosenberg	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Tyrrell	Van Camp	Van Maanen	Mr. Speaker

The nays were, 2:

Teaford                      Wise

Absent or not voting, 6:

Brammer	Eddie	Fuller	Muhlbauer
Plasier	Royer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 654**, a bill for an act relating to the funding of the energy bank program, was taken up for consideration.

Schrader of Marion offered the following amendment H—3450 filed by him and moved its adoption:

H—3450

- 1 Amend House File 654 as follows:
- 2 1. Page 2, line 7, by striking the words
- 3 "analysis, plans," and inserting the following:
- 4 "analysis, plans;".

Amendment H—3450 was adopted.

Schrader of Marion moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 654)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Royer

Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 1:

Renken

Absent or not voting, 2:

Blanshan            Eddie

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

(House Files 443 and 654)

Arnould of Scott asked and received unanimous consent that House Files 443 and 654 be immediately messaged to the Senate.

### HOUSE FILE 659 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 659 be deferred and that the bill retain its place on the calendar.

**House File 660**, a bill for an act relating to dependent adult abuse, providing penalties, and establishing an effective date, was taken up for consideration.

Spear of Lee offered the following amendment H-3470 filed by him and moved its adoption:

H-3470

- 1 Amend House File 660 as follows:
- 2 1. Page 1, line 18, by striking the word "cruel"
- 3 and inserting the following: "~~eruel~~ unreasonable".

Amendment H-3470 was adopted.

Spear of Lee asked and received unanimous consent to withdraw amendment H-3477 filed by him on March 30, 1987.

Spear of Lee offered the following amendment H-3478 filed by him and moved its adoption:

H-3478

- 1 Amend House File 660 as follows:
- 2 1. Page 6, line 25, by striking the word "person"
- 3 and inserting the following: "caretaker".
- 4 2. Page 6, line 26, by striking the word "person"

- 5 and inserting the following: "caretaker".  
 6 3. Page 7, line 6, by inserting after the figure  
 7 "2A" the following: ", and "caretaker" means a  
 8 caretaker as defined in section 235B.1, subsection  
 9 2B".

Amendment H—3478 was adopted.

Spear of Lee offered the following amendment H—3471 filed by him and moved its adoption:

H—3471

- 1 Amend House File 660 as follows:  
 2 1. Page 6, line 27, by striking the word "moral"  
 3 and inserting the following: "emotional".

Amendment H—3471 was adopted.

Harper of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 660)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Daggett	Diemer
Dvorsky	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 9:

Branstad	Corey	De Groot	Kremer
Maulsby	Renken	Royer	Schneklath
Van Maanen			

Absent or not voting, 7:

Doderer	Eddie	Fuller	Harbor
Hermann	Mullins	Stromer	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES (House Files 602 and 660)

Arnould of Scott asked and received unanimous consent that House Files 602 and 660 be immediately messaged to the Senate.

### HOUSE FILES 661 AND 656 DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 661 and 656 be deferred and that the bills retain their place on the calendar.

**House File 658**, a bill for an act relating to the allocation of the state ceiling on private activity bonds for tax-exempt purposes and providing an effective date, was taken up for consideration.

Parker of Jasper moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 658)

The ayes were, 95:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pelleti
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poney	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer

Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Beaman	Doderer	Eddie	Fuller
Haverland			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 10:38 a.m., until the fall of the gavel.

The House resumed session at 11:31 a.m., Speaker Avenson in the chair.

**House File 656**, a bill for an act relating to the education of certain children living outside the district of residence and providing effective dates, was taken up for consideration.

Teaford of Black Hawk offered the following amendment H—3444 filed by her:

H—3444

- 1 Amend House File 656 as follows:
- 2 1. Page 1, line 23, by inserting after the word
- 3 "costs" the following: "for students who do not
- 4 require special education".
- 5 2. Page 1, line 24, by inserting after the word
- 6 "or" the following: "for students who require special
- 7 education shall be paid as provided in section
- 8 282.31,".
- 9 3. Page 2, line 33, by inserting after the figure
- 10 "282.31," the following: "subsection 1,".
- 11 4. Page 5, line 16, by striking the figure and
- 12 word "282.29 or".
- 13 5. Page 5, by striking lines 17 through 19 and
- 14 inserting the following: "education and who is not
- 15 enrolled in the educational program".
- 16 6. Page 6, line 33, by striking the words
- 17 "treasurer of state" and inserting the following:
- 18 "department of revenue and finance".

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, until his return, on request of Pellett of Cass.

Teaford of Black Hawk offered the following amendment H—3483, to amendment H—3444, filed by her from the floor and moved its adoption:

H-3483

- 1 Amendment the amendment, H-3444, to House File 656,  
 2 as follows:  
 3 1. Page 1, by inserting after line 1 the  
 4 following:  
 5 "\_\_\_\_\_. Page 1, by inserting after line 6, the  
 6 following:  
 7 "Sec. \_\_\_\_\_. Section 273.3, subsection 10, Code  
 8 1987, is amended by striking the subsection." "  
 9 2. Page 1, by inserting after line 10, the  
 10 following:  
 11 "\_\_\_\_\_. Page 4, line 22, by striking the words  
 12 "educational services pursuant to section 232.142" and  
 13 inserting the following: "appropriate educational  
 14 services".  
 15 \_\_\_\_\_. Page 4, line 32, by inserting after the word  
 16 "approve" the following: "or modify"."

Amendment H-3483 was adopted.

Swartz of Marshall offered the following amendment H-3485, to amendment H-3444, filed by him from the floor and moved its adoption:

H-3485

- 1 Amend amendment, H-3444, to House File 656 as  
 2 follows:  
 3 1. Page 1, by inserting after line 18, the  
 4 following:  
 5 "\_\_\_\_\_. Page 7, by inserting after line 34, the  
 6 following:  
 7 "Sec. \_\_\_\_\_. NEW SECTION. 282.32 APPEAL.  
 8 An area education agency or local school district  
 9 may appeal a decision pursuant to section 282.28 or  
 10 282.31 to the state board of education. The decision  
 11 of the state board is final."

Amendment H-3485 was adopted.

On motion by Teaford of Black Hawk, amendment H-3444, as amended, was adopted.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 656)

The ayes were, 67:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cphoon	Connors	Cooper	Corbett

Daggett	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Hester
Holveck	Hummel	Jay	Jochum
Knapp	Koenigs	Lundby	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Ollie	Osterberg	Paulin
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

The nays were, 21:

Bennett	Branstad	Corey	De Groot
Diemer	Garman	Hanson, D. R.	Hermann
Lageschulte	Maulsby	Miller	Pellett
Petersen, D. F.	Plasier	Renken	Schnekloth
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

Absent or not voting, 12:

Connolly	Eddie	Haverland	Johnson
Kremer	May	Norrgard	Parker
Platt	Royer	Sherzan	Svoboda

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 617, 653, 507, 630, 518 and 658.

On motion by Arnould of Scott, the House was recessed at 12:05 p.m., until 1:15 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed sixty-three members present, thirty-seven absent.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to sus-

pend the rules for consideration of the following bills and to also suspend Rule 31.8, relating to the filing of amendments on the bills listed: House Files 621, 587, 599, 529, 633, 523, 645, 626, 527 and 399.

### HOUSE FILE 655 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 655 be deferred and that the bill retain its place on the calendar.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 651**, a bill for an act relating to certain rights, duties, and liabilities of custodians and foster parents of children, was taken up for consideration.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 651)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Connolly	Eddie	Parker	Plasier
Platt	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 644**, a bill for an act relating to the use of public funds to aid economic development, was taken up for consideration.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 644)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Connolly	Cooper	Eddie	Halvorson, R. N.
Parker	Plasier		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 621**, a bill for an act requiring the state vehicle dispatcher and other state agencies to solicit bids for ethanol-blended gasoline when advertising for bids for gasoline, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that House File 621 be deferred and that the bill retain its place on the calendar.

**MOTION TO RECONSIDER PREVAILED**  
(House File 393)

Swartz of Marshall called up for consideration the motion to reconsider House File 393, filed on March 23, 1987, and moved to reconsider the vote by which House File 393, a bill for an act to require all class "A" wine permit premises and class "A" beer permit premises to be located within the state, passed the House and was placed on its last reading on March 23, 1987.

A non-record roll call was requested.

The ayes were 62, nays 1.

The motion prevailed and the House reconsidered House File 393.

Renaud of Polk offered the following amendment H-3457 filed by Renaud, et al., and moved its adoption:

H-3457

- 1 Amend House File 393 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 123.3, subsection 31, Code
- 5 1987, is amended to read as follows:
- 6 31. "Licensed premises" or "premises" means all
- 7 rooms, enclosures, contiguous areas, or places
- 8 susceptible of precise description satisfactory to the
- 9 administrator where alcoholic beverages liquor, wine,
- 10 or beer is sold, stored, or consumed or where any
- 11 business is conducted pertaining to the sale, storage,
- 12 or consumption of alcoholic liquor, wine, or beer
- 13 under authority of a liquor control license, wine
- 14 permit, or beer permit. A single licensed premise may
- 15 consist of multiple rooms, offices, storerooms,
- 16 enclosures, areas or places if they are wholly within
- 17 the confines of a single building or contiguous
- 18 grounds.
- 19 Sec. 2. Section 123.20, subsection 1, Code 1987,
- 20 is amended to read as follows:
- 21 1. To purchase receive alcoholic liquors and wine

22 on a bailment system for resale by the division in the  
23 manner set forth in this chapter.

24 Sec. 3. Section 123.22, unnumbered paragraph 1,  
25 Code 1987, is amended to read as follows:

26 The division has the exclusive right of importation  
27 into the state of all forms of alcoholic liquor,  
28 except as otherwise provided in this chapter, and a  
29 person shall not import alcoholic liquor, except that  
30 an individual of legal age may import and have in the  
31 individual's possession an amount of alcoholic liquor  
32 not exceeding one quart or, in the case of alcoholic  
33 liquor personally obtained outside the United States,  
34 one gallon for personal consumption only in a private  
35 home or other private accommodation. ~~No~~ A distillery  
36 shall not sell alcoholic liquor within the state to  
37 any person but only to the division, except as  
38 otherwise provided in this chapter. This section  
39 vests in the division exclusive control within the  
40 state as purchaser of all alcoholic liquor sold by  
41 distilleries within the state or imported, except beer  
42 and wine, and except as otherwise provided in this  
43 chapter. The division shall receive alcoholic liquor  
44 on a bailment system for resale by the division in the  
45 manner set forth in this chapter. The division shall  
46 act as the sole wholesaler of alcoholic liquor to  
47 class "E" liquor control licensees.

48 Sec. 4. Section 123.24, subsection 2, paragraph a,  
49 Code 1987, is amended to read as follows:

50 a. The division may accept from a class "E" liquor

**Page 2**

1 control licensee a cashier's check which shows the  
2 licensee is the remitter or a check issued by the  
3 licensee in payment of alcoholic liquor. If a check  
4 is subsequently dishonored, the division shall cause a  
5 notice of nonpayment and penalty to be served upon the  
6 class "E" liquor control licensee or upon any person  
7 in charge of the licensed premises. The notice shall  
8 state that if payment or satisfaction for the  
9 dishonored check is not made within ten days of the  
10 service of notice, the licensee's liquor control  
11 license shall be suspended under section 123.39. The  
12 notice of nonpayment and penalty shall be in a form  
13 prescribed by the administrator, and shall be served  
14 by a peace officer sent by certified mail.

15 Sec. 5. Section 123.45, unnumbered paragraph 2,  
16 Code 1987, is amended to read as follows:

17 A person engaged in the business of manufacturing,  
18 bottling, or wholesaling alcoholic beverages, wine, or  
19 beer, or any jobber representative, broker, employee,  
20 or agent of such person, shall not directly or

21 indirectly supply, furnish, give, or pay for any  
 22 furnishings, fixtures, or equipment used in the  
 23 storage, handling, serving, or dispensing of alcoholic  
 24 beverages, wine, beer, or food within the place of  
 25 business of a licensee or permittee authorized under  
 26 this chapter to sell at retail; nor shall the person  
 27 directly or indirectly extend any credit for alcoholic  
 28 beverages or beer or pay for any such license or  
 29 permit, nor directly or indirectly be interested in  
 30 the ownership, conduct, or operation of the business  
 31 of another licensee or permittee authorized under this  
 32 chapter to sell at retail, nor hold a retail liquor  
 33 control license or retail wine or beer permit, except  
 34 that a person engaged in the business of manufacturing  
 35 beer may sell beer at retail for consumption on or off  
 36 the premises of the manufacturing facility and,  
 37 notwithstanding any other provision of this chapter or  
 38 the fact that such a person may be the holder of a  
 39 class "A" beer permit, may be granted not more than  
 40 one class "B" permit as defined in section 123.124 for  
 41 such purpose. Any licensee or permittee who permits  
 42 or assents to or is a party in any way to any such  
 43 violation or infringement of this section is guilty of  
 44 a violation of this section."

45 2. Title page, line 1, by striking the words "to  
 46 require" and inserting the following: "relating to  
 47 the regulation of the sale of alcoholic beverages by  
 48 amending the definition of licensed premises, by  
 49 requiring the division of alcoholic beverages to place  
 50 its system of purchase of alcoholic liquor on a

**Page 3**

- 1 bailment system, by providing for service of notice of
- 2 nonpayment and penalty by the division to a class "E"
- 3 license by certified mail, and by requiring".
- 4 3. By renumbering as necessary.

**Amendment H—3457 was adopted.**

**Hummel of Benton offered the following amendment H—3458 filed by him and moved its adoption:**

**H—3458**

- 1 Amend House File 393 as follows:
- 2 1. Page 1, by inserting before line 1 the
- 3 following:
- 4 "Section 1. Section 123.3, Code 1987, is amended
- 5 by adding the following new subsections:
- 6 **NEW SUBSECTION. 36.** "City" means a municipal cor-
- 7 poration but not including a county, township, school
- 8 district, or any special purpose district or

9 authority.

10 **NEW SUBSECTION. 37.** "Unincorporated town" means a  
11 compactly populated area recognized as a distinct  
12 place with a distinct place-name which is not itself  
13 incorporated or within the corporate limits of a city.

14 Sec. 2. Section 123.36, subsection 3, paragraph d,  
15 Code 1987, is amended to read as follows:

16 d. Hotels and motels located outside the corporate  
17 limits of any city, a sum equal to that charged in the  
18 incorporated city located nearest the premises to be  
19 licensed, and in case there is doubt as to which of  
20 two or more differing corporate limits is the nearest,  
21 the license fee which is the largest shall prevail.

22 However, if a hotel or motel is located in an  
23 unincorporated town, for purposes of this subsection  
24 the unincorporated town shall be treated as if it is a  
25 city.

26 Sec. 3. Section 123.36, subsection 4, paragraph d,  
27 Code 1987, is amended to read as follows:

28 d. Commercial establishments located outside the  
29 corporate limits of any city, a sum equal to that  
30 charged in the incorporated city located nearest the  
31 premises to be licensed, and in case there is doubt as  
32 to which of two or more differing corporate limits are  
33 the nearest, the license fee which is the larger shall  
34 prevail. However, if a commercial establishment is  
35 located in an unincorporated town, for purposes of  
36 this subsection the unincorporated town shall be  
37 treated as if it is a city.

38 Sec. 4. Section 123.36, subsection 7, paragraph d,  
39 Code 1987, is amended to read as follows:

40 d. Commercial establishments located outside the  
41 corporate limits of any city, a sum equal to that  
42 charged in the incorporated city located nearest the  
43 premises to be licensed, and in case there is doubt as  
44 to which of two or more differing corporate limits are  
45 the nearest, the license fee which is the larger shall  
46 prevail. However, if a commercial establishment is  
47 located in an unincorporated town, for purposes of  
48 this subsection the unincorporated town shall be  
49 treated as if it is a city."

50 2. Page 2, by inserting after line 2 the

**Page 2**

1 following:

2 Sec. 7. Section 123.134, subsection 2, paragraph  
3 d, Code 1987, is amended to read as follows:

4 d. For premises located outside the corporate  
5 limits of any city, a sum equal to that charged in the  
6 incorporated city located nearest the premises to be  
7 operated under the permit, and in case there is doubt

- 8 as to which of two or more differing corporate limits  
 9 are the nearest, the permit fee which is the largest  
 10 shall prevail. However, if the premises are located  
 11 in an unincorporated town, for purposes of this  
 12 subsection the unincorporated town shall be treated as  
 13 if it is a city."  
 14 3. Title page, line 1, by striking the words "to  
 15 require" and inserting the words "relating to liquor  
 16 control licenses and wine and beer permits by  
 17 providing for adjustment of fees for certain  
 18 businesses and permittees and by requiring".  
 19 4. By renumbering as necessary.

Amendment H—3458 was adopted.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 393)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabar	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Eddie	Fuller	Hermann	Parker
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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.

**MOTION TO RECONSIDER WITHDRAWN**  
(House File 221)

Hummel of Benton asked and received unanimous consent to withdraw the motion to reconsider House File 221, a bill for an act to increase the fee for the wildlife habitat stamp, filed by him on February 16, 1987.

**House File 587**, a bill for an act relating to the licensing and regulation of architects, and providing penalties, was taken up for consideration.

Spear of Lee asked and received unanimous consent to temporarily defer action on amendment H—3283.

Spear of Lee offered the following amendment H—3325 filed by him and moved its adoption:

H—3325

- 1 Amend House File 587 as follows:
- 2 1. Page 1, lines 14 through 16, by striking the
- 3 words "At least one meeting of the board, except as
- 4 provided in section 118.13, shall be held at the seat
- 5 of government." and inserting the following: "At
- 6 least one meeting of the board, except as provided in
- 7 section 118.13, shall be held at the seat of
- 8 government."

Amendment H—3325 was adopted, placing out of order amendment H—3283, previously deferred, filed by Spear of Lee on March 23, 1987.

Renaud of Polk offered the following amendment H—3326 filed by him and Beatty of Warren and moved its adoption:

H—3326

- 1 Amend House File 587 as follows:
- 2 1. Page 1, line 16, by striking the word "board"
- 3 and inserting the following: "board division".
- 4 2. Page 1, lines 19 through 20 by striking the
- 5 words and figure "subsection 2, under the pay plan for
- 6 exempt positions in the executive branch of
- 7 government" and inserting the following: "subsection
- 8 2, under the pay plan for exempt positions in the
- 9 executive branch of government".

Amendment H—3326 was adopted.

Spear of Lee offered the following amendment H—3284 filed by him and moved its adoption:

H—3284

- 1 Amend House File 587 as follows:
- 2 1. Page 1, line 27, by striking the word "recent"
- 3 and inserting the word "reecent".

A non-record roll call was requested.

The ayes were 41, nays 16.

Amendment H—3284 was adopted.

Beatty 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. 587)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklloth	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absept or not voting, 5:

Eddie	Parker	Plasier	Sherzan
Tyrrell			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 599**, a bill for an act relating to mortgage foreclosures by establishing an alternative mortgage foreclosure proceeding with final judicial sale and rights in lieu of redemption, and establishing nonjudicial foreclosure proceedings upon waiver of deficiency judgments, was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 599)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Renaud
Renken	Rosenberg	Running	Schneklath
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 6:

Holveck	Neuhauser	Poncy	Royer
Sherzan	Van Maanen		

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 529**, a bill for an act relating to governmental competition with and purchase of goods and services from private enterprise, was taken up for consideration.

Black of Jasper offered the following amendment H—3224 filed by him and moved its adoption:

H—3224

- 1 Amend House File 529 as follows:
- 2 1. Page 1, line 17, by striking the words "or
- 3 ordinance" and inserting the following: ", ordinance,
- 4 or regulation".

Amendment H—3224 was adopted.

Skow of Guthrie offered the following amendment H—3491 filed from the floor by Skow, Cooper, Metcalf, Garman and Platt:

H—3491

- 1 Amend House File 529 as follows:
- 2 1. By striking page 2, line 33 through page 3,
- 3 line 3 and inserting the following: "required by this
- 4 subsection shall be in accordance with that required
- 5 by generally accepted accounting principles."
- 6 2. Page 3, lines 7 and 8, by striking the words
- 7 "including those required in subsection 4" and
- 8 inserting the following: "as required by generally
- 9 accepted accounting principles".
- 10 3. Page 3, by inserting after line 11 the
- 11 following:
- 12 "\_\_\_\_\_. The director of the department of
- 13 corrections, with the advice of the state prison
- 14 industries advisory board, may, by rule, provide for
- 15 the following exemptions from the application of
- 16 subsection 1:
- 17 a. Iowa state industries may sell products to any
- 18 tax-supported institution or governmental subdivision
- 19 in any level of government which includes the state,
- 20 county, city, or school corporation. Iowa state
- 21 industries may sell products to employees of those
- 22 entities.
- 23 b. Iowa state industries may sell products to
- 24 nonprofit organizations including parochial schools,
- 25 churches, or fraternal organizations and employees of
- 26 those nonprofit organizations.
- 27 c. Iowa state industries may sell products to
- 28 nonprofit health care facilities serving Medicaid or
- 29 social security patients.
- 30 \_\_\_\_\_ The director of the department of
- 31 corrections, with the advice of the board of
- 32 corrections, may by rule, provide for exemption from

33 this chapter for vocational-educational programs and  
34 farm operations of the department.

35 \_\_\_\_\_. This chapter does not apply to any of the  
36 following:

37 a. The operation of a city enterprise, as defined  
38 in section 384.24, subsection 2.

39 b. The performance of an activity that is an  
40 essential corporate purpose of a city, as defined in  
41 section 384.24, subsection 3, or which carries out the  
42 essential corporate purpose, or which is a general  
43 corporate purpose of a city as defined in section  
44 384.24, subsection 4, or which carries out the general  
45 corporate purposes.

46 c. The operation of a city utility, as defined by  
47 section 390.1, subsection 2.

48 d. The performance of an activity by a city that  
49 is intended to assist in economic development or  
50 tourism.

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1 e. The operation of a county enterprise, as  
2 defined in section 331.461, subsection 1, or 331.461,  
3 subsection 2.

4 f. The performance of an activity that is an  
5 essential county purpose, as defined in section  
6 331.441, subsection 2, or which carries out the  
7 essential county purpose, or which is a general county  
8 purpose as defined in section 331.441, subsection 2,  
9 or which carries out the general county purpose.

10 g. The performance of an activity listed as a duty  
11 relating to a county service in section 331.381.

12 h. The performance of an activity listed in  
13 section 331.424, as a service for which a supplemental  
14 levy may be certified.

15 i. The performance of an activity by a county that  
16 is intended to assist in economic development or  
17 tourism."

18 4. Page 3, by striking lines 13 and 14 and  
19 inserting the following:

20 "A city, county, or school district shall adopt a  
21 policy for purchasing goods or services from private  
22 enterprise which requires consideration of purchasing  
23 these".

24 5. Page 3, line 23, by inserting after the word  
25 "seek" the following: "injunctive".

26 6. Page 3, lines 25 and 26, by striking the words  
27 "to seek appropriate judicial relief".

28 7. Page 3, by striking lines 29 and 30 and  
29 inserting the following: "the aggrieved person fees  
30 and other expenses, as defined in section 625.28.

31 This section is the exclusive remedy for violations

32 of this chapter. However, the office of the citizens'  
 33 aide may review violations of this chapter and make  
 34 recommendations as provided in chapter 601G."

Hatch of Polk offered the following amendment H-3495, to amendment H-3491, filed from the floor by Hatch, Swartz, Renken, Harbor and Hansen of Woodbury. Division was requested as follows:

H-3495

1 Amend the amendment, H-3491, to House File 529 as  
 2 follows:

H-3495A

3 1. Page 1, by striking lines 20 through 22 and  
 4 inserting the following: "county, city, or school  
 5 corporation."

H-3495B

6 2. Page 1, lines 25 and 26, by striking the words  
 7 "and employees of those nonprofit organizations".

Hatch of Polk moved the adoption of amendment H-3495A.

A non-record roll call was requested.

The ayes were 27, nays 43.

Amendment H-3495A lost.

On motion by Hatch of Polk, amendment H-3495B was adopted.

On motion by Skow of Guthrie, amendment H-3491, as amended, was adopted.

Groning of Cerro Gordo in the chair at 2:47 p.m.

Skow 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. 529)

The ayes were, 87:

Arnould	Avenson	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Fey	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch

Haverland	Hermann	Hester	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Norrgard
Ollie	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Stromer	Stueland	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Mr. Speaker (Groninga)	

The nays were, 10:

Adams	Dvorsky	Hammond	Holveck
McKean	Neuhauser	Rosenberg	Spear
Svoboda	Wise		

Absent or not voting, 3:

Eddie	Osterberg	Parker
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 2:52 p.m.

**House File 633**, a bill for an act relating to restrictions on the number of acres of agricultural land that authorized farm corporations or authorized trusts may acquire or otherwise obtain or lease, restricting persons from being shareholders or beneficiaries in more than a certain number of authorized farm corporations or authorized trusts, and providing penalties, was taken up for consideration.

Osterberg of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 633)

The ayes were, 70:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Brammer	Branstad
Buhr	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	Diemer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch

Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
May	McKean	McKinney	Muhlbauer
Norrsgard	Ollie	Osterberg	Parker
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Platt	Poncy	Rosenberg
Running	Schrader	Shoning	Skow
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 23:

Bennett	Carpenter	De Groot	Harbor
Haverland	Hermänn	Hester	Hummel
Lundby	Maulsby	Metcalf	Miller
Mullins	Neuhauser	Paulin	Petersen, D. F.
Renken	Royer	Schneklath	Siegrist
Spear	Tyrrell	Van Maanen	

Absent or not voting, 7:

Blanshan	Doderer	Eddie	Halvorson, R. N.
Renaud	Sherzan	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 644, 651, 393, 587 and 633.

**House File 523**, a bill for an act relating to the financial authority of political subdivisions by authorizing loan agreements, the issuance of bonds for additional purposes, and the payment of interest from bond proceeds, was taken up for consideration.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 523)

The ayes were, 93:

Adams	Arnould	Beaman	Bennett
Bisignano	Black	Brammer	Branstad
Buhr	Carpenter	Chapman	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Dvorsky	Fogarty	Fuller	Garman

Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Beatty	Blanshan	Clark	Doderer
Eddie	Fey	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 661**, a bill for an act creating an Iowa life and health insurance guaranty association, protecting persons, within limits, against the failure of certain life, health, and annuity contracts because of impairment or insolvency, specifying the powers and duties of the association, and providing administrative procedures and methods for the operation and financing of the association, including but not limited to the assessment of member insurers and the provision of a partial premium tax liability credit, previously deferred, was taken up for consideration.

Brammer of Linn asked for unanimous consent that House File 661 be deferred and that the bill retain its place on the calendar.

Objection was raised.

Brammer of Linn moved that House File 661 be deferred and retained on the calendar.

Brammer of Linn asked and received unanimous consent to withdraw his motion to defer House File 661.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 661)

The ayes were, 86:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Petersen, D. F.
Peterson, M. K.	Platt	Poncy	Renaud
Renken	Rosenberg	Running	Schnekloth
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Swartz
Swearingen	Tabor	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 11:

Doderer	Halvorson, R. N.	Maulsby	Miller
Peters	Plasier	Royer	Stromer
Svoboda	Teaford	Van Maanen	

Absent or not voting, 3:

Blanshan	Eddie	Sherzan
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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 645**, a bill for an act relating to interception of communications by electronic, mechanical, or other devices, providing a penalty and providing an automatic repeal, was taken up for consideration.

Jay of Appanoose offered the following amendment H—3506 filed by him from the floor and moved its adoption:

H—3506

- 1 Amend House File 645 as follows:
- 2 1. Page 1, by striking lines 22 through 32 and
- 3 inserting the following:
- 4 "a. A telephone or telegraph instrument, equipment,

5 or facility, or any component of it which is being  
6 used by an investigative or law enforcement officer in  
7 the ordinary course of the officer's duties."

8 2. Page 3, line 17, by striking the word  
9 "service" and inserting the following:  
10 "communication".

11 3. Page 3, line 21, by striking the word  
12 "service" and inserting the following:  
13 "communication".

14 4. Page 3, line 21, by inserting after the word  
15 "checks" the following: "and shall not use that  
16 information for disciplinary or job evaluation  
17 purposes".

Amendment H—3506 was adopted.

Blanshan of Greene in the chair at 4:00 p.m.

Carpenter of Polk offered the following amendment H—3486 filed by her and Rosenberg of Story from the floor and moved its adoption:

H—3486

1 Amend House File 645 as follows:  
2 1. Page 4, line 13, by striking the word  
3 "gambling".

A non-record roll call was requested.

The ayes were 27, nays 52.

Amendment H—3486 lost.

Halvorson of Clayton offered the following amendment H—3501 filed by him and Jay of Appanoose from the floor and moved its adoption:

H—3501

1 Amend House File 645 as follows:  
2 1. Page 4, line 13, by striking the word  
3 "gambling" and inserting the following: "bookmaking  
4 as defined in section 725.13".

Amendment H—3501 was adopted.

Speaker Avenson in the chair at 4:16 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. 645)

## The ayes were, 70:

Beaman	Bennett	Black	Blanshan
Brammer	Branstad	Cohoon	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Harbor	Hermann
Hester	Hummel	Jay	Knapp
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Plasier	Platt
Poncy	Renaud	Renken	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Tyrrell	Van Maanen
Wise	Mr. Speaker		

## The nays were, 28:

Adams	Arnould	Beatty	Bisignano
Buhr	Carpenter	Chapman	Clark
Connolly	Doderer	Dvorsky	Fey
Hammond	Hanson, D. R.	Harper	Hatch
Holveck	Jochum	Johnson	Koenigs
Ollie	Osterberg	Parker	Peterson, M. K.
Rosenberg	Shoultz	Teaford	Van Camp

## Absent or not voting, 2:

Eddie	Haverland
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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

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 529, 523 and 645.

House File 626, a bill for an act relating to the agricultural development authority, by authorizing it to provide assistance programs to eligible agricultural producers, making appropriations, and providing an effective date, was taken up for consideration.

Skow of Guthrie offered the following amendment H—3507 filed from the floor by Skow, Petersen of Muscatine, Muhlbauer, Kremer, Norrgard, Branstad, Svoboda and Osterberg:

H-3507

1 Amend House File 626 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. Section 175.2, subsection 3, Code  
5 1987, is amended to read as follows:

6 3. "Agricultural producer" means a person engaged  
7 or intending to engage in the business of producing  
8 and marketing agricultural produce in this state.

9 Sec. 2. Section 175.4, Code 1987, is amended by  
10 adding the following new subsections:

11 NEW SUBSECTION. 19. The decline in the number of  
12 beef cattle production operations is a serious problem  
13 within the state, resulting in the conversion of land  
14 used for pasture to row crop production, and threatens  
15 to destroy a significant part of Iowa's agricultural  
16 base and damage the economic viability of the state.

17 NEW SUBSECTION. 20. It is necessary to create a  
18 program in this state to assist agricultural producers  
19 who have established or intend to establish beef  
20 cattle production operations, to obtain adequate  
21 financing, and management assistance and training, and  
22 to convert land used for row crop production to  
23 pasture.

24 Sec. 3. Section 175.35, subsection 3, Code 1987,  
25 is amended by adding the following new paragraphs:

26 NEW PARAGRAPH. g. The farmer has a net worth of  
27 not more than two hundred thousand dollars.

28 NEW PARAGRAPH. h. The farmer has developed a farm  
29 unit conservation plan and entered into a conservation  
30 agreement, as defined in sections 467A.42, with the  
31 commissioners of the soil conservation district where  
32 the land is located.

33 Sec. 4. NEW SECTION. 175.36 ASSISTANCE AND  
34 MANAGEMENT PROGRAMS FOR BEEF CATTLE PRODUCERS.

35 1. The authority shall create and develop programs  
36 to assist agricultural producers who have established  
37 or intend to establish in this state, beef cattle  
38 production operations, including but not limited to  
39 the following assistance:

40 a. INSURANCE OR LOAN GUARANTEE PROGRAM. An  
41 insurance or loan guarantee program to provide for the  
42 insuring or guaranteeing of all or part of a loan made  
43 to an agricultural producer for the acquisition of  
44 beef cattle to establish or expand a feeder cattle  
45 operation.

46 b. AN INTEREST BUY-DOWN PROGRAM. The authority  
47 may contract with a participating lending institution  
48 and a qualified agricultural producer to reduce the  
49 interest rate charged on a loan for the acquisition of  
50 beef cattle breeding stock. The authority shall

## Page 2

1 determine the amount that the rate is reduced; by  
2 considering the lending institutions customary loan  
3 rate for the acquisition of beef cattle breeding stock  
4 as certified to the authority by the lending  
5 institution.

6 As part of the contract, in order to partially  
7 reimburse the lending institution for the reduction of  
8 the interest rate on the loan, the authority may agree  
9 to grant the lending institution any amount foregone  
10 by reducing the interest rate, if the amount of the  
11 loan is one hundred thousand dollars or less.  
12 However, the amount reimbursed shall not be more than  
13 the lesser of either of the following:

14 (1) Three percent per annum of the principal  
15 balance of the loan which is outstanding at any time  
16 for the term of the loan or within one year from the  
17 date that the documents creating the loan are  
18 executed, whichever is less.

19 (2) Fifty percent of the amount of interest  
20 foregone by the lending institution on the loan.

21 c. A COST-SHARING PROGRAM. The authority may  
22 contract with an agricultural producer to reimburse  
23 the producer for the cost of converting land planted  
24 to row crops to pasture suitable for beef cattle  
25 production. However, the amount reimbursed shall not  
26 be more than twenty-five dollars per acre converted,  
27 or fifty percent of the conversion costs, whichever is  
28 less. The contract shall apply to not more than one  
29 hundred fifty acres of row crop land converted to  
30 pasture. The converted land shall be utilized in beef  
31 cattle production for a minimum of five years  
32 following the last payment under the contract. The  
33 amount to be reimbursed shall be reduced by the amount  
34 that the agricultural producer receives under any  
35 other state or federal program that contributes toward  
36 the cost of converting the same land from row crops to  
37 pasture.

38 d. A MANAGEMENT ASSISTANCE AND TRAINING PROGRAM.

39 The authority in cooperation with any agency or  
40 instrumentality of the federal government or with any  
41 state agency, including any state university or those  
42 associations organized for the purpose of assisting  
43 agricultural producers involved in beef cattle  
44 production, shall establish programs to train and  
45 assist agricultural producers to effectively manage  
46 beef cattle production operations.

47 2. An agricultural producer shall be eligible to  
48 participate in a program established under this  
49 section only if all the following criteria are  
50 satisfied:

## Page 3

1 a. The agricultural producer is a resident of the  
2 state.

3 b. The agricultural producer has land or other  
4 facilities available to establish a beef cattle  
5 production operation as prescribed by rules of the  
6 authority.

7 c. The agricultural producer is an individual,  
8 partnership, or a family farm corporation, as defined  
9 in section 172C.1, subsection 8.

10 d. The land or other facilities available to  
11 establish a beef cattle production operation are  
12 located within the state.

13 e. The agricultural producer has a net worth of  
14 four hundred thousand dollars or less.

15 f. The agricultural producer develops a farm unit  
16 conservation plan and enters into a conservation  
17 agreement, as defined in section 467A.42, with the  
18 commissioners of the soil conservation district where  
19 the land is located within two years from the date of  
20 entering into the program, unless the authority  
21 requires a shorter period of time by rule.

22 3. The authority shall adopt rules to enforce the  
23 provisions of this section or the terms of a contract  
24 to which the authority is a party. The authority may  
25 also enforce the provisions of this section or terms  
26 of the contract by bringing an action in any court of  
27 competent jurisdiction to recover damages. As a  
28 condition of entering into the program, the authority  
29 may require that the agricultural producer consent to  
30 the jurisdiction of the courts of this state to hear  
31 any matter arising from the provisions of this  
32 section.

33 Sec. 5. APPROPRIATION. There is appropriated from  
34 the general fund of the state to the Iowa agricultural  
35 development authority for the fiscal period beginning  
36 July 1, 1986, and ending June 30, 1987, the amount of  
37 five million (5,000,000) dollars, or so much thereof  
38 as is necessary, to be used for providing assistance  
39 to Iowa farmers and agricultural producers under and  
40 through the agricultural loan assistance programs,  
41 assistance, training, and management programs for beef  
42 cattle producers, and related programs. Not more than  
43 two million (2,000,000) dollars of the appropriation  
44 shall be used for all other assistance programs.

45 Not more than one hundred fifty thousand (150,000)  
46 dollars shall be used for general administration,  
47 including salaries, support, and miscellaneous  
48 purposes. Notwithstanding section 8.33, moneys  
49 appropriated by this section which are committed for  
50 grants pursuant to agreements under section 175.35

## Page 4

1 entered into on or after April 1, 1987, but before  
 2 October 1, 1987, shall not revert to the general fund.  
 3 Notwithstanding section 8.33, moneys appropriated by  
 4 this section for assistance, training, and management  
 5 programs for beef cattle producers which are committed  
 6 pursuant to agreements under section 175.36,  
 7 subsection 1, paragraph "d", entered into on or after  
 8 April 1, 1987, but before July 1, 1988 shall not  
 9 revert to the general fund. Moneys appropriated by  
 10 this section which are committed pursuant to  
 11 agreements under section 175.35, but which are not  
 12 utilized by July 1, 1988, shall revert to the general  
 13 fund. Moneys appropriated by this section which are  
 14 committed pursuant to agreements under section 175.36,  
 15 but are not utilized by July 1, 1989, shall revert to  
 16 the general fund.

17 Sec. 6. EFFECTIVE DATE. This Act, being deemed of  
 18 immediate importance, takes effect upon enactment."

19 2. Title page, lines 2 and 3, by striking the  
 20 words "authorizing it to provide assistance programs  
 21 to eligible agricultural producers" and inserting the  
 22 following: "expanding certain definitions, providing  
 23 requirements for certain farmers to participate in  
 24 certain programs, providing programs to assist  
 25 eligible beef cattle producers".

Skow of Guthrie asked and received unanimous consent that House File 626 be deferred and that the bill retain its place on the calendar.

(Amendment H—3507 pending.)

**House File 527**, a bill for an act to require owners of vehicles subject to proportional registration to make application to either the state department of transportation or the county treasurer for registration and issuance of certificates of title, and providing an effective date, deferred March 30, 1987, with report of committee recommending passage was taken up for consideration.

Koenigs of Mitchell offered the following amendment H—3468 filed by him and moved its adoption:

H—3468

1 Amend House File 527 as follows:

2 1. Page 4, by inserting after line 9 the

3 following:

4 "Sec. \_\_\_\_\_. NEW SECTION. 321.46A CHANGE FROM  
 5 PROPORTIONAL REGISTRATION — CREDIT.

6 An owner changing a vehicle's registration from

7 proportional registration under chapter 326 to

8 registration under this chapter shall be entitled to a  
 9 credit on the vehicle's registration fees under this  
 10 chapter. The credit shall be allowed when the owner  
 11 surrenders to the county treasurer proof of  
 12 proportional registration provided by the department.  
 13 The amount of the credit shall be calculated based on  
 14 the unexpired complete calendar months remaining in  
 15 the registration year from the date the application is  
 16 filed with the county treasurer.

17 Sec. \_\_\_\_\_. Section 321.126, subsection 4, Code  
 18 1987, is amended to read as follows:

19 4. If the motor vehicle is registered by the  
 20 county treasurer during the current registration year  
 21 and the owner or lessee registers the vehicle for  
 22 ~~prorate~~ proportional registration under chapter 326,  
 23 the owner of the registered vehicle shall surrender  
 24 the registration plates to the county treasurer and  
 25 may file a claim for refund. In lieu of a refund, a  
 26 credit for the registration fees paid to the county  
 27 treasurer may be applied by the department to the  
 28 owner or lessee's proportional registration fees upon  
 29 the surrender of the county plates and registration.

30 Sec. \_\_\_\_\_. Section 321.127, subsection 4, Code  
 31 1987, is amended to read as follows:

32 4. Refunds and credits for motor vehicles  
 33 registered for ~~prorate~~ proportional registration under  
 34 chapter 326 shall be paid or credited on the basis of  
 35 unexpired complete calendar months remaining in the  
 36 registration year from the date the claim or  
 37 application is filed with the department."

38 2. Title page, line 1, by striking the words "to  
 39 require" and inserting the following: "relating to  
 40 proportional registration by providing for credits of  
 41 registration fees when changing the method of  
 42 registration of vehicles and by requiring".

Amendment H—3468 was adopted.

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?" (H.F. 527)

The ayes were, 91:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Fey	Fogarty

Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellétt	Peters	Peterson, M. K.
Plasier	Platt	Poney	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Beamman	Chapman	Dvorsky	Eddie
Halvorson, R. N.	Haverland	Jochum	Petersen, D. F.
Skow			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 398**, a bill for an act relating to water districts, by providing for water service by a benefited water district or a rural water district within two miles of a city and the annexation of land within a rural water district, previously deferred, with report of committee recommending amendment and passage was taken up for consideration.

Muhlbauer of Crawford offered the following amendment H—3275 filed by the committee on local government:

H—3275

- 1 Amend House File 398 as follows:
- 2 1. Page 1, line 12, by striking the word
- 3 "contract" and inserting the following: "construct".
- 4 2. Page 1, line 20, by striking the words "the
- 5 alteration" and inserting the following: "a change in
- 6 water service".
- 7 3. Page 1, line 22, by striking the word "July"
- 8 and inserting the following: "January".
- 9 4. Page 1, by striking lines 24 through 30 and
- 10 inserting the following: "area to families or
- 11 customers being served on that date unless the
- 12 families or customers are annexed to a city. If the

13 customers or families are annexed into a city the  
14 water district may maintain its dominant right to  
15 continue to provide water service for ten years unless  
16 it voluntarily surrenders its right. As used in this  
17 paragraph, a water district includes a system operated  
18 by a nonprofit corporation organized under this  
19 chapter.”

20 5. Page 2, line 7, by striking the word  
21 “contract” and inserting the following: “construct”.

22 6. Page 2, line 15, by striking the words “the  
23 alteration” and inserting the following: “a change in  
24 water service”.

25 7. Page 2, line 17, by striking the word “July”  
26 and inserting the following: “January”.

27 8. Page 2, by striking lines 19 through 24 and  
28 inserting the following: “area to families or  
29 customers being served on that date unless the  
30 families or customers are annexed to a city. If the  
31 customers or families are annexed into a city the  
32 water district may maintain its dominant right to  
33 continue to provide water service for ten years unless  
34 it voluntarily surrenders its right. As used in this  
35 paragraph, a water district includes a system operated  
36 by a nonprofit corporation organized under this  
37 chapter.”

38 9. By striking page 2, line 27 through page 3,  
39 line 9, and inserting the following:

40 “A water district organized under chapter 357 or  
41 357A shall be fairly compensated for losses resulting  
42 from annexation. The governing body of a city or  
43 water utility and the board of directors or trustees  
44 of the water district may agree to terms which provide  
45 that the facilities owned by the water district and  
46 located within the city shall be retained by the water  
47 district for the purpose of transporting water to  
48 customers outside the city. If an agreement is not  
49 reached within ninety days, the issues shall be  
50 submitted to arbitration. An arbitrator shall be

#### Page 2

1 selected by a committee which includes one member of  
2 the governing body of the city or its designee, one  
3 member of the water district’s board of directors or  
4 trustees or its designee, and a disinterested party  
5 selected by the other two members of the committee.”

Muhlbauer of Crawford offered the following amendment H—3499,  
to the committee amendment H—3275, filed by him from the floor and  
moved its adoption:

H-3499

1 Amend the Committee amendment, H-3275, to House  
2 File 398 as follows:

3 1. Page 1, by striking lines 2 through 37 and in-  
4 serting the following:

5 "\_\_\_\_\_. Page 1, line 2, by striking the word "para-  
6 graphs" and inserting the following: "paragraph".

7 \_\_\_\_\_. Page 1, by striking lines 3 through 30 and  
8 inserting the following:

9 "NEW UNNUMBERED PARAGRAPH. Water services, other  
10 than water services provided as of January 1, 1987,  
11 shall not be provided within two miles of the limits  
12 of a city unless the city has approved a new water  
13 service plan submitted by the benefited district. If  
14 the new water service plan is not approved by the  
15 city, the plan may be subject to arbitration."

16 \_\_\_\_\_. Page 1, line 32, by striking the word  
17 "paragraphs" and inserting the following:  
18 "paragraph".

19 \_\_\_\_\_. By striking page 1, line 33, through page 2,  
20 line 24, and inserting the following:

21 "NEW UNNUMBERED PARAGRAPH. Water services, other  
22 than water services provided as of January 1, 1987,  
23 shall not be provided within two miles of the limits  
24 of a city by a rural water district incorporated under  
25 this chapter or chapter 504A unless the city has  
26 approved a new water service plan submitted by the  
27 district. If the new water service plan is not ap-  
28 proved by the city, the plan may be subject to  
29 arbitration." "

30 2. Page 1, lines 40 and 41, by striking the word  
31 and figure "or 357A" and inserting the following: "  
32 357A, or 504A".

33 3. Page 2, line 5, by inserting after the word  
34 "committee." the following: "A list of qualified  
35 arbitrators may be obtained from the American  
36 arbitration association or other recognized  
37 arbitration organization or association.

38 Sec. \_\_\_\_\_. Section 384.84, Code 1987, is amended by  
39 adding the following new subsection:

40 NEW SUBSECTION. 3. The portion of cost  
41 attributable to the agreement or arbitration awarded  
42 under section 357A.21 may be apportioned in whole or  
43 in part among water customers within an annexed area.

44 \_\_\_\_\_. Title page, by striking lines 2 through 4  
45 and inserting the following: "service within two  
46 miles of a city and by providing for the determination  
47 and apportionment of cost attributed to the annexation  
48 of land." "

49 4. By renumbering sections as necessary.

Amendment H—3499 was adopted.

On motion by Muhlbauer of Crawford, the committee amendment H—3275, as amended, was adopted.

Muhlbauer 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?" (H.F. 398)

The ayes were, 98:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 2:

Eddie Haverland

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

The House stood at ease at 4:42 p.m., until the fall of the gavel.

The House resumed session at 4:45 p.m., Speaker Avenson in the chair.

The House resumed consideration of **House File 621**, a bill for an act requiring the state vehicle dispatcher and other state agencies to solicit bids for ethanol-blended gasoline when advertising for bids for gasoline, temporarily deferred.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 621)

The ayes were, 94:

Adams	Beaman	Beatty	Bennett
Bisignano	Black	Brammer	Branstad
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Arnould	Blanshan	Eddie	Haverland
Plasier	Stromer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 399**, a bill for an act relating to the issuance of citations by the department of inspections and appeals to food establishments, food service establishments, hotels, and vending machine operators for violating laws concerned with the public health, and providing

for the establishment of penalties for violations, with report of committee recommending passage was taken up for consideration.

Van Camp of Scott offered the following amendment H—3509 filed from the floor by Van Camp, Shoning and Blanshan and moved its adoption:

H—3509

- 1 Amend House File 399 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. **NEW SECTION. 170.48 CITATIONS.**
- 5 1. The department shall adopt rules for the
- 6 issuance of citations to a food establishment for
- 7 violation of this chapter or departmental rules
- 8 adopted to enforce the sections of this chapter. The
- 9 department shall issue a citation only after an
- 10 inspection or investigation of the food establishment
- 11 is conducted.
- 12 2. The citation shall be in writing and have a
- 13 title identifying the department of issuance. The
- 14 citation shall be served by the department, either
- 15 personally to the licensee of the food establishment
- 16 or by certified mail. A citation issued by the
- 17 department shall contain the following information:
- 18 a. A reference citing each section of this chapter
- 19 or departmental rule for which the food establishment
- 20 is cited, and a copy of the contents of the section or
- 21 rule.
- 22 b. The period of time allowed by the department
- 23 for correction of each violation prior to imposing a
- 24 penalty.
- 25 c. The maximum penalty that the department may
- 26 impose for each violation.
- 27 d. Notification that the food establishment may
- 28 contest the citation by notifying the department, in
- 29 writing, within twenty calendar days from receipt of
- 30 the citation.
- 31 3. Upon timely receipt of a written contested
- 32 notice from the food establishment, the department
- 33 shall schedule an evidentiary hearing pursuant to
- 34 chapter 17A and departmental rules.
- 35 4. This section shall not preclude the department
- 36 from taking action to close a food establishment in
- 37 case of an immediate danger to public health.
- 38 Sec. 2. Section 170.49, Code 1987, is amended by
- 39 adding the following new unnumbered paragraphs:
- 40 NEW UNNUMBERED PARAGRAPH. The department may adopt
- 41 rules to impose civil penalties on food establishments
- 42 for violations of a departmental rule adopted to
- 43 enforce the sections of this chapter. Each day a

44 violation occurs constitutes a separate violation.  
45 The department shall impose a penalty no greater than  
46 one hundred dollars for each violation contained in an  
47 issued citation.

48 NEW UNNUMBERED PARAGRAPH. Any moneys received for  
49 penalties imposed by the department for violation of  
50 the chapter or departmental rules adopted to enforce

**Page 2**

1 the sections of this chapter shall be credited to the  
2 general fund.

3 Sec. 3. NEW SECTION. 170A.12A CITATIONS.

4 1. The department shall adopt rules for the  
5 issuance of citations to a food service establishment  
6 for violation of this chapter or departmental rules  
7 adopted to enforce the sections of this chapter. The  
8 department shall issue a citation only after an  
9 inspection or investigation of the food service  
10 establishment is conducted.

11 2. The citation shall be in writing and have a  
12 title identifying the department of issuance. The  
13 citation shall be served by the department, either  
14 personally to the licensee of the food service  
15 establishment or by certified mail. A citation issued  
16 by the department must contain the following  
17 information:

18 a. A reference citing each section of this chapter  
19 or departmental rule for which the food service  
20 establishment is cited, and a copy of the contents of  
21 the section or rule.

22 b. The period of time allowed by the department  
23 for correction of each violation prior to imposing a  
24 penalty.

25 c. The maximum penalty that the department may  
26 impose for each violation.

27 d. Notification that the food service  
28 establishment may contest the citation by notifying  
29 the department in writing within twenty calendar days  
30 from receipt of the citation.

31 3. Upon timely receipt of a written contested  
32 notice from the food service establishment, the  
33 department shall schedule an evidentiary hearing  
34 pursuant to chapter 17A and departmental rules.

35 4. This section shall not preclude the department  
36 from taking action to close a food service  
37 establishment in case of an immediate danger to public  
38 health.

39 Sec. 4. Section 170A.13, Code 1987, is amended by  
40 adding the following new unnumbered paragraphs:

41 NEW UNNUMBERED PARAGRAPH. The department may adopt  
42 rules to impose civil penalties on food service

43 establishments for violations of a departmental rule  
44 adopted to enforce the sections of this chapter. Each  
45 day a violation occurs beyond the time allowed for  
46 correction constitutes a separate violation. The  
47 department shall impose a penalty no greater than one  
48 hundred dollars for each violation contained in an  
49 issued citation.  
50 NEW UNNUMBERED PARAGRAPH. Any moneys received for

**Page 3**

1 penalties imposed by the department for violation of  
2 the chapter or departmental rules adopted to enforce  
3 the sections of this chapter shall be credited to the  
4 general fund.  
5 Sec. 5. NEW SECTION. 170B.15A CITATIONS.  
6 1. The department shall adopt rules for the  
7 issuance of citations to any hotel or motel for  
8 violation of this chapter or departmental rules  
9 adopted to enforce the sections of this chapter. The  
10 department shall issue a citation only after an  
11 inspection or investigation of the hotel or motel is  
12 conducted.  
13 2. The citation shall be in writing and have a  
14 title identifying the department of issuance. The  
15 citation shall be served by the department, either  
16 personally to the licensee of the hotel or motel or by  
17 certified mail. Each citation issued by the  
18 department shall contain the following information:  
19 a. A reference citing each section of this chapter  
20 or departmental rule for which the hotel or motel is  
21 cited, and a copy of the contents of the section or  
22 rule.  
23 b. The period of time allowed by the department  
24 for the correction of each violation prior to imposing  
25 a penalty.  
26 c. The maximum penalty that the department may  
27 impose for each violation.  
28 d. Notification that the hotel or motel may  
29 contest the citation by notifying the department in  
30 writing, within twenty calendar days from the receipt  
31 of the citation.  
32 3. Upon timely receipt of a written contested  
33 notice from the hotel or motel, the department shall  
34 schedule an evidentiary hearing pursuant to chapter  
35 17A and departmental rules.  
36 4. This section shall not preclude the department  
37 from taking action to close a hotel or motel in case  
38 of an immediate danger to public health.  
39 Sec. 6. Section 170B.16, Code 1987, is amended by  
40 adding the following new unnumbered paragraphs:  
41 NEW UNNUMBERED PARAGRAPH. The department may adopt

42 rules providing for civil penalties to be imposed on  
43 hotels or motels for violations of a departmental rule  
44 adopted to enforce the sections of this chapter. Each  
45 day upon which a violation occurs beyond the time  
46 allowed for correction constitutes a separate  
47 violation. The department shall impose a penalty no  
48 greater than one hundred dollars for each violation  
49 contained in an issued citation.  
50 NEW UNNUMBERED PARAGRAPH. Any moneys received for

**Page 4**

1 penalties imposed by the department for violation of  
2 the chapter or departmental rules adopted to enforce  
3 the sections of this chapter shall be credited to the  
4 general fund.

5 Sec. 7. NEW SECTION. 191A.11A CITATIONS.

6 1. The department shall adopt rules for the  
7 issuance of citations to a vending machine operator  
8 for violation of this chapter or departmental rules to  
9 enforce the sections of this chapter. The department  
10 shall issue a citation only after an inspection or  
11 investigation of the vending machine operation is  
12 conducted.

13 2. The citation must be in writing and have a  
14 title identifying the department of issuance. The  
15 citation shall be served by the department, either  
16 personally to the licensee of the vending machine or  
17 by certified mail. A citation issued by the  
18 department shall contain the following information:

19 a. A reference citing each section of this chapter  
20 or departmental rule for which the vending machine  
21 operator is cited, and a copy of the contents of the  
22 section or rule.

23 b. The period of time that the department allows  
24 for the correction of each violation prior to imposing  
25 a penalty.

26 c. The maximum penalty that the department may  
27 impose for each violation.

28 d. Notification that the vending machine operator  
29 may contest the citation by notifying the department,  
30 in writing, within twenty calendar days from receipt  
31 of the citation.

32 3. Upon timely receipt of a written contested  
33 notice from the vending machine operator, the  
34 department shall schedule an evidentiary hearing  
35 pursuant to chapter 17A and departmental rules.

36 4. This section shall not preclude the department  
37 from taking action to close a vending machine  
38 operation in case of an immediate danger to public  
39 health.

40 Sec. 8. Section 191A.12, Code 1987, is amended by

41 adding the following new unnumbered paragraphs:  
 42. NEW UNNUMBERED PARAGRAPH. The department may adopt  
 43 rules imposing civil penalties on vending machine  
 44 operators for a violation of a departmental rule  
 45 adopted to enforce the sections of this chapter. Each  
 46 day a violation occurs beyond the time allowed for  
 47 correction constitutes a separate violation. The  
 48 department shall impose a penalty no greater than one  
 49 hundred dollars for all violations contained in an  
 50 issued citation.

**Page 5**

1 NEW UNNUMBERED PARAGRAPH. Any moneys received for  
 2 penalties imposed by the department for violation of  
 3 the chapter or departmental rules adopted to enforce  
 4 the sections of this chapter shall be credited to the  
 5 general fund."  
 6 2. Title page, line 3, by inserting after the  
 7 word "hotels" the following: "and motels".

Amendment H—3509 was adopted.

Van Camp 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. 399)

The ayes were, 94:

Adams	Beaman	Beatty	Bennett
Bisignano	Black	Brammer	Branstad
Buhr	Carpenter	Chapman	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Pony	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Arnould  
Haverland

Blanshan  
Muhlbauer

Clark

Eddie

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### MOTIONS TO RECONSIDER

(House File 398)

I move to reconsider the vote by which House File 398 passed the House on March 31, 1987.

MUHLBAUER of Crawford

(House File 398)

I move to reconsider the vote by which House File 398 passed the House on March 31, 1987.

CARPENTER of Polk

(House File 599)

I move to reconsider the vote by which House File 599 passed the House on March 31, 1987.

CHAPMAN of Linn

(House File 599)

I move to reconsider the vote by which House File 599 passed the House on March 31, 1987.

SWARTZ of Marshall

(House File 656)

I move to reconsider the vote by which House File 656 passed the House on March 31, 1987.

TEAFORD of Black Hawk

(House File 656)

I move to reconsider the vote by which House File 656 passed the House on March 31, 1987.

STROMER of Hancock

(House File 661)

I move to reconsider the vote by which House File 661 passed the House on March 31, 1987.

GRONINGA of Cerro Gordo

(House File 661)

I move to reconsider the vote by which House File 661 passed the House on March 31, 1987.

BRAMMER of Linn

#### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 30, 1987. Had I been present, I would have voted "aye" on House File 567.

COREY of Louisa

I was necessarily absent from the House chamber on Monday, March 30, 1987. Had I been present, I would have voted "aye" on House Files: 310, 507, 556, 567, 617, 624, 629, 630, 639 and 653.

DAGGETT of Adams

I was necessarily absent from the House chamber on March 30, 1987. Had I been present, I would have voted "aye" on House File 653.

GARMAN of Story

I was necessarily absent from the House chamber on March 31, 1987. Had I been present, I would have voted "aye" on House File 660.

HERMANN of Scott

#### PRESENTATION OF VISITORS

Fogarty of Palo Alto presented to the House the Honorable Jack Kibbie, former member of the House representing Palo Alto County.

Pavich of Pottawattamie presented to the House the Honorable Tomas J. Murphy, 20th District state representative, Commonwealth of Pennsylvania.

The Speaker announced that the following visitors were present in the House chamber:

Fifty-five fifth grade students from West Marshall Elementary School, State Center, accompanied by Carol Eddy and Pat Maxwell. By Black of Jasper.

Thirty-five fifth grade students from Lakeview Elementary School, Centerville, accompanied by Mrs. Ogelsby. By Jay of Appanoose.

Eleven senior students from Klemme High School, Klemme, accompanied by Alan Jensen. By Stromer of Hancock.

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### DIVISION OF COMMUNITY ACTION AGENCIES

The 1986 Annual Report on Community Action Programs in Iowa, pursuant to Chapter 1249, section 2(3)(f), 1986 Acts of the Seventy-first General Assembly.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 342

Appropriations: Jochum, Chair; Peterson of Carroll and Van Maanen.

##### House File 406

Appropriations: Peterson of Carroll, Chair; Hummel and Jochum.

##### House File 483

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

##### House File 495

Appropriations: Peterson of Carroll, Chair; Knapp and Van Maanen.

##### House File 524

Appropriations: Peterson of Carroll, Chair; Jochum and Van Maanen.

##### House File 535

Appropriations: Peterson of Carroll, Chair; Jochum and Mullins.

##### House File 601

Appropriations: Mullins, Chair; Halvorson of Webster and McKinney.

##### House File 618

Appropriations: Knapp, Chair; Hatch and Maulsby.

##### House File 632

Appropriations: Knapp, Chair; Hummel and Schrader.

### COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully

reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

#### COMMITTEE ON APPROPRIATIONS

**House File 601**, a bill for an act relating to organ and tissue identification and transplantation, by creating a commission to develop a state plan for human organ and tissue transplants and requiring certain criteria in the state plan including organ and tissue procurement, registration and distribution, recipient selection criteria, transplant center eligibility, informed consent, confidentiality, and costs, requiring a certificate of need for certain transplant services, specifying a protocol for organ and tissue identification in hospitals, specifying duties of the Iowa department of public health and the department of human services, and the collection of information regarding organ and tissue transplants.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3484** March 30, 1987.

#### COMMITTEE ON WAYS AND MEANS

**House File 497**, a bill for an act to authorize the imposition of a tax levy by a city or county for economic development purposes.

Fiscal Note is not required.

Committee Action: **Failed to Pass** March 30, 1987.

**Committee Bill** (Formerly House File 177), to provide that a homestead tax credit claim need not be refiled when the homestead is transferred to one of the spouses pursuant to a dissolution of marriage.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1987.

**Committee Bill** (Formerly House File 269), authorizing a tax levy for city libraries by petition and referendum.

Fiscal Note is not required.

Recommended **Do Pass** March 30, 1987.

#### AMENDMENTS FILED

H-3480	H.F.	631	Dvorsky of Johnson
H-3481	S.F.	17	Running of Linn
H-3482	H.F.	631	Stueland of Clinton
H-3484	H.F.	601	Paulin of Plymouth
			Committee on
			Appropriations
H-3487	H.F.	631	Schneklath of Scott
H-3488	S.F.	219	Van Camp of Scott

H-3490	S.F.	311	Halvorson of Webster
H-3492	S.F.	219	Connors of Polk
			Rosenberg of Story
H-3496	H.F.	650	Spear of Lee
H-3497	S.F.	17	Black of Jasper
H-3502	H.F.	468	Hermann of Scott
H-3503	H.F.	631	Rosenberg of Story
H-3504	H.F.	646	Hummel of Benton
			Blanshan of Greene
H-3505	H.F.	594	Beatty of Warren
			Harbor of Mills
H-3508	H.F.	661	Brammer of Linn
H-3510	H.F.	626	Lageschulte of Bremer
H-3511	H.F.	377	Tyrrell of Iowa
H-3512	H.F.	377	Halvorson of Webster
H-3513	H.F.	649	Brammer of Linn
H-3514	H.F.	649	Brammer of Linn
H-3515	H.F.	649	Brammer of Linn
H-3516	H.F.	652	Pavich of Pottawattamie
			Connolly of Dubuque
			Running of Linn
H-3517	H.F.	649	Brammer of Linn
H-3518	H.F.	649	Brammer of Linn
H-3519	H.F.	649	Brammer of Linn
H-3520	H.F.	655	Hummel of Benton
H-3521	H.F.	631	Maulsby of Calhoun
H-3522	H.F.	631	Shoultz of Black Hawk
H-3523	H.F.	614	Knapp of Dubuque
H-3524	H.F.	657	Fey of Scott
			Bisignano of Polk
H-3525	H.F.	657	Fey of Scott
			Bisignano of Polk
H-3526	H.F.	377	Halvorson of Webster
H-3527	H.F.	377	Halvorson of Webster

On motion by Arnould of Scott, the House adjourned at 4:58 p.m., until 9:00 a.m., Wednesday, April 1, 1987.

# JOURNAL OF THE HOUSE

Eightieth Calendar Day — Fifty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 1, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Joseph Kremer, state representative from Buchanan County.

The Journal of Tuesday, March 31, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Poney of Wapello on request of Running of Linn.

## INTRODUCTION OF BILLS

**House File 664**, by Hanson of Delaware, a bill for an act authorizing members of an ambulance or rescue service squad to use blue flashing lights on their privately owned motor vehicles.

Read first time and referred to committee on **transportation**.

**House File 665**, by committee on ways and means, a bill for an act authorizing a tax levy for city libraries by petition and referendum.

Read first time and placed on the **ways and means calendar**.

**House File 666**, by committee on ways and means, a bill for an act to provide that a homestead tax credit claim need not be refiled when the homestead is transferred to one of the spouses pursuant to a dissolution of marriage.

Read first time and placed on the **ways and means calendar**.

## SENATE MESSAGES CONSIDERED

**Senate File 62**, by Sturgeon, a bill for an act requiring school districts to offer or make available an approved driver education course to certain persons who have successfully completed the general educational development tests.

Read first time and referred to committee on **education**.

**Senate File 76**, by Holt, a bill for an act relating to third-party payor reimbursements for patient charges at a mental health institute.

Read first time and referred to committee on **human resources**.

**Senate File 149**, by Gronstal, a bill for an act relating to insurance by defining provider discrimination against persons licensed to practice dentistry as an unfair trade practice, if coverage is denied for a service rendered by a dentist within the lawful scope of the dentist's license, which would be a covered service if rendered by a person licensed to practice medicine and surgery.

Read first time and referred to committee on **small business and commerce**.

**Senate File 153**, by Hall, a bill for an act requiring a rural mail carrier to display a flashing light at designated times while delivering mail and providing an effective date.

Read first time and referred to committee on **transportation**.

**Senate File 195**, by Riordan, Husak and Doyle, a bill for an act relating to the duties of the state board of tax review.

Read first time and **passed on file**.

**Senate File 373**, by committee on judiciary, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 394**, by Riordan and Dieleman, a bill for an act relating to care of animals in commercial establishments.

Read first time and referred to committee on **agriculture**.

**Senate File 428**, by Varn, a bill for an act relating to the protection of buyers of fine art and providing a penalty.

Read first time and referred to committee on **small business and commerce**.

**Senate File 458**, by committee on local government, a bill for an act relating to the abatement of taxes by the county.

Read first time and referred to committee on **local government**.

**Senate File 469**, by committee on judiciary, a bill for an act relating to the confinement and treatment of persons convicted of a viola-

tion of operating a motor vehicle while intoxicated by requiring counties to provide temporary confinement for offenders under the supervision of the department of corrections who violate the conditions of treatment programs, by providing that a work release program may include out-of-state work or treatment placement, by specifying that an offender committing a third offense shall serve the minimum thirty-day term in the county jail, and may be sentenced to up to one year in the county jail, by providing that a person convicted of a second or subsequent offense shall be ordered to undergo a substance abuse evaluation, by providing that a person convicted of a third or subsequent offense or an offender whose substance abuse evaluation recommended treatment may be sentenced to the custody of the department of corrections who shall assign the person to a facility pursuant to section 246.513 or to treatment in the community under supervision of the department, by requiring judicial district departments of correctional services to provide programs for offenders under chapter 321J, by providing that a requirement for a mandatory minimum sentence for repeat offenders shall not apply to offenders under chapter 321J, and by providing that an offender under chapter 321J who is under the supervision of the department of corrections shall receive a clothing allowance and expense money allotted to inmates when the offender is assigned to a community-based corrections program.

Read first time and referred to committee on **judiciary and law enforcement**.

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 30, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 455, a bill for an act relating to physical therapy by providing that physical therapy evaluation and treatment may be rendered without a prescription or referral.

JOHN F. DWYER, Secretary

#### HOUSE FILES 631 AND 428 DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 631 and 428 be deferred and that the bills retain their place on the calendar.

#### CONSIDERATION OF BILLS

Regular Calendar

**House File 105**, a bill for an act relating to the appointment of

assessors, with report of committee recommending amendment and passage was taken up for consideration.

Beatty of Warren offered the following amendment H—3203 filed by the committee on local government and moved its adoption:

H—3203

1 Amend House File 105 as follows:

2 1. Page 1, lines 15 through 17, by striking the  
3 words "without further examination if they have  
4 actively pursued the continuing education requirements  
5 in this chapter" and inserting the following: ". In  
6 order to be appointed to the position of assessor, the  
7 assessor shall comply with the continuing education  
8 requirements".

9 2. Page 1, by inserting after line 30 the  
10 following:

11 "Sec. \_\_\_\_\_. Section 441.10, Code 1987, is amended  
12 by inserting after unnumbered paragraph 1 the  
13 following new unnumbered paragraphs:

14 NEW UNNUMBERED PARAGRAPH. Following the  
15 administration of the examination, the director of  
16 revenue and finance shall establish a register  
17 containing the names, in alphabetical order, of all  
18 individuals who are eligible for appointment as a  
19 deputy assessor. The test scores of individuals on  
20 the register shall be given to a city or county  
21 conference board upon request. All eligible  
22 individuals shall remain on the register for a period  
23 of two years following the date of certification  
24 granted by the director.

25 NEW UNNUMBERED PARAGRAPH. Incumbent deputy  
26 assessors who have served six consecutive years shall  
27 be placed on the register of individuals eligible for  
28 appointment as assessor. In order to be appointed to  
29 the position of deputy assessor, the deputy assessor  
30 shall comply with the continuing education  
31 requirements. The number of credits required for  
32 certification as eligible for appointment as a deputy  
33 assessor in a jurisdiction other than where the deputy  
34 assessor is currently serving shall be prorated  
35 according to the percentage of the deputy assessor's  
36 term which is covered by the continuing education  
37 requirements of section 441.8. The credit necessary  
38 for certification for appointment is the product of  
39 ninety multiplied by the quotient of the number of  
40 months served of a deputy assessor's term covered by  
41 the continuing education requirements of section 441.8  
42 divided by seventy-two. If the number of credits  
43 necessary for certification for appointment as  
44 determined under this paragraph results in a partial

- 45 credit hour, the credit hour shall be rounded to the  
46 nearest whole number."

The committee amendment H—3203 was adopted.

Beatty 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. 105)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Haverland	Parker	Poncy	Shoultz
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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 609 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 609 be deferred and that the bill retain its place on the calendar.

**House File 620**, a bill for an act relating to the acquisition and pro-

tection of significant elements of the state's natural open space heritage, was taken up for consideration.

Gruhn of Dickinson moved that the bill be read a last time 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. 620)

The ayes were, 78:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	De Groot	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Hermann	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby
May	McKean	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Platt	Renaud	Renken
Rosenberg	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stueland	Svoboda	Swartz
Swearingen	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 19:

Bennett	Corey	Daggett	Eddie
Garman	Harbor	Hummel	Kremer
Maulsby	Metcalf	Miller	Paulin
Pellett	Petersen, D. F.	Plasier	Royer
Schnekloth	Stromer	Van Maanen	

Absent or not voting, 3:

Haverland	Poncy	Tabor
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### MOTIONS TO RECONSIDER WITHDRAWN (House File 398)

Carpenter of Polk and Muhlbauer of Crawford asked and received unanimous consent to withdraw the motions to reconsider House File 398, a bill for an act relating to water districts, by providing for water

service by a benefited water district or a rural water district within two miles of a city and the annexation of land within a rural water district, filed by them on March 31, 1987.

On motion by Arnould of Scott, the House was recessed at 10:12 a.m., until 2:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 6

Hanson of Delaware offered the following House Memorial Resolution and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 6

*Whereas*, The Honorable James E. Patton of Delaware County, Iowa, who was a member of the Fifty-eighth, Fifty-ninth, Sixtieth, Sixtieth Special, Sixty-first, and Sixty-second General Assemblies, passed away November 28, 1984; *Now Therefore*,

*Be It Resolved by the House of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Hanson of Delaware, Halvorson of Clayton and Kremer of Buchanan.

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 7

Johnson of Winneshiek offered the following House Memorial Resolution and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 7

*Whereas*, The Honorable Hillman Sersland of Winneshiek County, Iowa, who was a member of the Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, Sixtieth and Sixtieth Extra General Assemblies, passed away October 21, 1985; *Now Therefore*,

*Be It Resolved by the House of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Johnson of Winneshiek, Halvorson of Clayton and Avenson of Fayette.

**CONSIDERATION OF BILLS**  
**Regular Calendar**

**House File 623**, a bill for an act relating to the identification, protection, planning, and promotion of public highways and roads along scenic regions of the state, was taken up for consideration.

Branstad of Winnebago offered the following amendment H—3474 filed by him and moved its adoption:

H—3474

- 1 Amend House File 623 as follows:
- 2 1. Page 3, by striking lines 1 through 4 and in-
- 3 serring the following: "priation by the general
- 4 assembly for that purpose."

Amendment H—3474 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. 623)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgrard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Fuller                      Poncey                      Svoboda

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 575**, a bill for an act relating to the acquisition, development, promotion, and management of land for recreation trails, was taken up for consideration.

Tyrrell of Iowa offered the following amendment H—3324 filed by him and moved its adoption:

H—3324

- 1 Amend House File 575 as follows:
- 2 1. Page 3, line 1, by striking the words "or
- 3 eminent domain".

A non-record roll call was requested.

The ayes were 19, nays 49.

Amendment H—3324 lost.

Diemer 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. 575)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Hermann	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Peters	Peterson, M. K.	Plasier	Platt
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Shoultz	Siegrist

Skow	Spear	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Van Camp	Wise	Mr. Speaker	

The nays were, 14:

Eddie	Garman	Harbor	Hester
Hummel	Maulsby	Pellett	Petersen, D. F.
Renken	Royer	Schnekloth	Stromer
Tyrrell	Van Maanen		

Absent or not voting, 3:

Fuller	Parker	Poncy
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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

(House Files 623 and 575)

Arnould of Scott asked and received unanimous consent that House Files 623 and 575 be immediately messaged to the Senate.

The House stood at ease at 2:53 p.m., until the fall of the gavel.

The House resumed session at 3:36 p.m., Speaker Avenson in the chair.

### HOUSE FILES 460 AND 652 DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 460 and 652 be deferred and that the bills retain their place on the calendar.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fuller of Hardin, for the remainder of the day, on request of Swartz of Marshall; Swearingen of Keokuk, until his return, on request of Stromer of Hancock.

**House File 622**, a bill for an act relating to affirmative action in the certification of names for positions in the state personnel system when necessary to achieve a balanced work force and providing for the future repeal of the Act, was taken up for consideration.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 622)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsky
May	McKean	McKinney	Metcalf
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Platt	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 1:

Miller

Absent or not voting, 6:

Black	Fuller	Plasier	Poncy
Swearingen	Tabor		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 652**, a bill for an act relating to the allocations and appropriations of lottery revenues and the programs for which the revenues may be used, previously deferred, was taken up for consideration.

Pavich of Pottawattamie offered the following amendment H—3516 filed by Pavich, et al.:

H—3516

- 1 Amend House File 652 as follows:
- 2 1. Page 4, line 19, by inserting after the word
- 3 "boards" the following: "and two hundred fifty
- 4 thousand dollars shall be used for acquisition and

- 5 development of facilities under the western trails  
6 historical project".

The following amendment H—3554, to amendment H—3516, filed by Pavich of Pottawattamie from the floor was adopted by unanimous consent:

H—3554

- 1 Amend amendment H—3516 to House File 652 as  
2 follows:  
3 1. Page 1, line 4, by striking the word "shall"  
4 and inserting the word "may".

On motion by Pavich of Pottawattamie, amendment H—3516, as amended, was adopted.

Stromer of Hancock rose on a point of order and invoked Rule 32 to refer House File 652 to the committee on appropriations.

The Speaker ruled the point well taken and Rule 32 in order.

Arnould of Scott moved to suspend Rule 32.

Roll call was requested by Stromer of Hancock and Maulsby of Calhoun.

On the question "Shall Rule 32 be suspended?" (H.F. 652)

The ayes were, 52:

Adams	Arnould	Beatty	Bisignano
Black	Buhr	Chapman	Cohoon
Connolly	Connors	Cooper	Doderer
Dvorsky	Fogarty	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Renaud
Rosenberg	Running	Schrader	Shoultz
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

The nays were, 41:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett

Petersen, D. F.	Plasier	Platt	Renken
Royer	Schnekloth	Shoning	Siegrist
Stromer	Stueland	Tyrrell	Van Camp
Van Maanen			

Absent or not voting, 7:

Blanshan	Brammer	Fey	Fuller
Poncy	Sherzan	Swearingen	

The motion prevailed and Rule 32 was suspended.

The following amendment H—3556 filed by Hanson of Delaware from the floor was adopted by unanimous consent:

H—3556

- 1 Amend House File 652 as follows:
- 2 1. Page 1, line 21, by inserting after the word
- 3 "created" the words "or retained".

Running 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. 652)

The ayes were, 69:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Buhr	Chapman	Cphoon	Connolly
Connors	Cooper	Corbett	Daggett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lundby
May	McKinney	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Platt
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Wise
Mr. Speaker			

The nays were, 28:

Branstad	Carpenter	Clark	Corey
De Groot	Halvorson, R. A.	Harbor	Hermann
Hummel	Kremer	Lageschulte	Maulsby
McKean	Metcalf	Miller	Mullins
Paulin	Pellett	Petersen, D. F.	Plasier

Renken  
Stueland

Royer  
Swearingen

Schnekloth  
Van Camp

Stromer  
Van Maanen

Absent or not voting, 3:

Brammer

Fuller

Poney

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House Files 622 and 652 be immediately messaged to the Senate.

### HOUSE FILES DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 592, 657 and 643 be deferred and that the bills retain their place on the calendar.

**House File 615**, a bill for an act relating to providing workers' compensation coverage for emergency medical personnel and providing authority for their certification, was taken up for consideration.

Spear of Lee offered the following amendment H—3334 filed by him and moved its adoption:

H—3334

- 1 Amend House File 615 as follows:
- 2 1. Page 1, line 22, by striking the words
- 3 "fighters, basic" and inserting the following:
- 4 "fighters and basic".

Amendment H—3334 was adopted.

Connors 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. 615)

The ayes were, 97:

Adams  
Bennett  
Branstad  
Clark  
Cooper  
De Groot  
Eddie  
Groninga  
Hammond

Arnould  
Bisignano  
Buhr  
Cohoon  
Corbett  
Diemer  
Fey  
Gruhn  
Hansen, S. D.

Beaman  
Black  
Carpenter  
Connolly  
Corey  
Doderer  
Fogarty  
Halvorson, R. A.  
Hanson, D. R.

Beatty  
Blanshan  
Chapman  
Connors  
Daggett  
Dvorsky  
Garman  
Halvorson, R. N.  
Harbor

Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Brammer                      Fuller                      Poncy

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILE 638 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 638 be deferred and that the bill retain its place on the calendar.

**House File 594**, a bill for an act relating to the regulation of pharmacists and pharmacies and to administration, dispensing, and distribution of certain drugs, and providing penalites, was taken up for consideration.

Beatty of Warren offered the following amendment H—3505 filed by her and Harbor of Mills and moved its adoption:

H—3505

- 1 Amend House File 594 as follows:
- 2 1. Page 6, by inserting after line 1 the
- 3 following:
- 4 "34. "Wholesale salesperson" or "manufacturer's
- 5 representative" means an individual who takes purchase
- 6 orders on behalf of a wholesaler for prescription
- 7 drugs, medicinal chemicals, medicines, or poisons.
- 8 "Wholesale salesperson" or "manufacturer's
- 9 representative" does not include an individual who
- 10 sells only proprietary medicines."
- 11 2. Page 12, line 33, by inserting after the word
- 12 "license." the following: "This section does not

- 13 apply to a manufacturer's representative acting in the  
 14 usual course of business or employment as a  
 15 manufacturer's representative."  
 16 3. Page 14, line 17, by inserting after the word  
 17 "carrier" the following: ", manufacturer's  
 18 representative,".

Amendment H—3505 was adopted.

Beatty of Warren offered the following amendment H—3475 filed by her and moved its adoption:

H—3475

- 1 Amend House File 594 as follows:  
 2 1. Page 18, by striking line 24 and inserting the  
 3 following: "cost of the prescription or any part of  
 4 it will be paid by expenditure of public funds  
 5 authorized under chapter 249A, the pharmacist shall  
 6 exercise professional judgment by selecting a drug  
 7 product with the same generic name and demonstrated  
 8 bioavailability as the one prescribed for dispensing  
 9 and sale. If the pharmacist exercises drug product  
 10 selection, the pharmacist shall inform the patient  
 11 of".  
 12 2. Page 18, line 35, by inserting after the word  
 13 "dispensed." the following: "However, this paragraph  
 14 does not apply if the cost of the prescription or any  
 15 part of it will be paid by expenditure of public funds  
 16 authorized under chapter 249A."

Amendment H—3475 was adopted.

Beatty of Warren asked and received unanimous consent to withdraw amendment H—3343 filed by her on March 24, 1987.

Beatty 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. 594)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor

Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Renaud	Renken
Rosenberg	Royér	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 2:

Hummel                      Van Maanen

Absent or not voting, 4:

Brammer                      Fuller                      Norrgard                      Poncey

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 614**, a bill for an act relating to sales of funeral services and funeral merchandise, revising regulatory and reporting provisions, requiring disclosures, requiring permits, providing penalties, providing for the applicability of the Act, and providing an effective date, was taken up for consideration.

Knapp of Dubuque offered the following amendment H—3523 filed by him and moved its adoption:

H—3523

- 1 Amend House File 614 as follows:
- 2 1. Page 3, line 9, by inserting after the word
- 3 "a" the following: "state or".
- 4 2. Page 5, line 30, by inserting after the word
- 5 "The" the following: "state or".
- 6 3. Page 6, line 5, by inserting after the word
- 7 "trustee" the following: "to the extent that
- 8 organization has been granted those powers under the
- 9 laws of this state or the United States".

Amendment H—3523 was adopted.

Knapp of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (H.F. 614)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 1:

Paulin

Absent or not voting, 3:

Brammer

Fuller

Poney

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 580**, a bill for an act relating to the granting of leaves of absence to persons disabled by pregnancy, providing for their reinstatement, and providing a penalty, with report of committee recommending passage was taken up for consideration.

Sherzan of Polk offered the following amendment H—3331 filed by him and moved its adoption:

H—3331

- 1 Amend House File 580 as follows:
- 2 1. Page 1, line 22, by striking the word
- 3 "following." and inserting the word "following:"
- 4 2. Page 2, line 11, by striking the word
- 5 "disables" and inserting the word "disabled".

Amendment H—3331 was adopted.

Sherzan of Polk asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the consideration of the following amendment H—3532 filed from the floor by Sherzan, Doderer, Corey and Pavich:

H—3532

- 1 Amend House File 580 as follows:
- 2 1. Page 1, line 27, by striking the words "four
- 3 months" and inserting the following: "eight weeks".
- 4 2. Page 2, line 11, by striking the word
- 5 "disables" and inserting the following: "disabled".
- 6 3. Page 2, lines 21 and 22, by striking the words
- 7 "shall be guilty of a serious misdemeanor and".
- 8 4. Title page, line 3, by striking the words "a
- 9 penalty" and inserting the following: "for an
- 10 employer's liability".

Rosenberg of Story in the chair at 5:02 p.m.

Corey of Louisa offered the following amendment H—3543, to amendment H—3532, filed by him from the floor and moved its adoption:

H—3543

- 1 Amend the amendment, H—3532, to House File 580, as
- 2 follows:
- 3 1. Page 1, by striking lines 6 and 7 and
- 4 inserting the following:
- 5 "\_\_\_\_\_. Page 2, by striking lines 21 through 23 and
- 6 inserting the following:
- 7 "3. An employee disabled because of pregnancy, who
- 8 has been harmed by an employer's violation of this
- 9 section is entitled to be reinstated to the position
- 10 held by the employee prior to the leave of absence or
- 11 to a substantially equivalent position, or to any
- 12 other equitable relief deemed appropriate, by a court
- 13 of competent jurisdiction." "

A non-record roll call was requested.

The ayes were 32, nays 47.

Amendment H—3543 lost.

Division of amendment H—3532 was requested: Lines 2 and 3 and lines 6 through 10 to be amendment H—3532A; lines 4 and 5 to be amendment H—3532B.

Sherzan of Polk asked and received unanimous consent to withdraw amendment H—3532B.

On motion by Sherzan of Polk, amendment H—3532A was adopted.

Corey of Louisa asked for unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for the consideration of amendment H—3529 filed by him from the floor as follows:

H—3529

- 1 Amend House File 580 as follows:
- 2 1. Page 1, line 32, by inserting after the word
- 3 "verified" the following: ", at the expense of the
- 4 employer,".
- 5 2. Page 1, line 34, by inserting after the word
- 6 "employment." the following: "However, the employer
- 7 shall not require more than two medical certifications
- 8 from an employee."
- 9 3. Page 2, line 14, by striking the word "an" and
- 10 inserting the following: "a substantially".

Objection was raised and amendment H—3529 was, therefore, not in order.

Sherzan 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. 580)

The ayes were, 87:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	May	McKean
McKinney	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Pavich	Pelletier	Peters	Petersen, D. F.
Peterson, M. K.	Platt	Platt	Renaud
Running	Schrader	Sherzan	Shoning

Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Wise	Mr. Speaker (Rosenberg)	

The nays were, 8:

Corey	Daggett	Maulsby	Metcalf
Paulin	Renken	Schneklloth	Van Maanen

Absent or not voting, 5:

Brammer	Fuller	Parker	Poncy
Royer			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that the following bills be immediately messaged to the Senate: House Files 615, 594 and 614.

The House resumed consideration of **House File 626**, a bill for an act relating to the agricultural development authority, by authorizing it to provide assistance programs to eligible agricultural producers, making appropriations, and providing an effective date, previously deferred, and amendment H—3507 found on pages 991 through 994 of the House Journal.

Lageschulte of Bremer offered the following amendment H—3510, to amendment H—3507, filed by him. Division of the amendment was requested as follows:

H—3510

- 1 Amend amendment H—3507 to House File 626 as
- 2 follows:

H—3510A

- 3 1. Page 1, line 27, by striking the word "two" and
- 4 inserting the word "one".

H—3510B

- 5 2. Page 3, line 14, by striking the word "four"
- 6 and inserting the word "two".

Lageschulte of Bremer moved the adoption of amendment H—3510A, to amendment H—3507.

Roll call was requested by Schneklloth of Scott and Lundby of Linn.

On the question "Shall amendment H—3510A, to amendment H—3507, be adopted?" (H.F. 626)

The ayes were, 44:

Beaman	Beatty	Bennett	Bisignano
Blanshan	Buhr	Carpenter	Clark
Connors	Corbett	Corey	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hanson, D. R.	Harbor
Haverland	Hermann	Holveck	Hummel
Lageschulte	Lundby	Maulsby	McKean
Mullins	Neuhauser	Paulin	Pellett
Plasier	Platt	Renaud	Renken
Royer	Schnekloth	Sherzan	Shoning
Siegrist	Stromer	Stueland	Swartz
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 49:

Adams	Arnould	Avenson	Black
Branstad	Cohoon	Connolly	Cooper
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Garman
Gruhn	Hammond	Hansen, S. D.	Harper
Hatch	Hester	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
May	McKinney	Muhlbauer	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Running
Schrader	Shoultz	Skow	Spear
Svoboda	Tabor	Teaford	Wise
Mr. Speaker (Rosenberg)			

Absent or not voting, 7:

Brammer	Chapman	Doderer	Fuller
Metcalf	Miller	Poncy	

Amendment H—3510A lost.

Speaker Avenson in the chair at 5:36 p.m.

Skow of Guthrie offered the following amendment H—3552, to amendment H—3507, filed by him and Petersen of Muscatine from the floor and moved its adoption:

H—3552

- 1 Amend the amendment, H—3507, to House File 626 as
- 2 follows:
- 3 1. Page 2, line 32, by striking the words
- 4 "following the last payment under the contract".
- 5 2. By striking page 3, line 33 through page 4,

6 line 16 and inserting the following:  
 7 "Sec. \_\_\_\_\_. The Iowa agricultural development  
 8 authority shall develop and establish assistance  
 9 programs for agricultural producers under this Act to  
 10 be funded from moneys appropriated to the Iowa  
 11 agricultural development authority for that purpose."

Amendment H—3552 was adopted.

The House resumed consideration of amendment H—3510B, to amendment H—3507.

Lageschulte of Bremer asked and received unanimous consent to withdraw amendment H—3510B.

On motion by Skow of Guthrie, amendment H—3507, as amended, was adopted.

Skow 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. 626)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Clark
Cohoon	Connors	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Dvorsky	Eddie	Fey	Fogarty
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 4:

Groninga	Lageschulte	Paulin	Platt
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Absent or not voting, 6:

Brammer	Chapman	Connolly	Doderer
Fuller	Poncy		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 648**, a bill for an act relating to the penalties for possession and distribution of controlled substances, was taken up for consideration.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 648)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Renaud	Renken	Rosenberg
Running	Schrader	Shoning	Shoultz
Siegrist	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Wise	Mr. Speaker

The nays were, 10:

Hammond	Hermann	Lundby	Maulsby
Petersen, D. F.	Royer	Schnekloth	Skow
Van Camp	Van Maanen		

Absent or not voting, 6:

Brammer	Chapman	Doderer	Fuller
Poncy	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 655**, a bill for an act relating to civil actions by removing the one hundred mile limit on subpoenas to witnesses in civil cases, by limiting the award of attorney's fees in small claims actions, by requiring actions to be brought in small claims court in a court having actual jurisdiction, and by providing a cause of action against a person filing certain false claims on real property, was taken up for consideration.

Miller of Cherokee asked and received unanimous consent to withdraw amendment H-3476 filed by him on March 30, 1987.

Hummel of Benton offered the following amendment H-3520 filed by him:

H-3520

- 1 Amend House File 655 as follows:
- 2 1. Page 1, by inserting after line 32 the
- 3 following:
- 4 "Sec. 3. Section 537.7103, subsection 5, paragraph
- 5 c, Code 1987, is amended to read as follows:
- 6 c. The collection of or the attempt to collect
- 7 from the debtor a part or all of the debt collector's
- 8 fee for services rendered, unless the both of the
- 9 following are applicable:
- 10 (1) The fee is reasonably related to the actions
- 11 taken by the debt collector.
- 12 (2) The debt collector is legally entitled to
- 13 collect the fee from the debtor."
- 14 2. By renumbering as necessary.

Swartz of Marshall offered the following amendment H-3553, to amendment H-3520, filed by him from the floor and moved its adoption:

H-3553

- 1 Amend amendment, H-3520, to House File 655 as
- 2 follows:
- 3 1. Page 1, by inserting after line 1 the
- 4 following:
- 5 "\_\_\_\_\_. Page 1, by striking lines 22 through 24 and
- 6 inserting the following: "individual's cost of
- 7 processing a small claims recovery such as lost time
- 8 and transportation costs from the maker of the check
- 9 or draft. However, lost time and transportation costs
- 10 of an assignee shall not be awarded".
- 11 \_\_\_\_\_ Page 1, line 28, by striking the word

12 "shall" and inserting the word "may".  
 13 2. Page 1, by inserting after line 13 the  
 14 following:  
 15 "\_\_\_\_\_. Page 2, by striking lines 10 through 12 and  
 16 inserting the following: "by an attorney, provided  
 17 that in an action brought to recover payment on a  
 18 dishonored check or draft, as defined in section  
 19 554.3104, the action is brought in the county of  
 20 residence of the maker of the check or draft or in the  
 21 county where the draft or check was first presented.  
 22 Any person, however, may be".

Amendment H—3553 was adopted.

Hummel of Benton offered the following amendment H—3558, to amendment H—3520, filed by him and Swartz of Marshall from the floor and moved its adoption:

H—3558

1 Amend amendment H—3520 to House File 655 as  
 2 follows:  
 3 1. Page 1, by inserting after line 13 the  
 4 following:  
 5 "Sec.\_\_\_\_\_. Section 537.7102, subsection 1, Code  
 6 1987, is amended to read as follows:  
 7 1. "Debt" means an actual or alleged obligation  
 8 arising out of a consumer credit transaction, or a  
 9 transaction which would have been a consumer credit  
 10 transaction either if a finance charge was made, if  
 11 the obligation was not payable in installments, if a  
 12 lease was for a term of four months or less, or if a  
 13 lease was of an interest in land. A debt includes  
 14 a check as defined in section 554.3104 given in a  
 15 transaction which was a consumer credit sale or in  
 16 a transaction which would have been a consumer credit  
 17 sale if credit was granted and if a finance charge  
 18 was made."

Amendment H—3558 was adopted.

On motion by Hummel of Benton, amendment H—3520, as amended, was adopted.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 655)

The ayes were, 87:

Adams

Arnould

Beaman

Beatty

Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Renaud	Renken	Royer	Running
Schnekloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Wise	Mr. Speaker	

The nays were, 3:

Maulsby	Paulin	Van Maanen
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Absent or not voting, 10:

Brammer	Chapman	Doderer	Fey
Fuller	Harbor	Lundby	Platt
Poncy	Rosenberg		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES (House Files 580 and 626)

Arnould of Scott asked and received unanimous consent that House Files 580 and 626 be immediately messaged to the Senate.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules to take up out of order House File 39.

**House File 39**, a bill for an act making changes in the statutes relating to marriage, with report of committee recommending amendment and passage was taken up for consideration.

Spear of Lee offered the following amendment H—3143 filed by the committee on human resources. Division was requested as follows:

H-3143

1 Amend House File 39 as follows:

H-3143A

2 1. Page 1, lines 20 and 21, by striking the words  
3 "person performing solemnizing" and inserting the  
4 following: "person performing, if any, who  
5 solemnizes".

6 2. Page 2, by inserting after line 8 the  
7 following:

8 "Sec. \_\_\_\_\_. Section 595.10, subsection 2, Code  
9 1987, is amended to read as follows:

10 2. A person ordained or designated as a leader of  
11 the person's a religious faith."

12 3. Page 3, lines 18 and 19, by striking the words  
13 "who are related by blood" and inserting the  
14 following: "who are related by blood".

H-3143B

15 4. Page 3, by striking line 26 and inserting the  
16 following:

17 "3. Between first cousins."

H-3143A

18 5. Page 3, line 27, by striking the figure "4"  
19 and inserting the following: "4 3".

20 6. By renumbering as necessary.

On motion by Spear of Lee, the committee amendment H-3143A, was adopted.

On motion by Spear of Lee, the committee amendment H-3143B, lost.

Spear of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 39)

The ayes were, 42:

Arnould	Beatty	Bennett	Bisignano
Blanshan	Carpenter	Clark	Connolly
Cooper	Diemer	Eddie	Fey
Garman	Gruhn	Harper	Haverland
Hester	Holveck	Jay	Kremer
May	Neuhauser	Norrgard	Ollie
Osterberg	Pavich	Petersen, D. F.	Renaud
Royer	Shoning	Shoultz	Siegrist
Skow	Stromer	Svoboda	Swartz

Swearingen	Tabor	Teaford	Van Camp
Wise	Mr. Speaker		

The nays were, 49:

Adams	Beaman	Black	Branstad
Buhr	Cohoon	Connors	Corbett
Corey	Daggett	De Groot	Dvorsky
Fogarty	Groninga	Halvorson, R. A.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Hatch
Hummel	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lundby	Maulsby
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Parker	Paulin
Pellett	Peters	Peterson, M. K.	Plasier
Renken	Rosenberg	Running	Schneklath
Schrader	Sherzan	Spear	Tyrrell
Van Maanen			

Absent or not voting, 9:

Brammer	Chapman	Doderer	Fuller
Halvorson, R. N.	Hermann	Platt	Poncy
Stueland			

The bill having failed to receive a constitutional majority was declared to have failed to pass the House.

Arnould of Scott moved that the House adjourn at 6:40 p.m., until 9:00 a.m., Thursday, April 2, 1987.

The motion lost.

### MOTIONS TO RECONSIDER (House File 39)

I move to reconsider the vote by which House File 39 failed to pass the House on April 1, 1987.

CONNORS of Polk

(House File 39)

I move to reconsider the vote by which House File 39 failed to pass the House on April 1, 1987.

SPEAR of Lee

(House File 105)

I move to reconsider the vote by which House File 105 passed the House on April 1, 1987.

BEATTY of Warren

(House File 105)

I move to reconsider the vote by which House File 105 passed the House on April 1, 1987.

GRONINGA of Cerro Gordo

(House File 620)

I move to reconsider the vote by which House File 620 passed the House on April 1, 1987.

GRUHN of Dickinson

(House File 620)

I move to reconsider the vote by which House File 620 passed the House on April 1, 1987.

HALVORSON of Clayton

(House File 648)

I move to reconsider the vote by which House File 648 passed the House on April 1, 1987.

JAY of Appanoose

(House File 648)

I move to reconsider the vote by which House File 648 passed the House on April 1, 1987.

HANSEN of Woodbury

(House File 648)

I move to reconsider the vote by which House File 648 passed the House on April 1, 1987.

DAGGETT of Adams

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 56, a bill for an act relating to the regulation of firearms by a political subdivision.

Also: That the Senate has on April 1, 1987, concurred in the House amendment as amended and passed the following bill in which the concurrence of the House is asked:

Senate File 298, a bill for an act relating to the sale of alcoholic beverages, by allowing the alcoholic beverages division to assess a split-case charge when alcoholic liquor is sold in quantities which require a case to be split, by lowering the maximum markup on liquor sold by the division to class "E" licensees from sixty to fifty percent, by setting the bond for a class "E" license at a maximum of fifteen thousand dollars, by not requiring a bond from class "E" licensees who purchase alcoholic liquor from the division on a cash basis or by means that ensures that the division will receive full payment in advance of delivery, by providing for the issuance of a class "E" liquor control license to a city council in certain circumstances, by further restricting the issuance of a class "E" license to premises on or near which gasoline is sold, by allowing the division to deposit all the license fees collected from class "E" licensees in the beer and liquor control fund, by allowing the advertisement of alcoholic liquor for sale, by repealing the fifty percent goods and services test to qualify for Sunday sales of alcoholic beverages or beer under a liquor control license or class "B" beer permit, by providing that a corporation only placing alcoholic liquor in bailment with the division is not doing business in Iowa for the purpose of determining its tax liability and making the provision retroactive, by requiring class "E" licensees to collect and refund the beverage container deposit on containers of alcoholic liquor, by striking a standing appropriation for the treatment of alcoholics, by allowing the division to sell liquor inventories in state stores to class "E" licensees at reduced prices as state stores are closed, and by allowing the division to continue sales of wine to class "A" and "B" wine permittees until inventories are depleted, and providing an effective date.

Also: That the Senate has on March 31, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 474, a bill for an act relating to the waiver of homestead exemptions, and providing dates for the effectiveness and applicability of the Act.

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.

JOSEPH O'HERN  
Chief Clerk of the House

House File 355, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1986 and ending June 30, 1987 and providing an effective date.

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Tuesday, March 31, 1987. Had I been present, I would have voted "aye" on House Files 644, 651 and 656.

CONNOLLY of Dubuque

I was necessarily absent from the House chamber on Monday, March 30, 1987 and Tuesday, March 31, 1987. Had I been present, I would have voted "aye" on House Files 210, 382, 393, 398, 399, 443, 507, 518, 523, 527, 529, 556, 567, 587, 599, 602, 613, 617, 621, 629, 630, 633, 636, 639, 640, 641, 644, 645, 651, 653, 654, 656, 658, and "nay" on House Files 310, 624, 660 and 661.

**EDDIE of Buena Vista**

I was necessarily absent from the House chamber on Tuesday, March 31, 1987. Had I been present, I would have voted "aye" on House Files 527, 633, 644 and 661.

**HALVORSON of Webster**

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Seventeen gifted and talented students from Manson Community High School, Manson. By Maulsby of Calhoun.

Thirty sixth grade students from Delwood Elementary School, Delmar, accompanied by Mary Thiel and Steven Fuglsang. By Stueland of Clinton.

Ninety 4-H members from Plymouth County, accompanied by Marie Bork. By Paulin of Plymouth.

### SUBCOMMITTEE ASSIGNMENTS

#### House File 584

Economic Development: Connolly, Chair; Metcalf and Neuhauser.

#### Senate File 55

State Government: Pavich, Chair; Blanshan, Renaud, Renken and Van Camp.

#### Senate File 90

Local Government: Peters, Chair; Eddie and Norrgard.

#### Senate File 129

Local Government: Muhlbauer, Chair; Fuller and Renken.

#### Senate File 132

Local Government: Renken, Chair; Peters and Platt.

#### Senate File 139

Economic Development: Groninga, Chair; Metcalf and Running.

**Senate File 153**

Transportation: Fogarty, Chair; Beaman and Muhlbauer.

**Senate File 156**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**Senate File 187**

State Government: Pavich, Chair; Renaud and Renken.

**Senate File 201**

State Government: Running, Chair; Garman and Knapp.

**Senate File 214**

Local Government: Diemer, Chair; Beatty and Connors.

**Senate File 222**

Judiciary and Law Enforcement: Hammond, Chair; Clark and Peterson of Carroll.

**Senate File 231**

Judiciary and Law Enforcement: Chapman, Chair; Hansen of Woodbury and Plasier.

**Senate File 283**

Judiciary and Law Enforcement: Lageschulte, Chair; Brammer and Chapman.

**Senate File 316**

Transportation: Pavich, Chair; Fogarty and Maulsby.

**Senate File 341**

Judiciary and Law Enforcement: Rosenberg, Chair; Hansen of Woodbury, Kremer, Paulin, Peterson of Carroll, Plasier and Sherzan.

**Senate File 342**

Local Government: Royer, Chair; Fuller and Peters.

**Senate File 374**

Judiciary and Law Enforcement: McKinney, Chair; Halvorson of Clayton and Jay.

**Senate File 381**

Judiciary and Law Enforcement: Siegrist, Chair; Paulin and Rosenberg.

**Senate File 387**

Local Government: Fuller, Chair; Daggett and Muhlbauer.

**Senate File 420**

Labor and Industrial Relations: Peters, Chair; Connors and Hermann.

**Senate File 422**

Judiciary and Law Enforcement: Poncy-Renaud, Co-Chairs; Carpenter.

## Senate File 434

State Government: Blanshan, Chair; Beatty and Garman.

## Senate File 449

Labor and Industrial Relations: Hansen of Woodbury, Chair; Buhr and Metcalf.

## Senate File 454

Local Government: Peters, Chair; Bisignano and Platt.

## Senate File 498

Transportation: Connolly, Chair; Koenigs and Platt.

## RESOLUTION FILED

**HCR 23**, by Neuhauser, a concurrent resolution recognizing the University of Iowa Department of Theatre Arts and the company of the "Nijinsky" production.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-3528	H.F.	649	Halvorson of Clayton Jay of Appanoose
H-3531	H.F.	540	Metcalf of Polk Koenigs of Mitchell Platt of Muscatine Cooper of Lucas
H-3533	H.F.	631	Shoultz of Black Hawk
H-3534	H.F.	631	Hanson of Delaware
H-3535	S.F.	219	De Groot of Lyon
H-3536	H.F.	631	Rosenberg of Story Mullins of Kossuth Paulin of Plymouth
H-3537	S.F.	219	Bisignano of Polk
H-3538	H.F.	620	Halvorson of Clayton Harbor of Mills
H-3540	H.F.	631	Kremer of Buchanan
H-3541	H.F.	649	Garman of Story
H-3542	H.F.	649	Halvorson of Clayton Jay of Appanoose
H-3545	S.F.	187	Stromer of Hancock
H-3547	H.F.	468	Schrader of Marion Cohon of Des Moines Fey of Scott
H-3549	H.F.	631	Bennett of Ida
H-3550	H.F.	631	Bennett of Ida

H-3551	S.F.	219	Stromer of Hancock
H-3555	H.F.	540	Spear of Lee
H-3557	H.F.	650	Mullins of Kossuth
			Branstad of Winnebago
			Connors of Polk
			Carpenter of Polk
			Buhr of Polk
H-3559	H.F.	631	Shoultz of Black Hawk
H-3560	H.F.	631	Rosenberg of Story
			Mullins of Kossuth
			Paulin of Plymouth
			Cooper of Lucas
			Skow of Guthrie
H-3561	H.F.	433	Neuhauser of Johnson
H-3562	H.F.	609	Peterson of Carroll
			Garman of Story
			Hammond of Story
			Shoning of Woodbury
			Blanshan of Greene
H-3563	H.F.	39	Tyrrell of Iowa
H-3564	H.F.	631	Shoultz of Black Hawk
			Renaud of Polk
			Hatch of Polk
H-3565	H.F.	377	Halvorson of Webster
H-3566	H.F.	631	Sherzan of Polk
			Parker of Jasper
			Osterberg of Linn
			Hatch of Polk
H-3567	H.F.	377	Halvorson of Webster
H-3568	S.F.	219	Plasier of Sioux
			Van Camp of Scott
			De Groot of Lyon

On motion by Arnould of Scott, the House adjourned at 6:40 p.m., until 8:00 a.m., Thursday, April 2, 1987.

# JOURNAL OF THE HOUSE

Eighty-first Calendar Day — Fifty-fifth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 2, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Louis Muhlbauer, state representative from Crawford County.

The Journal of Wednesday, April 1, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Gruhn of Dickinson, from forty-four constituents favoring Senate File 56, an act relating to the regulation of firearms by a political subdivision.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hanson of Delaware on request of Renken of Grundy; Miller of Cherokee and Hester of Pottawattamie on request of Plasier of Sioux; Teaford of Black Hawk on request of Harper of Black Hawk; Siegrist of Pottawattamie on request of Shoning of Woodbury; McKean of Jones on request of Osterberg of Linn; Cooper of Lucas on request of Beatty of Warren; Skow of Guthrie on request of Black of Jasper, all until their arrival.

## HOUSE FILES DEFERRED

Arnould of Scott asked and received unanimous consent that the following bills be deferred and that the bills retain their place on the calendar: House Files 631, 609, 460, 657, 643, 649 and 377.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 73**, a bill for an act relating to private security agencies by revising license fees, bond requirements, and financial responsibility requirements for agencies consisting of only one individual, with report of committee recommending amendment and passage was taken up for consideration.

Beatty of Warren offered the following amendment H—3260 filed by the committee on state government and moved its adoption:

H-3260

1 Amend House File 73 as follows:

2 1. Page 2, by inserting after line 25 the  
3 following:

4 "Sec. \_\_\_\_\_. NEW SECTION. 80A.18 CERTAIN PERSONS  
5 INELIGIBLE FOR PROFESSIONAL PERMIT TO CARRY WEAPONS.

6 If a licensee is exempt from financial  
7 responsibility requirements pursuant to section  
8 80A.10A, subsection 2, pays the license fee specified  
9 in section 80A.5, subsection 3, or files the surety  
10 bond specified in section 80A.10, subsection 2,  
11 because the agency is licensed to conduct only a  
12 private security business and consists of only one  
13 individual, that individual is not eligible for a  
14 professional permit to carry weapons under section  
15 724.6.

16 Sec. \_\_\_\_\_. Section 724.6, Code 1987, is amended to  
17 read as follows:

18 724.6 PROFESSIONAL PERMIT TO CARRY WEAPONS.

19 A person may be issued a permit to carry weapons  
20 when the person's employment in a private  
21 investigation business or private security business  
22 licensed under chapter 80A, excluding a private  
23 security business consisting of only one individual as  
24 described in section 80A.18, or a person's employment  
25 as a peace officer, correctional officer, security  
26 guard, bank messenger or other person transporting  
27 property of a value requiring security, or in police  
28 work, reasonably justifies that person going armed.  
29 The permit shall be on a form prescribed and published  
30 by the director of public safety, shall identify the  
31 holder, and shall state the nature of the employment  
32 requiring the holder to go armed. A permit so issued,  
33 other than to a peace officer, shall authorize the  
34 person to whom it is issued to go armed anywhere in  
35 the state, only while engaged in the employment, and  
36 while going to and from the place of the employment.  
37 A permit issued to a certified peace officer shall  
38 authorize that peace officer to go armed anywhere in  
39 the state at all times. Permits shall expire twelve  
40 months after the date when issued except that permits  
41 issued to peace officers and correctional officers are  
42 valid through the officer's period of employment  
43 unless otherwise canceled. When the employment is  
44 terminated, the holder of the permit shall surrender  
45 it to the issuing officer for cancellation."

46 2. Title page, line 3, by inserting after the  
47 word "requirements" the following: ", and eligibility  
48 to carry weapons,".

The committee amendment H-3260 was adopted.

Beatty 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. 73)

The ayes were, 76:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connors
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Hermann	Holveck	Johnson	Knapp
Kremer	Lageschulte	Maulsby	May
McKinney	Metcalf	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Paulin
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Platt	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Spear
Stueland	Svoboda	Tabor	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 2:

Hummel                      Lundby

Absent or not voting, 22:

Connolly	Cooper	Groninga	Hanson, D. R.
Haverland	Hester	Jay	Jochum
Koenigs	McKean	Miller	Mullins
Parker	Petersen, D. F.	Poncy	Renaud
Siegrist	Skow	Stromer	Swartz
Swearingen	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 379**, a bill for an act relating to the employment of persons in public service jobs, was taken up for consideration.

Diemer 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. 379)

## The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Holveck	Hummel
Johnson	Knapp	Kremer	Lageschulte
Lundby	Maulsby	May	McKinney
Metcalf	Miller	Muhtbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Spear	Stueland
Svoboda	Tabor	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

## Absent or not voting, 17:

Connolly	Cooper	Hammond	Haverland
Hester	Jay	Jochum	Koenigs
McKean	Parker	Renaud	Siegrist
Skow	Stromer	Swartz	Swearingen
Teaford			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 1, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 292, a bill for an act relating to the establishment of a building materials fire toxicity filing system.

Also: That the Senate has on April 1, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 396, a bill for an act relating to the creation of a waste management authority within the environmental protection division of the department of natural resources.

Also: That the Senate has on March 27, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 397, a bill for an act requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions.

Also: That the Senaté has on April 1, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 437, a bill for an act relating to anesthesia services, care, and procedures provided by certified registered nurse anesthetists, providing for insurance coverage and payment for services provided to recipients of medical assistance, providing other properly related matters, and providing for the applicability of the Act.

Also: That the Senate has on April 1, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 443, a bill for an act defining and establishing redemption centers, dealer agents, and territory of service between dealer agents and distributors, and subjecting violators to a penalty.

Also: That the Senate has on April 1, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 485, a bill for an act relating to insurance coverage for health care services provided by registered nurses, requiring that coverage be made available, providing for direct payment or reimbursement, and providing for data collection and utilization review.

Also: That the Senate has on April 1, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 488, a bill for an act relating to physical education activities for students enrolled in grades kindergarten through twelve.

JOHN F. DWYER, Secretary

The House stood at ease at 8:28 a.m., until the fall of the gavel.

The House resumed session at 10:58 a.m., Blanshan of Greene in the chair.

### SENATE MESSAGES CONSIDERED

**Senate File 56**, by Hall, Priebe, Fraise, Coleman, Husak, Goodwin, Taylor, Rife, Vande Hoef, Scott, Doyle, Varn, Dieleman, Gettings, Jensen, Lind, Wells, Tieden, Nystrom, Holt, Schwengels, Soorholtz, Horn, Hester and Welsh, a bill for an act relating to the regulation of firearms by a political subdivision.

Read first time and referred to committee on **local government**.

**Senate File 455**, by committee on state government, a bill for an act relating to physical therapy by providing that physical therapy evaluation and treatment may be rendered without a prescription or referral.

Read first time and referred to committee on **state government**.

On motion by Arnould of Scott, the House was recessed at 11:00 a.m., until 1:00 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 26, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 154, a bill for an act relating to the merger or consolidation of bank affiliates.

Also: That the Senate has on April 2, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 198, a bill for an act relating to the payment of special assessments on property acquired by eminent domain and providing an effective date.

Also: That the Senate has on March 9, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 273, a bill for an act relating to the definition of foster care.

Also: That the Senate has on April 2, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 371, a bill for an act relating to installation and use of safety belts and safety harnesses in motor vehicles owned, leased, rented, or primarily used by physically handicapped persons.

Also: That the Senate has on April 2, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 376, a bill for an act relating to state banks by permitting a state bank to engage in securities activities and to organize, acquire, or invest in a subsidiary to engage in nondepository activities permitted by state or federal law, and to invest in certain financial contracts and mutual funds for its own account.

Also: That the Senate has on April 2, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 424, a bill for an act relating to the administration of the campaign finance disclosure laws.

Also: That the Senate has on March 23, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 451, a bill for an act relating to the acquisition of legal settlement in a county.

JOHN F. DWYER, Secretary

Fogarty of Palo Alto in the chair at 1:30 p.m.

### CONSIDERATION OF BILLS Ways and Means Calendar

**House File 631**, a bill for an act relating to public health and safety by establishing measures to improve and protect groundwater quality and to manage substances which pose health and safety hazards, by establishing goals, policies, funding mechanisms, including taxes and fees, and administrative provisions for the measures, by establishing programs relating to the management of agricultural activities, solid waste disposal, household hazardous wastes, storage tanks, fertilizers, pesticides, landfills, and watersheds, by providing penalties, establishing effective dates, and by providing for other properly related matters, previously deferred, was taken up for consideration.

Speaker Avenson in the chair at 1:43 p.m.

The House stood at ease at 1:50 p.m., until the fall of the gavel.

The House resumed session and consideration of House File 631 at 3:30 p.m., Connors of Polk in the chair.

Stueland of Clinton offered the following amendment H-3482 filed by him and Paulin of Plymouth:

H-3482

- 1 Amend House File 631 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. NEW SECTION. 455E.1 DEFINITIONS.
- 5 As used in this chapter, unless the context
- 6 otherwise requires:
- 7 1. "Abandoned well" means a water well, intended
- 8 to serve a private or public water supply, which is no
- 9 longer in use, or as defined in section 455B.171,
- 10 subsection 24.
- 11 2. "Active cleanup" means removal, treatment, or
- 12 isolation of a contaminant from groundwater through
- 13 the directed efforts of humans.
- 14 3. "Agricultural drainage well" means an
- 15 excavation that is drilled, cored, bored, augered,
- 16 driven, dug, or otherwise constructed for the purpose
- 17 of draining or which drains water from agricultural
- 18 land into an aquifer.
- 19 4. "Aquifer" means a geologic formation, group of

20 formations, or a part of a formation that contains  
21 sufficient saturated, permeable material to yield  
22 water to a well or spring.

23 5. "Background water" means groundwater which lies  
24 outside the impact of a source of contamination.

25 6. "Commission" means the environmental protection  
26 commission created under section 455A.6.

27 7. "Contaminant" means any chemical, ion,  
28 radionuclide, synthetic organic compound,  
29 microorganism, waste, or other substance which does  
30 not occur naturally in groundwater or which occurs at  
31 a lower concentration in background water.

32 8. "Contamination" means the direct or indirect  
33 introduction into groundwater of any contaminant  
34 caused in whole or in part by human activities.

35 9. "Department" means the department of natural  
36 resources created under section 455A.2.

37 10. "Director" means the director of the  
38 department.

39 11. "Groundwater" means any water of the state, as  
40 defined in section 455B.171, which occurs beneath the  
41 surface of the earth in a saturated geological  
42 formation of rock or soil.

43 12. "Passive cleanup" means the removal or  
44 treatment of a contaminant in groundwater through  
45 management practices or the construction of facilities  
46 for prevention of contamination and natural processes  
47 such as groundwater recharge, natural decay, and  
48 chemical or biological decomposition.

49 13. "Person" means a person as defined in section  
50 4.1.

## Page 2

### 1 Sec. 2. NEW SECTION. 455E.2 GROUNDWATER 2 PROTECTION POLICIES.

3 1. The policy of the state is to prevent  
4 contamination of groundwater from point and nonpoint  
5 sources of contamination to the maximum extent  
6 practical.

7 2. Upon the discovery of groundwater  
8 contamination, appropriate actions shall be taken to  
9 prevent further contamination. These actions may  
10 consist of investigation and evaluation or enforcement  
11 actions if necessary to stop further contamination as  
12 required under chapter 455B.

13 3. All persons in the state shall conduct their  
14 activities so as to prevent contamination which  
15 presents a significant risk to human health, the  
16 environment, or the quality of life. Upon  
17 documentation of a contaminant which presents a  
18 significant risk to human health, the environment, or

19 the quality of life, either passive or active cleanup  
 20 shall be undertaken. In both cases, the best  
 21 available technology or best management practices  
 22 shall be used to the extent practical. The department  
 23 may specify which cleanup actions shall be taken as  
 24 well as the level of cleanup required to meet the  
 25 goals of the state and the method for determining a  
 26 responsible party.

27 4. Adopting health-related groundwater standards  
 28 may be beneficial to overall groundwater protection or  
 29 other regulatory efforts of the state. However, the  
 30 existence of such standards, or lack of them, shall  
 31 not be construed or used in derogation of the  
 32 groundwater protection policies of the state.

33 5. The department shall take actions necessary to  
 34 promote and assure public confidence and public  
 35 awareness, and as a part of this shall publish the  
 36 results of groundwater investigations.

37 Sec. 3. NEW SECTION. 455E.3 LEGAL EFFECT.

38 This chapter supplements other legal authority and  
 39 does not preempt any other state or local authority  
 40 relative to groundwater protection, nor does it  
 41 restrict or abrogate any remedy which a person or  
 42 class of persons has under other statutory or common  
 43 law which serves the purpose of groundwater  
 44 protection.

45 Sec. 4. NEW SECTION. 455E.4 PRIMARY  
 46 ADMINISTRATIVE AGENCY.

47 The department is designated as the agency to  
 48 coordinate and administer groundwater protection  
 49 programs for the state.

50 Sec. 5. NEW SECTION. 455E.5 DUTIES OF THE

### Page 3

#### 1 DIRECTOR.

2 In addition to other groundwater protection duties,  
 3 the director shall, in cooperation with other state  
 4 and local agencies:

5 1. Develop and administer a comprehensive  
 6 groundwater monitoring network, including point of  
 7 use, point of contamination, problem assessment  
 8 monitoring sites across the state, and the assessment  
 9 of ambient water quality standards.

10 2. Include in the annual report required by  
 11 section 455A.4, the number and concentration of  
 12 contaminants detected in groundwater. This  
 13 information shall also be provided to the director of  
 14 public health and the secretary of agriculture.

15 3. Report any data concerning the contamination of  
 16 groundwater by a compound not regulated under the  
 17 federal Safe Drinking Water Act, 42 U.S.C. § 300 et

18 seq., to the United States environmental protection  
19 agency along with a request to establish a maximum  
20 contaminant level and to conduct a risk assessment for  
21 the compound.

22 4. Complete groundwater hazard mapping of the  
23 state and make the results available to state and  
24 local planning organizations by July 1, 1991.

25 5. Establish one or more systems within the  
26 department for collecting, evaluating, and  
27 disseminating groundwater quality data and  
28 information. This information shall be accessible to  
29 the public.

30 6. Develop and maintain a natural resource  
31 geographic information system and comprehensive water  
32 resource data system. The system shall be accessible  
33 to the public.

34 7. Develop and adopt by rule criteria for  
35 evaluating groundwater protection programs by July 1,  
36 1988.

37 8. Take any action authorized by law, including  
38 the investigatory and enforcement actions authorized  
39 by chapter 455B, to implement this chapter and the  
40 rules adopted pursuant to this chapter.

41 Sec. 6. NEW SECTION. 455E.6 POWERS OF THE  
42 COMMISSION.

43 1. The commission may adopt rules to implement  
44 this chapter.

45 2. The commission may establish and collect fees  
46 for underground tanks, land application permits, water  
47 withdrawal permits, and waste lagoons.

48 3. The commission may adopt groundwater standards  
49 if deemed necessary by the director or if required for  
50 participation in federal groundwater protection

**Page 4**

1 programs.

2 Sec. 7. NEW SECTION. 455E.7 JOINT DUTIES —  
3 LOCAL AUTHORITY.

4 1. All state agencies shall implement groundwater  
5 protection in the administration of their programs.  
6 Local agencies shall consider groundwater protection  
7 in their programs. All agencies shall cooperate with  
8 the department in disseminating public information and  
9 educational materials on the use and protection of  
10 groundwater, in collecting groundwater management  
11 data, and in conducting research of technologies to  
12 prevent or ameliorate contamination of groundwater.

13 2. Political subdivisions and their agencies may,  
14 and are encouraged to, jointly and concurrently  
15 implement groundwater protection programs within their  
16 respective jurisdictions, including implementation of

17 sections 455E.10, 455E.11, and 455E.12, provided that  
18 implementation is consistent with the rules of the  
19 department.

20 Sec. 8. **NEW SECTION. 455E.8 TEN-YEAR**  
21 **AGRICULTURAL INITIATIVE.**

22 1. **CONTENT AND OBJECTIVES.** A ten-year program of  
23 research, education, and evaluation of the impact of  
24 reduced agricultural use of fertilizers and pesticides  
25 on groundwater shall be initiated by the director on  
26 July 1, 1987. The director shall coordinate the  
27 activities of the state regarding this program and  
28 ensure that the following objectives are met:

29 a. **RESEARCH.** Research programs shall identify  
30 management techniques which reduce nitrate and  
31 pesticide losses to the environment, especially  
32 groundwater. These programs may include, but are not  
33 limited to, basic and applied research on the  
34 efficient use of fertilizer and pesticides, the use of  
35 alternative crops, pesticides, or sources of  
36 fertilizer, the economic impact of reducing  
37 applications of fertilizers and pesticides, and the  
38 relationship between soil conservation practices and  
39 groundwater quality.

40 b. **EDUCATION.** Education programs shall promote  
41 the widespread adoption of management practices which  
42 protect groundwater. They may include, but are not  
43 limited to, education programs directed toward the  
44 individual farm owner or operator, teachers,  
45 agricultural chemical dealers, high school and college  
46 students, and groundwater users in the areas of best  
47 management practices, current research findings, and  
48 health impacts.

49 c. **EVALUATION.** Evaluation programs shall measure  
50 the effectiveness of current state and federal

**Page 5**

1 regulations and current education and research  
2 programs in protecting Iowa's groundwater and provide  
3 information to guide future groundwater policy. These  
4 programs may include, but are not limited to, the  
5 evaluation of groundwater monitoring data, reports  
6 prepared under sections 206.12 and 135.11, and actions  
7 taken under section 455B.491.

8 2. **APPROVAL OF RESEARCH AND EDUCATION PLANS.** The  
9 groundwater strategy implementation council  
10 established under section 455E.9 shall approve  
11 research and education programs. Prior to approval,  
12 consideration shall be given to the objectives listed  
13 in subsection 1, paragraph "a" or "b".

14 3. **APPROVAL OF EVALUATION PLANS.** The director is  
15 responsible for approving the state evaluation

16 programs. Prior to approval, consideration shall be  
17 given to the objectives listed in subsection 1,  
18 paragraph "c".

19 4. BIENNIAL REPORT. The director shall include a  
20 progress report on the agricultural initiative in the  
21 biennial report required under section 455B.263. This  
22 report shall include a list of programs approved under  
23 subsections 2 and 3, their status and results, and  
24 recommended legislative action.

25 5. FINAL REPORT. The director shall prepare a  
26 final report on the success or failure of this program  
27 and submit it to the general assembly by July 1, 1998.

28 Sec. 9. NEW SECTION. 455E.9 GROUNDWATER STRATEGY  
29 IMPLEMENTATION COUNCIL ESTABLISHED.

30 1. A groundwater strategy implementation council  
31 is established.

32 The council consists of the director of the  
33 department and the administrator of each of the  
34 following organizations or the administrator's  
35 designee:

36 a. The energy and geological resources division of  
37 the department.

38 b. The environmental protection division of the  
39 department.

40 c. Iowa State University of science and  
41 technology.

42 d. University of Iowa.

43 e. The division of soil conservation of the  
44 department of agriculture and land stewardship.

45 f. The laboratory division of the department of  
46 agriculture and land stewardship.

47 g. Iowa cooperative extension service in  
48 agriculture and home economics.

49 h. The environmental health division of the  
50 department of public health.

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1 The director is the chairperson of the council.  
2 The presiding officers of the senate and house shall  
3 each appoint two nonvoting members, with not more than  
4 one from each house of any one political party, to  
5 serve on the council for a term of two years. The  
6 council may invite the administrators of the United  
7 States geological survey and the United States  
8 environmental protection agency to appoint a person to  
9 meet with the council in an advisory capacity. The  
10 council shall meet quarterly or upon call of the  
11 chairperson.

12 2. The council shall:

13 a. Review possible uses of the groundwater fund  
14 and the effectiveness of current and past expenditures

15 of the groundwater fund.

16 b. Make recommendations to the director on the  
17 uses of the groundwater fund.

18 c. Coordinate the implementation of the  
19 groundwater strategy through all involved agencies.

20 d. Recommend expenditure of oil overcharge  
21 settlement funds to the energy fund disbursement  
22 council created in section 93.11, subsection 3.

23 Sec. 10. NEW SECTION. 455E.10 AGRICULTURAL  
24 DRAINAGE WELLS.

25 The commission, in consultation with the department  
26 of agriculture and land stewardship, shall adopt rules  
27 to encourage the cleanup and elimination of all  
28 agricultural drainage wells, including financial  
29 assistance or incentives for the plugging of these  
30 wells on a demonstration basis, at the minimum. All  
31 agricultural drainage wells shall be plugged by June  
32 30, 1998.

33 Sec. 11. NEW SECTION. 455E.11 ABANDONED WELLS.

34 The commission, in consultation with the department  
35 of public health, shall adopt rules to encourage the  
36 cleanup and closing of all abandoned wells, including  
37 financial assistance or incentives for the plugging of  
38 these wells on a demonstration basis, at the minimum  
39 level. All abandoned wells shall be plugged by June  
40 30, 1998.

41 Sec. 12. NEW SECTION. 455E.12 CONSERVATION  
42 EASEMENT PROGRAM.

43 The department, in consultation with the department  
44 of agriculture and land stewardship, shall develop and  
45 implement rules to encourage the cleanup of wastes  
46 from sinkholes, watershed protection and forestation  
47 of watersheds draining to sinkholes, and the  
48 management of wetlands where drainage wells once  
49 existed.

50 Sec. 13. NEW SECTION. 455E.13 GROUNDWATER FUND.

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1 1. A groundwater fund is created in the state  
2 treasury. Moneys received from fees, penalties,  
3 general revenue, federal funds, gifts, bequests,  
4 donations, appropriations, or other moneys so  
5 designated shall be deposited in the state treasury to  
6 the credit of the fund. Notwithstanding section 8.33,  
7 any unexpended balance in the groundwater fund at the  
8 end of each fiscal year, including interest, shall be  
9 retained in the fund.

10 2. The department may use the groundwater fund for  
11 any of the activities provided under this chapter and  
12 any activities conducted under chapter 455B relative  
13 to groundwater protection. The department may

14 contract, with the approval of the commission, with  
15 public agencies of this state or private persons to  
16 carry out the programs and services as provided in  
17 this chapter.

18 Sec. 14. A minimum of thirty-seven million dollars  
19 of the oil overcharge settlements in the energy  
20 conservation trust fund created in section 93.11 shall  
21 be deposited in the groundwater fund during the period  
22 July 1, 1987, through June 30, 1992, as appropriated  
23 by the general assembly.

24 Sec. 15. Section 135.11, Code 1987, is amended by  
25 adding the following new subsection:

26 NEW SUBSECTION. 20. Adopt rules requiring the  
27 prompt reporting of all cases of poisoning, including  
28 methemoglobinemia and pesticide poisoning. Summaries  
29 of these reports shall be made on an annual basis.

30 Sec. 16. Section 206.12, Code 1987, is amended by  
31 adding the following new subsection:

32 NEW SUBSECTION. 7. The secretary of agriculture,  
33 in consultation with the director of the department of  
34 natural resources, shall develop and implement rules  
35 requiring the reporting of all pesticides sold,  
36 distributed, or applied in this state on an annual  
37 basis. The report shall include, at a minimum, a  
38 summary of the amount and type of pesticide sold,  
39 distributed, or applied in this state for each month  
40 of the calendar year.

41 Sec. 17. Section 455B.309, Code 1987, is amended  
42 to read as follows:

43 455B.309 GROUNDWATER SOLID WASTE FUND.

44 1. A groundwater solid waste fund is created in  
45 the state treasury. Moneys received from the tonnage  
46 fee and from other sources designated for purposes  
47 related to groundwater monitoring and groundwater  
48 quality standards environmental protection or resource  
49 recovery of sanitary disposal projects shall be  
50 deposited in the state treasury to the credit of the

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1 fund. Any unexpended balance in the groundwater fund  
2 at the end of each fiscal year shall be retained in  
3 the fund.

4 2. The department may use the fund for any of the  
5 following purposes:

6 a. The administration of a groundwater monitoring  
7 program related to sanitary disposal projects.

8 b. The development of groundwater quality  
9 standards guidelines for groundwater monitoring around  
10 landfills.

11 c. Research in alternative methods of solid waste  
12 disposal including recycling programs.

13 d. Abatement and cleanup of threats to the public  
 14 safety and environment resulting from a sanitary  
 15 landfill when an owner or operator of the facility is  
 16 unable to effectuate the abatement or cleanup.  
 17 However, not more than ten percent of the fund may be  
 18 used for this purpose in any given year without  
 19 legislative authorization for that purpose.

20 e. Grants to public water supply systems to abate  
 21 or eliminate threats to public health and safety  
 22 resulting from contamination of the water supply  
 23 source resulting from a sanitary landfill.

24 3. An amount equal to twenty-five percent of the  
 25 moneys received from the tonnage fee imposed under  
 26 section 455B.310 in each fiscal year shall be reserved  
 27 for the purpose of providing grants to public water  
 28 supply systems to abate or eliminate threats to public  
 29 health and safety resulting from contamination of the  
 30 water supply source. However, a public water supply  
 31 shall not receive a grant for more than ten percent of  
 32 the moneys available for those purposes in any given  
 33 year. Any moneys not expended under this subsection  
 34 at the end of each fiscal year shall be available for  
 35 any of the uses authorized in subsection 2.

36 4 3. An amount equal to fifty percent of the  
 37 annual receipts to the groundwater fund derived from  
 38 the landfill tonnage fee imposed pursuant to section  
 39 455B.310 shall be reserved for the purpose of  
 40 providing grants to cities and counties required to  
 41 provide for sanitary disposal projects under section  
 42 455B.302 for the purpose of developing or updating  
 43 plans required to be filed under section 455B.306.  
 44 Grants shall be governed by section 455B.311.

45 Sec. 18. Section 455B.310, subsection 4, Code  
 46 1987, is amended to read as follows:

47 4. All tonnage fees received by the department  
 48 under this section shall be paid to a groundwater the  
 49 solid waste fund created under section 455B.309.

50 Sec. 19. Section 455B.311, unnumbered paragraph 1,

**Page 9**

1 Code 1987, is amended to read as follows:

2 The director, with the approval of the commission,  
 3 may make grants to cities, counties, or central  
 4 planning agencies representing cities and counties or  
 5 combinations of cities, counties, or central planning  
 6 agencies from funds reserved under and for the  
 7 purposes specified in section 455B.309, subsection 4  
 8 3, subject to all of the following conditions:

9 Sec. 20. Section 455B.472, Code 1987, is amended  
 10 by adding the following new unnumbered paragraph:

11 NEW UNNUMBERED PARAGRAPH. The programs implemented

12 pursuant to this chapter shall emphasize the  
13 prevention of groundwater contamination, leak  
14 prevention, and early leak detection, and all  
15 underground storage tanks shall meet the prevention  
16 and early leak detection requirements no later than  
17 May 1, 1990.

18 Sec. 21. Section 467A.7, subsection 4, Code 1987,  
19 is amended to read as follows:

20 4. To co-operate, or enter into agreements with,  
21 and within the limits of appropriations duly made  
22 available to it by law, to furnish financial or other  
23 aid to any agency, governmental or otherwise, or any  
24 owner or occupier of lands within the district, in the  
25 carrying on of erosion-control, and watershed  
26 protection, and flood prevention operations, and  
27 management practices which protect groundwater, within  
28 the district, subject to such conditions as the  
29 commissioners may deem necessary to advance the  
30 purposes of this chapter.

31 Sec. 22. Section 467A.7, subsection 16, Code 1987,  
32 is amended to read as follows:

33 16. The commissioners shall, as a condition for  
34 the receipt of any state cost-sharing funds for  
35 permanent soil conservation practices, require the  
36 owner of the land on which the practices are to be  
37 established to covenant and file, in the office of the  
38 soil conservation district of the county in which the  
39 land is located, an agreement identifying the  
40 particular lands upon which the practices for which  
41 state cost-sharing funds are to be received will be  
42 established, and providing that the project will not  
43 be removed, altered, or modified so as to lessen its  
44 effectiveness without the consent of the  
45 commissioners, obtained in advance and based on  
46 guidelines drawn up by the state soil conservation  
47 committee, for a period of twenty years after the date  
48 of receiving payment. This agreement shall include  
49 adoption of groundwater practices which protect  
50 groundwater, including control of nitrogen

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1 fertilization practices and pesticide applications.

2 The commissioners shall assist the division in the  
3 enforcement of this subsection. The agreement does  
4 not create a lien on the land, but is a charge  
5 personally against the owner of the land at the time  
6 of removal, alteration, or modification if an  
7 administrative order is made under section 467A.61,  
8 subsection 3.

9 Sec. 23. NEW SECTION. 558.69 WELLS AND  
10 UNDERGROUND STORAGE TANKS.

11 The county recorder shall not accept for recording  
 12 in that office an instrument of conveyance which does  
 13 not contain a statement that there are no wells or  
 14 underground storage tanks situated on the property, or  
 15 if there are wells or underground storage tanks, the  
 16 conveyance must state the location of each and its  
 17 legal status pursuant to sections 455B.473, 455B.474,  
 18 455E.10, and 455E.11.

19 Sec. 24. Section 633.361, subsection 8, Code 1987,  
 20 is amended to read as follows:

21 8. Legal descriptions and estimated values of all  
 22 the real estate of the decedent in the state of Iowa.  
 23 The legal description shall include a statement that  
 24 there are no wells or underground storage tanks  
 25 situated on the property, or if there are, the  
 26 description shall state the location of each well and  
 27 underground storage tank and its status pursuant to  
 28 sections 455B.473, 455B.474, 455E.10, and 455E.11."

29 2. Title page, by striking lines 1 through 11 and  
 30 inserting the following: "An Act relating to  
 31 groundwater protection."

Bennett of Ida offered the following amendment H-3578, to  
 amendment H-3482, filed by him from the floor and moved its  
 adoption:

H-3578

1 Amend the amendment, H-3482, to House File 631, as  
 2 follows:

3 1. Page 1, by striking lines 27 through 31 and  
 4 inserting the following:

5 "7. "Contaminant" means any substance which is  
 6 detected in the groundwater of the state at a  
 7 concentration which is determined, pursuant to this  
 8 chapter, to cause unreasonable, adverse effects to man  
 9 or the environment."

10 2. Page 1, by inserting after line 50 the follow-  
 11 ing:

12 "14. "Standard" means the numerical value  
 13 expressing the concentration of substance in water  
 14 adopted by the methodology specified in section  
 15 455B.493, subsection 3.

16 15. "Predictive procedure" means any of a number  
 17 of recognized, scientifically valid processes for  
 18 predicting the probability of migration of substances  
 19 through soil with eventual entry into groundwater  
 20 utilizing, when possible, a defined set of factors  
 21 including environmental fate data, and physical and  
 22 chemical characteristics of the substance.

23 16. "Confirmatory procedure" means an orderly  
 24 process for the verification of detections of

- 25 substances in groundwater. At a minimum, such  
 26 verification shall consist of at least two separate  
 27 samplings collected at intervals of not less than  
 28 thirty days from the same point of the initial  
 29 sampling, and analyses by two different, peer-reviewed  
 30 and authenticated analytical laboratory methodologies.
- 31 17. "Federal number" means a maximum contaminant  
 32 level, national primary drinking water regulation,  
 33 interim final drinking water regulation, health  
 34 advisory, suggested no adverse response level or  
 35 groundwater residue guidance level as established by  
 36 the United States environmental protection agency.  
 37 However, the existence of such standards, or lack of  
 38 them, shall not be construed or used in derogation of  
 39 the groundwater protection policies of the state."
- 40 3. Page 2, line 28, by striking the words "may  
 41 be" and inserting the following: "is".
- 42 4. Page 2, by striking lines 39 and 40 and  
 43 inserting the following: "shall not".
- 44 5. Page 3, line 6, by inserting after the word  
 45 "including" the following: "confirmatory  
 46 procedures,".
- 47 6. Page 3, by striking lines 34 through 36.
- 48 7. Page 3, line 43, by striking the word "may"  
 49 and inserting the following: "shall".
- 50 8. Page 4, line 1, by inserting after the word

**Page 2**

- 1 "programs." the following: "In establishing such  
 2 standards for groundwater, the commission shall adopt  
 3 federal numbers if they exist. If no federal number  
 4 exists, the commission shall petition the United  
 5 States environmental protection agency to establish a  
 6 federal number. Such standards shall apply to those  
 7 sources of groundwater which are now, or may in the  
 8 future, be used by prudent persons as a source of  
 9 drinking water."
- 10 9. Page 4, by striking lines 4 through 19 and in-  
 11 serting the following:  
 12 "All state agencies shall consider groundwater pro-  
 13 tection policies in the administration of programs  
 14 within their existing jurisdiction. Local agencies  
 15 shall observe groundwater protection policies in their  
 16 programs consistent with programs conducted by the  
 17 state agencies. All agencies shall cooperate with the  
 18 department in disseminating public information and  
 19 education materials on the use and protection of  
 20 groundwater."
- 21 10. Page 7, by striking lines 30 through 40 and  
 22 inserting the following:  
 23 "Sec. \_\_\_\_\_. Section 206.19, Code 1987, is amended

24 by adding the following new subsection:

25 NEW SUBSECTION. 3. Establish by rule penalties  
26 for violations of this chapter or section 12 of the  
27 federal Insecticide, Fungicide and Rodenticide Act, 7  
28 U.S.C. 136, et seq. The rules shall be consistent  
29 with section 14 of the federal Act. For purposes of  
30 this chapter the secretary shall adopt by rule the  
31 definition appearing in section 2(ee) of the federal  
32 Act."

33 11. Page 10, by inserting after line 28, the  
34 following:

35 "Sec. \_\_\_\_\_. NEW SECTION. 455B.492 DUTIES OF THE  
36 DIRECTOR.

37 In addition to other groundwater protection duties,  
38 the director, in cooperation with other state  
39 agencies, shall:

40 1. Develop and administer a program to determine  
41 with a reasonable degree of scientific probability,  
42 the likelihood for fertilizers and pesticides to enter  
43 groundwater.

44 2. Develop and conduct in consultation with other  
45 appropriate agencies a comprehensive soil and  
46 groundwater monitoring program in those areas of the  
47 state identified by using either predictive procedures  
48 or other information that indicate a reasonable  
49 likelihood for the appearance of fertilizers and  
50 pesticides in the groundwater.

**Page 3**

1 3. Prior to monitoring, the director shall refer  
2 any fertilizers or pesticides identified in this  
3 section to the commission for the development of  
4 numerical standards.

5 4. Report the monitoring results to the director  
6 of public health and to the secretary of agriculture  
7 and land stewardship.

8 5. Establish a system or systems within the  
9 department for collecting, evaluating, and  
10 disseminating groundwater quality data and  
11 information.

12 6. Develop and maintain a natural resource  
13 geographic information system and comprehensive water  
14 resource data system. The system shall be accessible  
15 to the public.

16 7. Take any action authorized by law to implement  
17 the provisions of this chapter and the rules adopted  
18 pursuant to this chapter.

19 8. Disseminate data and information, relative to  
20 this chapter, to the public to the greatest extent  
21 practical.

22 Sec. \_\_\_\_\_. NEW SECTION. 455B.493 DUTIES OF THE

## 23 COMMISSION.

24 1. The commission shall adopt rules to implement  
25 the groundwater protection programs for this section.

26 2. The commission shall adopt numerical standards  
27 for all substances referred by the director pursuant  
28 to section 455B.492, subsection 3.

29 3. In establishing such standards for groundwater,  
30 the commission shall adopt federal numbers if they  
31 exist. If no federal number exists, the commission  
32 shall petition the United States environmental  
33 protection agency to establish a federal number for  
34 the substance of interest. If the commission  
35 determines that a federal number cannot be obtained  
36 within thirty days, it shall consult with the United  
37 States environmental protection agency's office of  
38 drinking water and other appropriate offices within  
39 the agency regarding the agency's conclusion relative  
40 to available toxicological information on the  
41 substance of interest and the methodology used for  
42 establishing a federal number. The commission shall  
43 utilize this information and methodology to establish  
44 a standard fully consistent with said information and  
45 methodology. The commission may also consult with and  
46 request similar information from other sources.

47 4. Whenever the commission determines, after  
48 adequate scientific investigation and evaluation, that  
49 a substance as defined in sections 200.3, subsection  
50 1, and 206.2, subsection 1 in the groundwater exceeds

## Page 4

1 or is likely to exceed duly adopted standards, the  
2 commission shall notify the secretary of agriculture  
3 and land stewardship who shall proceed in accordance  
4 with section 206.21 and other existing laws. In  
5 addition, the department of natural resources may  
6 proceed with authorities granted to them.

7 5. The commission shall establish by rule a  
8 confirmatory procedure which includes an orderly  
9 process for the verification of detections of  
10 pesticides in sources of drinking water. At a  
11 minimum, such verification shall consist of at least  
12 two separate samplings collected at intervals of not  
13 less than thirty days from the same point of the  
14 initial sampling, and analyses by two different, peer-  
15 reviewed and authenticated analytical laboratory  
16 methodologies.

17 Sec. \_\_\_\_\_. Section 206.21, Code 1987, is amended by  
18 adding the following new subsections:

19 **NEW SUBSECTION. 3.** The secretary shall adopt  
20 rules designed to prevent the exceeding or likely  
21 exceeding of a standard adopted pursuant to section

22 455B.493, subsection 3.

23 **NEW SUBSECTION.** 4. The secretary of agriculture  
24 shall establish criteria for the designation of  
25 pesticide management areas. Such areas may include  
26 wellhead protection zones, recharge areas, sinkholes,  
27 agricultural drainage wells, and other areas of  
28 similar environmental concern. The secretary may  
29 adopt rules for designating these as pesticide  
30 management areas.

Amendment H—3578 was adopted.

Kremer of Buchanan offered the following amendment H—3540,  
to amendment H—3482, filed by him and moved its adoption:

H—3540

1 Amend amendment H—3482 to House File 631 as follows:  
2 1. Page 10, by striking lines 13 and 14 and  
3 inserting the following: "not contain a statement  
4 by the owner that there are no wells or underground  
5 storage tanks situated on the property, to the best  
6 of the owner's knowledge and belief, or".  
7 2. Page 10, by striking lines 23 through 25 and  
8 inserting the following: "The legal description  
9 shall include a statement by the personal representative  
10 that there are no wells or underground storage tanks  
11 situated on the property, to the best of the personal  
12 representative's knowledge and belief, or if there are,  
13 the".

Amendment H—3540 was adopted.

Speaker Avenson in the chair at 2:47 p.m.

Stueland of Clinton moved the adoption of amendment H—3482,  
as amended.

Roll call was requested by Stueland of Clinton and Stromer of  
Hancock.

On the question "Shall amendment H—3482, as amended, be  
adopted?" (H.F. 631)

The ayes were, 37:

Beaman	Bennett	Branstad	Carpenter
Corey	Daggett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Lundby	Maulsby	Metcalf
Miller	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schneklath	Shoning	Siegrist	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 63:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Doderer
Dvorsky	Key	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKean	McKinney	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poney	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoultz	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, none.

Amendment H—3482, as amended, lost.

The following amendments were deferred by unanimous consent:

H—3417 filed by Tabor of Jackson.

H—3401 filed by Paulin of Plymouth.

H—3357 filed by Koenigs, et al.

H—3430 filed by Tabor of Jackson.

Rosenberg of Story offered the following amendment H—3560 filed by Rosenberg, et al., and moved its adoption:

H—3560

- 1 Amend House File 631 as follows:
- 2 1. Page 2, by striking lines 28 through 34 and
- 3 inserting the following:
- 4 "Sec. 104. NEW SECTION. 455E.4 GROUNDWATER
- 5 PROTECTION GOAL.
- 6 The goal of the state is to prevent contamination
- 7 of groundwater from point and nonpoint sources of
- 8 contamination to the maximum extent practical, and if
- 9 necessary to restore the groundwater to a potable
- 10 state, regardless of present condition, use, or
- 11 characteristics."

Amendment H—3560 was adopted.

Bennett of Ida offered amendment H—3382 filed by him and Petersen of Muscatine and requested division as follows:

H—3382

1 Amend House File 631 as follows:

H—3382A

2 1. Page 3, by striking lines 13 through 15.

H—3382B

3 2. Page 20, line 2, by inserting after the word  
4 "another" the following: "a person employed by a  
5 farmer not solely as a pesticide applicator who  
6 applies pesticide as an incidental part of the  
7 person's general duties, or a person who applies  
8 pesticide as an incidental part of a custom farming  
9 operation".

10 3. Page 21, by inserting after line 35 the  
11 following:

12 "A person employed by a farmer not solely as a  
13 pesticide applicator who applies pesticide as an  
14 incidental part of the person's general duties or a  
15 person who applies pesticide as an incidental part of  
16 a custom farming operation is required to meet the  
17 certification requirements of a private applicator."

18 3. By renumbering as necessary.

Bennett of Ida moved the adoption of amendment H—3382A.

Roll call was requested by Bennett of Ida and Paulin of Plymouth.

On the question "Shall amendment H—3382A be adopted?"  
(H.F. 631)

The ayes were, 32:

Beaman	Bennett	Branstad	Carpenter
Corey	Daggett	De Groot	Eddie
Halvorson, R. A.	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Maulsby
Metcalf	Miller	Paulin	Pellett
Petersen, D. F.	Platt	Renken	Royer
Schnekloth	Shoning	Spear	Stromer
Swearingen	Tyrrell	Van Camp	Van Maanen

The nays were, 64:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Clark	Cphoon	Connolly
Cooper	Corbett	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Holveck	Jay

Johnson	Knapp	Koenigs	Lundby
May	McKean	McKinney	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shultz	Siegrist
Skow	Stueland	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 4:

Connors	Jochum	Muhlbauer	Parker
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Amendment H—3382A lost.

Mullins of Kossuth offered the following amendment H—3390 filed by Mullins, et al.:

H—3390

1 Amend House File 631 as follows:  
 2 1. Page 3, line 23, by inserting after the word  
 3 "responsible." the following:  
 4 "Liability shall not be imposed upon an  
 5 agricultural producer for the costs of passive or  
 6 active cleanup, or for any damages associated with or  
 7 resulting from the detection in the groundwater of any  
 8 quantity of nitrates provided that application has  
 9 been in compliance with soil test results and that the"  
 10 applicator has properly complied with label  
 11 instructions for application of the fertilizer.  
 12 Compliance with the above provisions may be raised as  
 13 an affirmative defense by an agricultural producer.  
 14 Liability shall not be imposed upon an agricultural  
 15 producer for costs of passive or active cleanup, or  
 16 for any damages associated with or resulting from the  
 17 detection in the groundwater of pesticide provided  
 18 that the applicator has properly complied with label  
 19 instructions for application of the pesticide and that  
 20 the applicator has a valid appropriate applicator's  
 21 license. Compliance with the above provisions may be  
 22 raised as an affirmative defense by an agricultural  
 23 producer."

Rosenberg of Story offered the following amendment H—3536, to amendment H—3390, filed by Rosenberg, et al., and moved its adoption:

H—3536

1 Amend amendment, H—3390, to House File 631 as  
 2 follows:  
 3 1. Page 1, line 5, by striking the words "passive  
 4 or".  
 5 2. Page 1, line 15, by striking the words  
 6 "passive or".

Amendment H—3536 was adopted.

Mullins of Kossuth moved the adoption of amendment H—3390, as amended.

Roll call was requested by Arnould of Scott and Poncy of Wapello.

On the question "Shall amendment H—3390, as amended, be adopted?" (H.F. 631)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Mullins	Norrgard	Ollie
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 1:

Doderer

Absent or not voting, 6:

Connolly	Muhlbauer	Neuhauser	Osterberg
Renaud	Stromer		

Amendment H—3390, as amended, was adopted.

Carpenter of Polk offered the following amendment H—3370 filed by her and Cooper of Lucas and moved its adoption:

H—3370

1 Amend House File 631 as follows:

- 2 1. Page 4, lines 8 and 9, by striking the words
- 3 "This chapter shall be liberally construed to effect
- 4 its purpose."

Amendment H—3370 was adopted.

Platt of Muscatine offered the following amendment H—3379 filed by him and Sherzan of Polk and moved its adoption:

H—3379

- 1 Amend House File 631 as follows:
- 2 1. Page 4, by striking line 10 and inserting the
- 3 following: "shall not enlarge, restrict, or abrogate
- 4 any remedy which any person or".

Amendment H—3379 was adopted.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H—3393 filed by Koenigs, et al., on March 25, 1987.

Pellett of Cass offered the following amendment H—3399 filed by Pellett, et al., and moved its adoption:

H—3399

- 1 Amend House File 631 as follows:
- 2 1. Page 4, line 20, by inserting after the word
- 3 "with" the following: "soil district commissioners
- 4 and with".
- 5 2. Page 32, by striking line 33 and inserting the
- 6 following: "consultation with soil district
- 7 commissioners, the department of natural resources,
- 8 and the".

Amendment H—3399 was adopted.

Tabor of Jackson asked and received unanimous consent to defer amendment H—3413.

Shoultz of Black Hawk offered the following amendment H—3381 filed by him and moved its adoption:

H—3381

- 1 Amend House File 631 as follows:
- 2 1. Page 5, line 21, by inserting after the word
- 3 "education" the following: "and the department of
- 4 environmental education of the University of Northern
- 5 Iowa".

Amendment H—3381 was adopted.

Paulin of Plymouth offered the following amendment H—3410 filed by him and moved its adoption:

H—3410

1 Amend House File 631 as follows:

- 2 1. Page 6, lines 10 and 11, by striking the words  
 3 "at least as stringent as provided in the rules of the  
 4 department" and inserting the following: "consistent  
 5 with the rules of the department, except that policies  
 6 regulating sanitary landfills shall be at least as  
 7 stringent as provided in the rules of the department".  
 8 2. Page 10, by striking lines 3 and 4 and  
 9 inserting the following: "disposal facilities. These  
 10 standards shall be consistent with the standards  
 11 adopted by".

Roll call was requested by Paulin of Plymouth and Stueland of Clinton.

On the question "Shall amendment H—3410 be adopted?"  
 (H.F. 631)

The ayes were, 43:

Beaman	Bennett	Branstad	Carpenter
Clark	Connolly	Corbett	Corey
Daggett	De Groot	Diemer	Eddie
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Mullins	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Tyrrell	Van Camp	Van Maanen	

The nays were, 55:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connors	Cooper
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoultz	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

Absent or not voting, 2:

Muhlbauer Neuhauser

Amendment H—3410 lost.

Schnekloth of Scott offered the following amendment H-3391 filed by Schnekloth, et al.:

H-3391

- 1 Amend House File 631 as follows:
- 2 1. Page 6, by striking lines 14 through 23 and
- 3 inserting the following:
- 4 "1. A groundwater fund is created in the state
- 5 treasury. Moneys received from fees, penalties,
- 6 general revenue, federal funds, gifts, bequests,
- 7 donations, appropriations, or other moneys so
- 8 designated shall be deposited in the state treasury to
- 9 the credit of the fund. Notwithstanding section 8.33,
- 10 any unexpended balance in the groundwater fund at the
- 11 end of each fiscal year, including interest, shall be
- 12 retained in the fund.
- 13 The department may use the groundwater fund for any
- 14 of the activities provided under this chapter and any
- 15 activities conducted under chapter 455B relative to
- 16 groundwater protection. The department may contract,
- 17 with the approval of the commission, with public
- 18 agencies of this state or private persons to carry out
- 19 the programs and services as provided in this
- 20 chapter."
- 21 2. Page 6, by striking lines 26 through 30, and
- 22 inserting the following:
- 23 "a. A solid waste account."
- 24 3. Page 7, by striking lines 24 through 30 and
- 25 inserting the following:
- 26 "b. An agriculture management account."
- 27 4. Page 8, by striking lines 13 through 16 and
- 28 inserting the following:
- 29 "c. A household hazardous waste account."
- 30 5. Page 13, by striking lines 32 and 33 and
- 31 inserting the following:
- 32 "Sec. 121. Section 455B.420, Code 1987, is
- 33 repealed."
- 34 6. Page 13, by inserting after line 33 the
- 35 following:
- 36 "Sec. \_\_\_\_\_. A minimum of thirty-seven million
- 37 dollars of the oil overcharge settlement moneys in the
- 38 energy conservation trust fund created in section
- 39 93.11 shall be deposited in the groundwater fund
- 40 during the period July 1, 1987, through June 30, 1992,
- 41 as appropriated by the general assembly."
- 42 7. By striking page 18, line 29, through page 19,
- 43 line 7.
- 44 8. Page 19, by striking lines 12 through 14 and
- 45 inserting the following: "sections 200.4 and 200.8
- 46 shall be deposited in the".
- 47 9. By striking page 23, line 24 through page 24,

48 line 15.

49 10. Page 25, line 30, by striking the words "The  
50 One-half of the" and inserting the following: "The".

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1 11. Page 25, lines 33 through 35, by striking the  
2 words "and one-half of the fees collected shall be  
3 placed in the agriculture management account of the  
4 groundwater protection fund".

5 12. Page 44, by inserting after line 19, the  
6 following:

7 "Sec. \_\_\_\_\_. Section 455B.309, subsection 1, Code  
8 1987, is amended to read as follows:

9 1. A groundwater solid waste fund is created in  
10 the state treasury. Moneys received from the tonnage  
11 fee and from other sources designated for purposes  
12 related to groundwater monitoring and groundwater  
13 quality standards sanitary disposal projects and solid  
14 waste shall be deposited in the state treasury to the  
15 credit of the fund. Any unexpended balance in the  
16 groundwater solid waste fund at the end of each fiscal  
17 year shall be retained in the fund.

18 Sec. \_\_\_\_\_. Section 455B.309, subsections 2 through  
19 4, Code 1987, are amended by striking the  
20 subsections."

21 13. Page 44, lines 34 and 35, by striking the  
22 words "deposited in the solid waste account of the  
23 groundwater protection fund created under section  
24 455E.11" and inserting the following: "deposited in  
25 the solid waste fund".

26 14. Page 49, by striking lines 34 and 35.

27 15. By striking page 50, line 31, through page  
28 51, line 19.

29 16. By striking page 57, line 27, through page  
30 58, line 29.

31 17. Renumbering as necessary.

**LEAVE OF ABSENCE**

Leave of absence was granted as follows:

Neuhauser of Johnson on request of Dvorsky of Johnson.

Schnekloth of Scott offered the following amendment H—3487, to  
amendment H—3391, filed by him and moved its adoption:

H—3487

1 Amend the amendment, H—3391, to House File 631 as  
2 follows:

3 1. Page 1, by inserting after line 29, the fol-  
4 lowing:

5 "\_\_\_\_\_. Page 8, by striking lines 17 through 20,

- 6 and inserting the following:  
7 "d. A storage tank management account."  
8 2. By renumbering as necessary.

Amendment H—3487 was adopted.

Schnekloth of Scott asked and received unanimous consent to defer action on amendment H—3391, as amended.

Shoultz of Black Hawk offered the following amendment H—3564 filed by Shoultz, et al.:

H—3564

- 1 Amend House File 631 as follows:  
2 1. By striking page 6, line 31 through page 7,  
3 line 23, and inserting the following:  
4 "The department shall use the funds in the account  
5 for the following purposes:  
6 (1) The first fifty cents per ton of funds  
7 received from the tonnage fee imposed under section  
8 455B.310 shall be used to administer the solid waste  
9 program elements related to groundwater protection  
10 with the particular elements including:  
11 (a) The administration of a groundwater monitoring  
12 program and other required programs which are related  
13 to solid waste management.  
14 (b) The development of guidelines for groundwater  
15 monitoring at sanitary disposal projects as defined in  
16 section 455B.301, subsection 3.  
17 (c) Abatement and cleanup of threats to the public  
18 health, safety, and the environment resulting from a  
19 sanitary landfill if an owner or operator of the  
20 landfill is unable to facilitate the abatement or  
21 cleanup. However, not more than ten percent of the  
22 total funds allocated under this subparagraph may be  
23 used for this purpose without legislative  
24 authorization.  
25 (d) A total of ten cents per ton of the amount  
26 allocated under this subparagraph is appropriated to  
27 the Iowa state water resources research institute in  
28 order to provide competitive grants to colleges,  
29 universities, and private institutions within the  
30 state for the development of research and education  
31 programs regarding alternative disposal methods and  
32 groundwater protection.  
33 (2) An additional one dollar per ton from the fees  
34 imposed under section 455B.310 and deposited in the  
35 solid waste management account shall be used by the  
36 department to develop and implement demonstration  
37 projects for landfill alternatives to solid waste  
38 disposal including recycling programs.

39 (3) The remaining fifty cents per ton collected  
40 from the fee imposed under section 455B.310 may be  
41 retained by the agency making the payments to the  
42 state provided that a separate account is established  
43 for these funds and that they are used in accordance  
44 with the requirements of section 455B.306.

45 (4) The additional fifty cents per ton fee imposed  
46 under section 455B.310 for the year 1989, and the  
47 years following, shall be allocated among the purposes  
48 provided in this account, as follows:

49 (a) An additional thirty-five cents per ton per  
50 year shall be allocated to demonstration projects for

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1 landfill alternatives.

2 (b) An additional fifteen cents per ton per year  
3 shall be allocated to local agencies for use as  
4 provided by law.

5 (5) Cities, counties, and private agencies subject  
6 to fees imposed under section 455B.310 may use the  
7 funds collected in accordance with the provisions of  
8 this section and the conditions of this subsection.  
9 The funds used from the account may only be used for  
10 one of the following purposes:

11 (a) Development of a specific plan for an  
12 alternative means of disposal which may include a  
13 facility plan or detailed plans and specifications.

14 (b) Development of a closure or postclosure plan.

15 (c) Development of a plan for the control and  
16 treatment of leachate which may include a facility  
17 plan or detailed plans and specifications.

18 (d) Preparation of a financial plan, but these  
19 funds may not be used to actually contribute to any  
20 fund created to satisfy financial requirements, or to  
21 contribute to the purchase of any instrument to meet  
22 this need.

23 On January 1 of the year following the first year  
24 in which the funds from the account are used, and  
25 annually thereafter, the agency shall report to the  
26 department as to the amount of the funds used, the  
27 exact nature of the use of the funds, and the projects  
28 completed. The report shall include an audit report  
29 which states that the funds were, in fact, used  
30 entirely for purposes authorized under this  
31 subsection."

32 2. Page 44, line 24, by striking the words "one  
33 dollar until" and inserting the following: "fifty  
34 cents per ton through".

35 3. By renumbering as necessary.

Halvorson of Webster in the chair at 5:03 p.m.

Carpenter of Polk offered the following amendment H—3583, to amendment H—3564, filed by her from the floor and moved its adoption:

H—3583

- 1 Amend amendment H—3564 to House File 631 as
- 2 follows:
- 3 1. Page 1, line 21, by striking the word
- 4 "percent" and inserting the words "cents per ton".

A non-record roll call was requested.

The ayes were 38, nays 54.

Amendment H—3583 lost.

Division of amendment H—3564 was requested as follows: Page 1, lines 2 through 50 and page 2, lines 1 through 31 to be amendment H—3564A; Page 2, lines 32 through 34 to be amendment H—3564B.

On motion by Shoultz of Black Hawk, amendment H—3564A was adopted.

Hansen of Woodbury offered the following amendment H—3443 filed by him and McKinney of Dallas and moved its adoption:

H—3443

- 1 Amend House File 631 as follows:
- 2 1. Page 7, line 34, by striking the word
- 3 "Leopold" and inserting the following: "Rachel
- 4 Carson".
- 5 2. Page 27, line 29, by striking the word
- 6 "LEOPOLD" and inserting the following: "RACHEL
- 7 CARSON".
- 8 3. Page 27, line 31, by striking the word
- 9 "Leopold" and inserting the following: "Rachel
- 10 Carson".

Roll call was requested by Hansen of Woodbury and McKinney of Dallas.

On the question "Shall amendment H—3443 be adopted?"  
(H.F. 631)

The ayes were, 34:

Adams	Bennett	Bisignano	Brammer
Branstad	Buhr	Carpenter	Diemer
Dodërer	Fuller	Gruhn	Halvorson, R. A.
Hammond	Hansen, S. D.	Hermann	Hester
Jay	Koenigs	Lageschulte	McKinney
Mullins	Pavich	Peterson, M. K.	Schnekloth

Sherzan	Shoning	Shoultz	Siegrist
Skow	Stromer	Stueland	Svoboda
Tyrrell	Van Maanen		

The nays were, 62:

Arnould	Avenson	Beaman	Beatty
Black	Blanshan	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Dvorsky	Fey	Fogarty	Garman
Groninga	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Holveck	Jochum
Johnson	Knapp	Kremer	Lundby
Maulsby	May	McKean	Metcalf
Miller	Muhlbauer	Norrgard	Ollie
Osterberg	Parker	Paulin	Pellett
Peters	Petersen, D. F.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schrader	Spear
Swartz	Swearingen	Tabor	Van Camp
Wise	Mr. Speaker (Halvorson of Webster)		

Absent or not voting, 4:

Eddie	Hummel	Neuhauser	Teaford
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Amendment H—3443 lost.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H—3392 filed by Koenigs, et al., on March 25, 1987.

Bennett of Ida asked and received unanimous consent to withdraw amendment H—3364 filed by him on March 25, 1987, placing out of order amendment H—3464, to amendment H—3364, filed by Mullins of Kossuth on March 30, 1987.

Sherzan of Polk offered the following amendment H—3566 filed by Sherzan, et al.:

H—3566

- 1 Amend House File 631 as follows:
- 2 1. Page 8, line 14, by striking the number
- 3 "455F.8" and inserting the following: "455F.7".
- 4 2. Page 8, line 16, by inserting after the word
- 5 "programs" the following: ", education programs, and
- 6 other activities pursuant to chapter 455F".
- 7 3. By striking page 47, line 26 through page 51,
- 8 line 19 and inserting the following:
- 9 "Sec. 501. NEW SECTION. 455F1 DEFINITIONS.
- 10 As used in this chapter unless the context

11 otherwise requires:

12 1. "Department" means the department of natural  
13 resources.

14 2. "Commission" means the state environmental  
15 protection commission.

16 3. "Distributor" means a person in this state who  
17 manufactures or produces a household hazardous  
18 material or who ships, transports, or imports into  
19 this state or in any manner acquires or possesses a  
20 household hazardous material within the state.

21 4. "Wholesaler" means a person other than a  
22 distributor or distributor's agent who engages in the  
23 business of selling or distributing a household  
24 hazardous material within the state, for the purpose  
25 of resale.

26 5. "Retailer" means a person offering for sale or  
27 selling a household hazardous material to the ultimate  
28 consumer, within the state.

29 6. "Display-area label" means the signage used by  
30 a retailer to mark a household hazardous material  
31 display area as prescribed by the department of  
32 natural resources.

33 7. "Residential" means a permanent place of abode,  
34 which is a person's home as opposed to a person's  
35 place of business.

36 8. "Household hazardous material" means a product  
37 used for residential purposes and designated by rule  
38 of the department of natural resources and may include  
39 any hazardous substance as defined in section  
40 455B.411, subsection 3; and any hazardous waste as  
41 defined in section 455B.411, subsection 4; and shall  
42 include but is not limited to the following materials:  
43 motor oils, motor oil filters, degreasers, waxes,  
44 polishes, solvents, paints, with the exception of  
45 latex-based paints, lacquers, thinners, caustic  
46 household cleaners, spot and stain remover with  
47 petroleum base, lawn, garden and household fungicides,  
48 insecticides, herbicides, and petroleum-based  
49 fertilizers. However, "household hazardous material"  
50 does not include laundry detergents or dishwashing

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1 soaps, and chlorine bleach.

2 **Sec. 502. NEW SECTION. 455F.2 POLICY STATEMENT.**

3 It is the policy of this state to educate Iowans  
4 regarding the hazardous nature of certain household  
5 products, proper use of the products, and the proper  
6 methods of disposal of residual product and containers  
7 in order to protect the public health, safety, and the  
8 environment.

9 **Sec. 503. NEW SECTION. 455F.3 LABELS REQUIRED.**

10 1. A retailer shall affix a display area label, as  
11 prescribed by rule of the commission, in a prominent  
12 location upon or near the display area of a household  
13 hazardous material. If the display area is a shelf,  
14 and the price of the product is affixed to the shelf,  
15 the label shall be affixed adjacent to the price  
16 information.

17 2. The department shall develop, in cooperation  
18 with distributors, wholesalers, and retailer  
19 associations, and shall distribute to retailers a  
20 household hazardous products list to be utilized in  
21 the labeling of a display area containing products  
22 which are household hazardous materials.

23 3. A person found in violation of this section is,  
24 upon conviction, guilty of a simple misdemeanor.

25 Sec. 504. NEW SECTION. 455F.4 CONSUMER  
26 INFORMATION BOOKLETS.

27 A retailer shall maintain and prominently display a  
28 booklet, developed by the department, in cooperation  
29 with distributors, wholesalers, and retailer  
30 associations and provided to retailers at departmental  
31 expense, which provides information regarding the  
32 proper use of household hazardous materials and  
33 specific instructions for the proper disposal of  
34 certain substance categories. The department shall  
35 also develop and provide to a retailer, at  
36 departmental expense, bulletins regarding household  
37 hazardous materials which provide information  
38 designated by rule of the commission. The retailer  
39 shall distribute the bulletins without charge to  
40 customers.

41 Sec. 505. NEW SECTION. 455F.5 DUTIES OF THE  
42 COMMISSION.

43 The commission shall:

44 1. Adopt rules which establish a uniform label to  
45 be supplied and used by retailers.

46 2. Adopt rules which designate the type and amount  
47 of information to be included in the consumer  
48 information booklets and bulletins.

49 Sec. 506. NEW SECTION. 455F.6 DUTIES OF THE  
50 DEPARTMENT.

**Page 3**

1 The department shall:

2 1. Designate products which are household  
3 hazardous materials and, based upon the designations  
4 and in consultation with distributors, wholesalers,  
5 and retailer associations, develop a household  
6 hazardous product list for the use of retailers in  
7 identifying the products.

8 2. Enforce the provisions of this chapter and

9 implement the penalties established.

10 Sec. 507. **NEW SECTION. 455F.7 HOUSEHOLD**  
11 **HAZARDOUS MATERIALS PERMIT.**

12 A retailer offering for sale or selling a household  
13 hazardous material shall have a valid permit for this  
14 activity. Every retailer shall submit an annual  
15 application and a fee of ten dollars based upon gross  
16 retail sales of up to fifty thousand dollars, twenty-  
17 five dollars based upon gross retail sales of fifty  
18 thousand dollars to three million dollars, and one  
19 hundred dollars based upon gross retail sales of three  
20 million dollars or more to the department of revenue  
21 and finance for a permit upon a form prescribed by the  
22 director of revenue and finance. The department shall  
23 remit the fees collected to the household hazardous  
24 waste account of the groundwater protection fund. The  
25 requirements and fee payment prescribed by this  
26 section are in lieu of any other reporting or fee  
27 requirements which apply to the retail sale of  
28 household hazardous materials."

29 4. By renumbering as necessary.

Paulin of Plymouth offered amendment H—3580, to amendment  
H—3566, filed by him from the floor and requested division as follows:

H—3580

1 Amend amendment, H—3566, to House File 631 as  
2 follows:

H—3580A

3 1. Page 1, by striking lines 16 through 25 and  
4 inserting the following:

5 "3. "Manufacturer" means a person who  
6 manufactures or produces a household hazardous  
7 material for resale in this state.

8 4. "Wholesaler" or "distributor" means a person  
9 other than a manufacturer or manufacturer's agent who  
10 engages in the business of selling or distributing a  
11 household hazardous material within the state, for the  
12 purpose of resale."

H—3580B

13 2. Page 2, line 13, by inserting after the word  
14 "material." the following: "The department shall  
15 furnish labels in reasonable amounts to sales tax  
16 permittees at no charge."

17 3. Page 2, line 15, by striking the words "the  
18 label shall" and inserting the following: "a reduced  
19 size label may".

20 4. Page 2, line 16, by inserting after the word

21 "information" the following: "if a display area label  
22 of regular size is displayed within two feet".

H—3580A

23 5. Page 2, line 29, by inserting after the word  
24 "with" the following: "manufacturers,".

H—3580B

25 6. Page 2, line 45, by striking the words  
26 "supplied and".

H—3580A

27 7. Page 3, line 4, by inserting after the word  
28 "with" the following: "manufacturers,".  
29 8. By renumbering as necessary.

On motion by Paulin of Plymouth, amendment H—3580A was adopted.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, for the remainder of the day, on request of Diemer of Black Hawk.

Dvorsky of Johnson offered the following amendment H—3592, to amendment H—3566, filed by him from the floor and moved its adoption:

H—3592

- 1 Amend amendment, H—3566, to House File 631 as
- 2 follows:
- 3 1. Page 1, line 43, by inserting after the word
- 4 "filters," the following: "gasoline and diesel
- 5 additives,".

Amendment H—3592 was adopted.

The House resumed consideration of amendment H—3580B, to amendment H—3566, found on pages 1081 and 1082 of the House Journal.

Paulin of Plymouth moved the adoption of amendment H—3580B, to amendment H—3566.

Roll call was requested by Mullins of Kossuth and Carpenter of Polk.

On the question "Shall amendment H—3580B, to amendment H—3566, be adopted?" (H.F. 631)

## The ayes were, 37:

Beaman	Bennett	Branstad	Carpenter
Corbett	Corey	Daggett	De Groot
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Lageschulte	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schneklath	Shoning	Siegrist
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

## The nays were, 56:

Adams	Arnould	Avenson	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Cohoon	Connolly	Connors
Cooper	Diemer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lundby
May	McKinney	Muhlbauer	Norrgard
Ollie	Osterberg	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker (Halvorson of Webster)

## Absent or not voting, 7:

Chapman	Clark	Doderer	Kremer
Neuhauser	Parker	Stromer	

Amendment H—3580B lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Swearingen of Keokuk, for the remainder of the day, on request of Carpenter of Polk.

Speaker Avenson in the chair at 5:56 p.m.

Osterberg of Linn offered the following amendment H—3586, to amendment H—3566, filed by him and Hatch of Polk from the floor and moved its adoption:

H—3586

- 1 Amend the amendment, H—3566, to House File 631 as
- 2 follows:

- 3 1. Page 3, by inserting after line 28 the  
 4 following:  
 5 "\_\_\_\_\_. Page 52, line 2, by striking the words "a  
 6 minimum of twenty" and inserting the following:  
 7 "twelve".  
 8 \_\_\_\_\_. Page 52, lines 4 and 5, by striking the  
 9 words "as are supported by the" and inserting the  
 10 following: "that can be properly and reasonably  
 11 conducted with funds deposited in the".  
 12 \_\_\_\_\_. Page 53, by inserting after line 10 the  
 13 following:  
 14 "Sec. \_\_\_\_\_. NEW SECTION. 455F.10 RECYCLING AND  
 15 RECLAMATION PROGRAMS.  
 16 Up to eighty thousand dollars of the moneys  
 17 deposited in the household hazardous waste account may  
 18 be expended to foster and fund waste-specific  
 19 recycling and reclamation events." "

Amendment H—3586 was adopted.

On motion by Sherzan of Polk, amendment H—3566, as amended, was adopted, placing out of order the following amendments:

- H—3397 filed by Paulin of Plymouth on March 25, 1987.  
 H—3395 filed by Paulin of Plymouth on March 25, 1987.  
 H—3440 filed by Paulin of Plymouth on March 27, 1987.  
 H—3480 filed by Dvorsky of Johnson on March 31, 1987.  
 H—3383 filed by Platt of Muscatine and Sherzan of Polk on March  
 25, 1987.  
 H—3385 filed by Sherzan of Polk and Platt of Muscatine on March  
 25, 1987.  
 H—3402 filed by Paulin of Plymouth on March 25, 1987.  
 H—3394 filed by Paulin of Plymouth on March 25, 1987.  
 H—3396 filed by Paulin of Plymouth on March 25, 1987.  
 H—3404 filed by Paulin of Plymouth on March 25, 1987.  
 H—3398 filed by Paulin of Plymouth on March 25, 1987.  
 H—3406 filed by Paulin of Plymouth on March 25, 1987.

The following amendments were deferred by unanimous consent:

- H—3380 by Van Maanen of Mahaska.  
 H—3375 by Schnekloth of Scott.

Tabor of Jackson offered the following amendment H—3416 filed by him and moved its adoption:

H—3416

- 1 Amend House File 631 as follows:  
 2 1. Page 9, by striking lines 13 through 25.

- 3 2. By striking page 11, line 17 through page 12,  
 4 line 19.  
 5 3. Page 13, by striking lines 1 through 31.  
 6 4. Page 13, by striking lines 32 and 33 and in-  
 7 serting the following:  
 8 "Sec. \_\_\_\_\_. Section 455B.309, Code 1987, is re-  
 9 pealed."

Roll call was requested by Tabor of Jackson and Harbor of Mills.

On the question "Shall amendment H—3416 be adopted?"  
 (H.F. 631)

The ayes were, 51:

Beamán	Bennett	Black	Blanshan
Branstad	Carpenter	Clark	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Eddie	Fogarty	Fuller
Garman	Halvorson, R. A.	Harbor	Hermann
Hester	Hummel	Knapp	Koenigs
Lageschulte	Lundby	Maulsby	Metcalf
Miller	Muhlbauer	Mullins	Paulin
Pellett	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Renken	Royer	Schnekloth
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Syoboda	Tabor
Tyrrell	Van Camp	Van Maanen	

The nays were, 44:

Adams	Arnould	Bisignano	Brammer
Buhr	Chapman	Cohoon	Connolly
Connors	Doderer	Dvorsky	Fey
Groninga	Gruhn	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	May	McKean	McKinney
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shultz	Teaford	Wise	Mr. Speaker

Absent or not voting, 5:

Beatty	Kremer	Neuhauser	Swartz
Swearingen			

Amendment H—3416 was adopted, placing out of order the following amendments:

H—3380, previously deferred, filed by Van Maanen, et al., on March 25, 1987.

H—3428, to amendment H—3380, filed by Van Camp of Scott on March 26, 1987.

H—3375, previously deferred, filed by Schnekloth, et al., on March 25, 1987.

Koenigs of Mitchell asked and received unanimous consent to withdraw amendment H—3411 filed by Koenigs, et al., on March 25, 1987.

Platt of Muscatine offered the following amendment H—3374 filed by him and moved its adoption:

H—3374

- 1 Amend House File 631 as follows:
- 2 1. Page 19, by striking lines 24 through 29.
- 3 2. Page 25, by striking lines 10 through 20.
- 4 3. By renumbering as necessary.

Amendment H—3374 was adopted.

The House resumed consideration of amendment H—3382B found on page 1068 of the House Journal.

On motion by Bennett of Ida, amendment H—3382B was adopted.

The following amendments were withdrawn by unanimous consent:

H—3386 filed by Mullins, et al., on March 25, 1987.

H—3400 filed by Svoboda of Tama on March 25, 1987.

H—3408 filed by Koenigs, et al., on March 25, 1987.

Petersen of Muscatine offered the following amendment H—3388 filed by him and moved its adoption:

H—3388

- 1 Amend House File 631 as follows:
- 2 1. Page 26, by striking lines 12 through 20, and
- 3 inserting the following: "the following new
- 4 subsection:"
- 5 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 25, nays 54.

Amendment H—3388 lost.

De Groot of Lyon asked and received unanimous consent to withdraw amendment H—3387 filed by him on March 25, 1987.

Mullins of Kossuth offered the following amendment H—3384 filed by Mullins, et al., and moved its adoption:

H-3384

- 1 Amend House File 631 as follows:
- 2 1. Page 27, by inserting after line 30 the
- 3 following:
- 4 "1. For the purposes of this section, "sustainable
- 5 agriculture" means the appropriate use of crop and
- 6 livestock systems and agricultural inputs supporting
- 7 those activities which maintain economic and social
- 8 viability while preserving the high productivity and
- 9 quality of Iowa's land."
- 10 2. By renumbering as necessary.

Amendment H-3384 was adopted.

Stromer of Hancock offered the following amendment H-3472 filed by him:

H-3472

- 1 Amend House File 631 as follows:
- 2 1. Page 28, by striking lines 22 through 27.
- 3 2. By relettering as necessary

Bennett of Ida offered the following amendment H-3584, to amendment H-3472, filed by him from the floor and moved its adoption:

H-3584

- 1 Amend amendment, H-3472, to House File 631 as
- 2 follows:
- 3 1. Page 1, by inserting after line 2 the
- 4 following:
- 5 "\_\_\_\_\_. Page 28, line 29 by striking the words
- 6 "legislative council" and inserting the words "state
- 7 soil conservation committee".
- 8 2. By renumbering as necessary.

Amendment H-3584 was adopted.

On motion by Stromer of Hancock, amendment H-3472, as amended, was adopted.

Rosenberg of Story offered the following amendment H-3362 filed by him and moved its adoption:

H-3362

- 1 Amend House File 631 as follows:
- 2 1. Page 28, line 32, by inserting after the word
- 3 "employ" the following: ", as an employee of the
- 4 state of Iowa."

Amendment H-3362 was adopted.

Bennett of Ida offered the following amendment H—3434 filed by Bennett, et al., and moved its adoption:

H—3434

- 1 Amend House File 631 as follows:
- 2 1. Page 29, by inserting after line 1 the
- 3 following:
- 4 "5. All grants and projects sponsored by the
- 5 center shall be administered jointly by the center and
- 6 the experiment station."

A non-record roll call was requested.

The ayes were 32, nays 47.

Amendment H—3434 lost.

Stueland of Clinton offered the following amendment H—3389 filed by Stueland, et al., and moved its adoption:

H—3389

- 1 Amend House File 631 as follows:
- 2 1. Page 30, by inserting after line 5, the
- 3 following:
- 4 "Sec. \_\_\_\_\_. APPROPRIATION. Moneys shall be appro-
- 5 priated from the general fund of the state for grants
- 6 to private industry, state colleges and universities,
- 7 and others, to aid research alternatives which promote
- 8 groundwater protection."
- 9 2. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 29, nays 44.

Amendment H—3389 lost.

Fogarty of Palo Alto offered the following amendment H—3363 filed by Fogarty, et al.:

H—3363

- 1 Amend House File 631 as follows:
- 2 1. Page 32, by striking lines 29 through 31.

Fogarty of Palo Alto offered the following amendment H—3467, to amendment H—3363, filed by him and Gruhn of Dickinson and moved its adoption:

H—3467

- 1 Amend amendment, H—3363, to House File 631 as
- 2 follows:

3 1. Page 1, line 2, by inserting after the figure  
4 "31" the following: "and inserting the following:  
5 "1. The department of agriculture and land  
6 stewardship, in consultation with the department of  
7 natural resources and the Iowa cooperative extension  
8 service in home economics, shall report a  
9 recommendation regarding the mandation of the plugging  
10 of agricultural drainage wells to the general assembly  
11 by January 1, 1989"."

Amendment H—3467 was adopted.

On motion by Fogarty of Palo Alto, amendment H—3363, as amended, was adopted.

Bennett of Ida offered the following amendment H—3377 filed by Bennett, et al.:

H—3377

1 Amend House File 631 as follows:  
2 1. Page 32, by striking lines 29 through 31.  
3 2. Page 33, line 14, by inserting after the word  
4 "wells." the following: "No agricultural drainage  
5 well is required to be plugged until cost sharing is  
6 available. The amount of cost-sharing funds made  
7 available shall be at least seventy-five percent of  
8 the estimated cost as established by the department or  
9 shall be at least seventy-five percent of the actual  
10 cost of closure of an agricultural drainage well."  
11 3. Page 34, line 15, by inserting after the word  
12 "account," the following: "Cleanup of wastes from  
13 sinkholes is not required until cost sharing is  
14 available. The amount of cost-sharing funds made  
15 available for the cleanup of sinkholes shall be at  
16 least seventy-five percent of the estimated cost as  
17 established by the department or shall be at least  
18 seventy-five percent of the actual cost of cleanup."  
19 4. By renumbering as necessary.

Mullins of Kossuth asked and received unanimous consent to withdraw amendment H—3479, to amendment H—3377, filed by her and Stueland of Clinton on March 30, 1987.

Bennett of Ida moved the adoption of amendment H—3377.

Amendment H—3377 lost.

Paulin of Plymouth asked and received unanimous consent to withdraw amendment H—3451 filed by Paulin, et al., on March 27, 1987.

Rosenberg of Story offered the following amendment H—3405 filed by him:

H—3405

1 Amend House File 631 as follows:

2 1. Page 34, by striking lines 25 through 34 and  
3 inserting the following:

4 "Sec. 308. NEW SECTION. 558.69 EXISTENCE AND  
5 LOCATION OF WELLS, DISPOSAL SITES, UNDERGROUND STORAGE  
6 TANKS, AND HAZARDOUS WASTE.

7 With each declaration of value submitted to the  
8 county recorder under chapter 428A, there shall also  
9 be submitted a statement that no wells are situated on  
10 the property, or if wells are situated on the  
11 property, the statement must state the location of  
12 each well and its status with respect to section  
13 455B.189 or 455B.190. The statement shall also state  
14 that no disposal site for solid waste, as defined in  
15 section 455B.301, which is deemed to be potentially  
16 hazardous by the department of natural resources,  
17 exists on the property, or if such a disposal site  
18 does exist, the location of the site on the property.  
19 The statement shall additionally state that no  
20 underground storage tank, as defined in section  
21 455B.471, subsection 6, exists on the property, or if  
22 an underground storage tank does exist, the type and  
23 size of the tank, and the substance in the tank. The  
24 statement shall also state that no hazardous waste as  
25 defined in section 455B.411, subsection 4, or listed  
26 by the department pursuant to section 455B.412,  
27 subsection 2, or section 455B.464, exists on the  
28 property, or if hazardous waste does exist, that the  
29 waste is being managed in accordance with rules  
30 adopted by the department of natural resources. The  
31 statement shall be signed by the grantors or the  
32 transferors of the property. The county recorder  
33 shall refuse to record any deed, instrument, or  
34 writing for which a declaration of value is required  
35 under chapter 428A unless the statement required by  
36 this section has been submitted to the county  
37 recorder. The director of the department of natural  
38 resources shall prescribe the form of the statement  
39 and provide an adequate number of the forms to each  
40 county recorder in the state. The county recorder  
41 shall transmit the statements to the department of  
42 natural resources at times directed by the director of  
43 the department."

44 2. By striking page 34, line 35 through page 35,  
45 line 8.

46 3. Page 43, by striking lines 7 through 16.

47 4. Renumber sections and correct internal  
48 references as necessary in accordance with this  
49 amendment.

Bennett of Ida offered the following amendment H-3549, to amendment H-3405, filed by him and moved its adoption:

H-3549

- 1 Amend the amendment, H-3405, to House File 631 as
- 2 follows:
- 3 1. Page 1, line 9, by inserting after the word
- 4 "no" the word "known".
- 5 2. Page 1, line 10, by inserting after the word
- 6 "if" the word "known".
- 7 3. Page 1, line 11, by inserting before the word
- 8 "location" the word "approximate".
- 9 4. Page 1, line 12, by inserting after the word
- 10 "each" the word "known".
- 11 5. Page 1, line 15, by striking the word "is" and
- 12 inserting the word "has been".

Amendment H-3549 was adopted.

On motion by Rosenberg of Story, amendment H-3405, as amended, was adopted.

Hanson of Delaware offered the following amendment H-3534 filed by him and moved its adoption:

H-3534

- 1 Amend House File 631 as follows:
- 2 1. Page 34, by inserting after line 34 the
- 3 following:
- 4 "Sec. 309. Section 465.22, Code 1987, is amended
- 5 to read as follows:
- 6 465.22 DRAINAGE IN COURSE OF NATURAL DRAINAGE -
- 7 RECONSTRUCTION - DAMAGES.
- 8 Owners of land may drain the same land in the
- 9 general course of natural drainage by constructing or
- 10 reconstructing open or covered drains, discharging the
- 11 same drains in any natural watercourse or depression
- 12 whereby so the water will be carried into some other
- 13 natural watercourse, and when such if the drainage is
- 14 wholly upon the owner's land the owner shall is not be
- 15 liable in damages therefor, nor shall any such for the
- 16 drainage unless it increases the quantity of water or
- 17 changes the manner of discharge on the land of
- 18 another. An owner in constructing a replacement
- 19 drain, wholly on the owner's own land, and in the
- 20 exercise of due care be, is not liable in damages to
- 21 another in case if a previously constructed drain on
- 22 the owner's own land is rendered inoperative or less
- 23 efficient by such the new drain, unless in violation
- 24 of the terms of a written contract. Nothing in this
- 25 This section shall in any manner be construed to does

26 not affect the rights or liabilities of proprietors in  
 27 respect to running streams."

Amendment H—3534 was adopted.

Bennett of Ida offered the following amendment H—3550 filed by him and moved its adoption:

H—3550

- 1 Amend House File 631 as follows:
- 2 1. By striking page 34, line 25 through page 35,
- 3 line 8.
- 4 2. Page 43, by striking lines 7 through 16.
- 5 3. By renumbering the sections and correcting
- 6 internal references in accordance with this amendment.

A non-record roll call was requested.

The ayes were 24, nays 45.

Amendment H—3550 lost.

Rosenberg of Story offered the following amendment H—3503 filed by him and moved its adoption:

H—3503

- 1 Amend House File 631 as follows:
- 2 1. Page 35, by inserting after line 22 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 28F.1, unnumbered paragraph 1,
- 5 Code 1987, is amended to read as follows:
- 6 This chapter provides a means for the joint
- 7 financing by public agencies of works or facilities
- 8 useful and necessary for the collection, treatment,
- 9 purification, and disposal in a sanitary manner of
- 10 liquid and solid waste, sewage, and industrial waste,
- 11 facilities used for the conversion of solid waste to
- 12 energy, and also electric power facilities constructed
- 13 within the state of Iowa except that hydroelectric
- 14 power facilities may also be located in the waters and
- 15 on the dams of or on land adjacent to either side of
- 16 the Mississippi or Missouri river bordering the state
- 17 of Iowa, water supply systems, swimming pools or golf
- 18 courses. This chapter applies to the acquisition,
- 19 construction, reconstruction, ownership, operation,
- 20 repair, extension, or improvement of such works or
- 21 facilities, by a separate administrative or legal
- 22 entity created pursuant to chapter 28E. When the
- 23 legal entity created under this chapter is comprised
- 24 solely of cities, counties, and sanitary districts
- 25 established under chapter 358, or any combination
- 26 thereof or any combination of the foregoing with other

27 public agencies, the entity shall be both a  
28 corporation and a political subdivision with the name  
29 under which it was organized. The legal entity may  
30 sue and be sued, contract, acquire and hold real and  
31 personal property necessary for corporate purposes,  
32 adopt a corporate seal and alter the seal at pleasure,  
33 and execute all the powers conferred in this chapter."  
34 2. By renumbering as necessary.

Amendment H—3503 was adopted.

Petersen of Muscatine asked and received unanimous consent to withdraw amendment H—3431 filed by him on March 26, 1987.

Shultz of Black Hawk offered the following amendment H—3447 filed by him and moved its adoption:

H—3447

1 Amend House File 631 as follows:

2 1. Page 38, by inserting after line 27 the fol-  
3 lowing:

4 "NEW UNNUMBERED PARAGRAPH. The commission shall  
5 adopt rules for the distribution of grants to cities,  
6 counties, central planning agencies, and public or  
7 private agencies working in cooperation with cities or  
8 counties, for the purpose of solid waste management.  
9 The rules shall base the awarding of grants on a  
10 project's reflection of the solid waste management  
11 policy and hierarchy established in section 455B.301A,  
12 the proposed amount of local matching funds, and  
13 community need."

14 2. Page 45, by inserting after line 30 the fol-  
15 lowing:

16 "Sec. \_\_\_\_\_. Section 455B.311, subsection 2, Code  
17 1987, is amended to read as follows:

18 2. Grants shall only be awarded to a city or a  
19 county; however, a grant may be made to a central  
20 planning agency representing more than one city or  
21 county or combination of cities or counties for the  
22 purpose of planning and implementing regional solid  
23 waste management facilities or may be made to private  
24 or public agencies working in cooperation with a city  
25 or county. The department shall award grants, in  
26 accordance with the rules adopted by the commission,  
27 based upon a proposal's reflection of the solid waste  
28 management policy and hierarchy established in section  
29 455B.301A, the proposed amount of local matching  
30 funds, and community need."

31 3. By renumbering as necessary.

Amendment H—3447 was adopted.

Shoultz of Black Hawk offered the following amendment H—3533 filed by him and moved its adoption:

H—3533

- 1 Amend House File 631 as follows:
- 2 1. Page 38, by inserting after line 27, the
- 3 following:
- 4 "NEW UNNUMBERED PARAGRAPH. By July 1, 1990, a sanitary
- 5 landfill disposal project operating with a permit shall have
- 6 a trained, tested, and certified operator. A certification
- 7 program shall be devised or approved by rule of the depart-
- 8 ment."

Amendment H—3533 was adopted.

Shoultz of Black Hawk offered the following amendment H—3559 filed by him and moved its adoption:

H—3559

- 1 Amend House File 631 as follows:
- 2 1. Page 40, line 15, by inserting after the word
- 3 "is" the following: "less than or".

Amendment H—3559 was adopted.

Shoultz of Black Hawk offered the following amendment H—3522 filed by him:

H—3522

- 1 Amend House File 631 as follows:
- 2 1. Page 43, line 2, by inserting after the figure
- 3 "455E.4." the following: "The comprehensive plans for
- 4 these facilities may be varied in consideration of the
- 5 types of sanitary disposal practices, hydrologic and
- 6 geologic conditions, construction and operations
- 7 characteristics, and volumes and types of water
- 8 handled at the disposal site."

The following amendment H—3603, to amendment H—3522, filed by Shoultz of Black Hawk from the floor was adopted by unanimous consent:

H—3603

- 1 Amend amendment H—3522, to House File 631 as
- 2 follows:
- 3 1. Page 1, line 7, by striking the word "water"
- 4 and inserting the word "waste".

On motion by Shoultz of Black Hawk, amendment H—3522, as amended, was adopted.

Renaud of Polk offered the following amendment H—3469 filed by him and Spear of Lee and moved its adoption:

H—3469

- 1 Amend House File 631 as follows:
- 2 1. Page 43, line 17, by striking the word
- 3 "required" and inserting the following: "require".

Amendment H—3469 was adopted.

Gruhn of Dickinson offered the following amendment H—3412 filed by her and Jay of Appanoose and moved its adoption:

H—3412

- 1 Amend House File 631 as follows:
- 2 1. Page 44, line 18, by inserting after the word
- 3 "penalty" the words "The amount of the civil
- 4 penalty shall be based upon the toxicity and severity
- 5 of the solid waste as determined by rule, but".

Amendment H—3412 was adopted.

Lageschulte of Bremer offered amendment H—3355 filed by him and Gruhn of Dickinson and requested division as follows:

H—3355

- 1 Amend House File 631 as follows:

H—3355A

- 2 1. Page 44, line 22, by striking the words "two
- 3 dollars" and inserting the following: "one dollar".

H—3355B

- 4 2. Page 44, lines 23 through 25 by striking the
- 5 words and figures "for the year beginning January 1,
- 6 1988 and shall increase annually in the amount of one
- 7 dollar until January 1, 1995".

Hansen of Woodbury in the chair at 7:38 p.m.

Lageschulte of Bremer moved the adoption of amendment H—3355A.

Roll call was requested by Lageschulte of Bremer and Bennett of Ida.

Rule 75 was invoked.

On the question "Shall amendment H—3355A be adopted?"  
(H.F. 631)

The ayes were, 39:

Beaman	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Eddie	Fuller	Garman	Gruhn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Mullins	Paulin	Pellet	Petersen, D. F.
Platt	Renken	Royer	Schnekloth
Shoning	Siegrist	Stromer	Stueland
Tyrrell	Van Camp	Van Maanen	

The nays were, 57:

Adams	Arnould	Avenson	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohon	Connolly	Connors
Cooper	Corbett	Diemer	Doderer
Dvorsky	Fey	Fogarty	Groninga
Halvorson, R. N.	Hammond	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	May
McKinney	Muhlbauer	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoultz	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			
(Hansen of Woodbury)			

Absent or not voting, 4:

Beatty	Kremer	Neuhauser	Swearingen
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Amendment H—3355A lost.

Van Camp of Scott offered amendment H—3453 filed by him and requested division as follows:

H—3453

1 Amend House File 631 as follows:

H—3453A

2 1. Page 44, line 22, by striking the words "two  
3 dollars" and inserting the following: "seventy-five  
4 cents".

H—3453B

5 2. Page 44, line 24, by striking the words "one  
6 dollar" and inserting the following: "fifty cents per  
7 ton".

H-3453C

8 3. Page 44, line 25, by inserting after the  
 9 figure "1995." the following: "Not more than seventy-  
 10 five cents per ton of the fees collected shall be  
 11 expended for purposes other than those established in  
 12 section 455E.11, subsection 2, paragraph "a",  
 13 subparagraphs (3) and (6)."

Speaker Avenson in the chair at 7:55 p.m.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H-3453C.

Van Camp of Scott moved the adoption of amendment H-3453A.

Roll call was requested by Van Camp of Scott and Bennett of Ida.

On the question "Shall amendment H-3453A be adopted?"  
 (H.F. 631)

The ayes were, 33:

Beaman	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hermann	Hester	Hummel
Lageschulte	Lundby	Maulsby	Metcalf
Miller	Paulin	Pellett	Petersen, D. F.
Renken	Royer	Schneklath	Shoning
Stromer	Stueland	Tyrrell	Van Camp
Van Maanen			

The nays were, 61:

Adams	Arnould	Bisignano	Black
Blanshan	Brammer	Buhr	Cohoon
Connolly	Connors	Cooper	Corbett
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKean	McKinney	Muhlbauer
Mullins	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Plasier	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Siegrist	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

Absent or not voting, 6:

Beatty	Chapman	Kremer	Neuhauser
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Platt Swearingen

Amendment H—3453A lost.

Dvorsky of Johnson offered the following amendment H—3461 filed by him and Neuhauser of Johnson and moved its adoption:

H—3461

- 1 Amend House File 631 as follows:
- 2 1. Page 44, line 23, by striking the word
- 3 "January" and inserting the following: "July".

Roll call was requested by Hummel of Benton and Stromer of Hancock.

On the question "Shall amendment H—3461 be adopted?"  
(H.F. 631)

The ayes were, 45:

Beaman	Bennett	Branstad	Carpenter
Clark	Cohoon	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Lageschulte	Maulsby
McKean	Metcalf	Miller	Mullins
Norrgard	Paulin	Pellett	Peters
Petersen, D. F.	Platt	Renken	Royer
Schneklath	Shoning	Siegrist	Stromer
Stueland	Svoboda	Tyrrell	Van Camp
Van Maanen			

The nays were, 49:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Connolly	Cooper	Doderer
Fey	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Harper	Hatch
Haverland	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lundby
McKinney	Muhlbauer	Ollie	Osterberg
Parker	Pavich	Peterson, M. K.	Plasier
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoultz	Skow
Spear	Swartz	Tabor	Teaford
Mr. Speaker			

Absent or not voting, 6:

Connors	Kremer	May	Neuhauser
Swearingen	Wise		

Amendment H—3461 lost.

Maulsby of Calhoun asked and received unanimous consent to withdraw amendment H—3521 filed by him on March 31, 1987.

Carpenter of Polk asked and received unanimous consent to withdraw amendment H—3371 filed by Carpenter, et al., on March 25, 1987.

The House resumed consideration of amendment H—3453B, found on page 1096 of the House Journal.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—3453B.

The House resumed consideration of amendment H—3564B, found on page 1076 of the House Journal.

On motion by Shoultz of Black Hawk, amendment H—3564B was adopted.

The House resumed consideration of amendment H—3355B.

Lageschulte of Bremer moved the adoption of amendment H—3355B.

Amendment H—3355B lost.

Lundby of Linn asked and received unanimous consent to withdraw amendment H—3415 filed by her on March 26, 1987.

The Speaker announced that amendment H—3366 filed by Sherzan of Polk and Platt of Muscatine on March 25, 1987, was out of order.

Osterberg of Linn offered the following amendment H—3407 filed by him and Hatch of Polk:

H—3407

- 1 Amend House File 631 as follows:
- 2 1. Page 56, by striking lines 28 and 29 and
- 3 inserting the following: "storage tank owners and
- 4 operators; one representative of the petroleum
- 5 industry; the administrator of the environmental
- 6 protection division of the department of natural
- 7 resources or the administrator's designee; the
- 8 administrator of the division of insurance of the
- 9 department of commerce or the administrator's
- 10 designee; and the administrator of the energy and
- 11 geological resources division of the department of
- 12 natural resources or the administrator's designee."

Peterson of Carroll offered the following amendment H—3446, to amendment H—3407, filed by Peterson, et al., and moved its adoption:

H—3446

- 1 Amend amendment, H—3407, to House File 631 as
- 2 follows:
- 3 1. Page 1, line 12, by inserting after the word
- 4 "designee." the following "The administrators or
- 5 designees of the environmental protection and energy
- 6 and geological resources divisions of the department
- 7 of natural resources shall provide technical
- 8 assistance, but shall be nonvoting members of the
- 9 committee."

A non-record roll call was requested.

The ayes were 49, nays 43.

Amendment H—3446 was adopted.

On motion by Osterberg of Linn, amendment H—3407, as amended, lost.

Rosenberg of Story offered the following amendment H—3418 filed by him and moved its adoption:

H—3418

- 1 Amend House File 631 as follows:
- 2 1. Page 57, line 28, by striking the word
- 3 "subsection" and inserting the following:
- 4 "subsections".
- 5 2. Page 58, by inserting after line 4 the follow-
- 6 ing:
- 7 "NEW SUBSECTION. 8. It shall be unlawful to
- 8 deposit a regulated substance in an underground
- 9 storage tank which has not been registered pursuant to
- 10 subsections 1 to 5. A person who conveys or deposits
- 11 a regulated substance in violation of this subsection
- 12 shall be liable for the costs of any remedial action
- 13 which may be incurred as a result of the release of
- 14 the regulated substance from the unregistered tank.
- 15 This liability is in addition to any liability imposed
- 16 under this part 8."
- 17 3. Renumbering as necessary.

Amendment H—3418 was adopted.

Maulsby of Calhoun offered the following amendment H—3454 filed by him:

H-3454

- 1 Amend House File 631 as follows:  
2 1. Page 58, by inserting after line 21, the  
3 following:  
4 "Sec. \_\_\_\_\_. Section 455B.474, subsection 2, Code  
5 1987, is amended by adding the following new  
6 paragraph.  
7 NEW PARAGRAPH. e. If an owner or operator is  
8 required to check an underground storage tank based  
9 upon a determination of the department that the  
10 underground storage tank presents a hazard to the  
11 public health, safety, or the environment, and if upon  
12 inspection of the tank the determination is unfounded,  
13 the state shall be liable for costs incurred in the  
14 inspection of the tank."  
15 2. By renumbering as necessary.

Jay of Appanoose offered the following amendment H-3608, to amendment H-3454, filed by him and Hatch of Polk from the floor and moved its adoption:

H-3608

- 1 Amend amendment, H-3454, to House File 631 as  
2 follows:  
3 1. Page 1, line 8, by striking the word "check"  
4 and inserting the following: "uncover or remove".  
5 2. Page 1, line 13, by striking the words "be  
6 liable for" and inserting the following: "reimburse  
7 reasonable".  
8 3. Page 1, line 14, by inserting after the word  
9 "tank." the following: "Claims for reimbursement  
10 shall be filed on forms provided by the commission.  
11 The commission shall adopt rules pursuant to chapter  
12 17A relating to determinations of reasonableness in  
13 cases of dispute. Claims shall be paid from the  
14 general fund of the state. When any one of the tanks  
15 or the related pumps and piping at a multiple tank  
16 facility are found to be leaking, the state shall not  
17 reimburse costs for uncovering or removing any of the  
18 other tanks, piping, or pumps that are not found to be  
19 leaking."

Amendment H-3608 was adopted.

On motion by Maulsby of Calhoun, amendment H-3454, as amended, was adopted.

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for con-

sideration of the following amendments:

H—3588, H—3596, H—3577, H—3575, H—3572, H—3590, H—3597 and H—3576.

Shultz of Black Hawk offered the following amendment H—3588 filed by him from the floor:

H—3588

- 1 Amend House File 631 as follows:
- 2 1. Page 1, by striking line 23 and inserting the
- 3 following: "which naturally occurs at a lower concen-
- 4 tration."
- 5 2. Page 1, line 30, by striking the word "of,"
- 6 and inserting the following: "of".
- 7 3. Page 1, by striking lines 33 and 34.
- 8 4. Page 3, line 19, by striking the words "avail-
- 9 able technology" and inserting the following:
- 10 "technology available".
- 11 5. Page 4, lines 25 and 26, by striking the words
- 12 "water quality standards" and inserting the following:
- 13 "groundwater quality".
- 14 6. Page 8, by striking line 5 and inserting the
- 15 following: "basis of the percentage of the population
- 16 which is rural".
- 17 7. Page 8, line 16, by inserting after the word
- 18 "programs" the following: ", education programs, and
- 19 other activities pursuant to chapter 455F".
- 20 8. Page 8, line 35, through page 9, line 1, by
- 21 striking the words "pursuant to federal requirements".
- 22 9. Page 23, line 28, by inserting after the word
- 23 "production" the following: "and other nonresidential
- 24 uses".
- 25 10. Page 27, line 16, by striking the words "the
- 26 disposal of" and inserting the following: "handling
- 27 used".
- 28 11. Page 32, line 15, by striking the word
- 29 "person" and inserting the following: "landowner".
- 30 12. Page 32, lines 19 and 20, by striking the
- 31 words "the property have been properly plugged." and
- 32 inserting the following: "all property owned by the
- 33 applicant have been properly plugged. The department
- 34 may delegate this permitting authority to a county
- 35 board of health. In the event of such delegation, the
- 36 department shall retain concurrent authority."
- 37 13. Page 37, by striking lines 7 through 11.
- 38 14. Page 37, line 28, by inserting after the word
- 39 "recovery" the following: "and refuse-derived fuel".
- 40 15. Page 43, by striking lines 3 through 24 and
- 41 inserting the following: "This section shall not
- 42 prohibit a private agency".
- 43 16. By striking page 45, line 32 through page 46,
- 44 line 33 and inserting the following:

45 "1. If the department receives a complaint that  
46 certain products or packaging which when disposed of  
47 are incompatible with an alternative method of  
48 managing solid waste and with the solid waste  
49 management policy, the director shall investigate the  
50 complaint. If the director determines that the

Page 2

1 complaint is well-founded, the department shall inform  
2 the manufacturer of the product or packaging and  
3 attempt to resolve the matter by informal  
4 negotiations.

5 2. If informal procedures fail to result in  
6 resolution of the matter, the director shall hold a  
7 hearing between the affected parties. Following the  
8 hearing, if it is determined that removal of the  
9 product or packaging is critical to the utilization of  
10 the alternative method of disposing of solid waste,  
11 the director shall issue an order setting out the  
12 requirements for an abatement plan to be prepared by  
13 the manufacturer within the time frame established in  
14 the order.

15 If an acceptable plan is not prepared, the plan is  
16 not implemented, or the problem otherwise continues  
17 unabated, the attorney general shall take actions  
18 authorized by law to secure compliance."

19 17. Page 46, line 34, by striking the figure  
20 "455B.313" and inserting the following: "18.18".

21 18. Page 47, line 30, by striking the word  
22 "state".

23 19. Page 49, line 4, by striking the word  
24 "commission" and inserting the following:  
25 "department".

26 20. Page 49, line 10, by striking the word  
27 "commission" and inserting the following:  
28 "department".

29 21. Page 49, by striking lines 20 and 21.

30 22. Page 50, by striking lines 29 and 30.

31 23. Page 53, line 33, by striking the word  
32 "commission" and inserting the following:  
33 "department".

34 24. Page 54, line 3, by striking the words  
35 "commission or has been determined by the commission"  
36 and inserting the following: "department or has been  
37 determined by the department".

38 25. Page 54, line 4, by inserting after the word  
39 "no" the following: "known".

40 26. Page 54, line 14, by striking the word  
41 "commission" and inserting the following:  
42 "department".

43 27. Page 54, line 17, by striking the word

- 44 "commission" and inserting the following:  
 45 "department".  
 46 28. Page 54, line 24, by striking the word  
 47 "commission" and inserting the following:  
 48 "department".  
 49 29. Page 54, line 32, by striking the word  
 50 "commission" and inserting the following:

**Page 3**

- 1 "department".  
 2 30. Page 55, by striking line 7 and inserting the  
 3 following:  
 4 "Sec. 601. Section 507D.3, Code 1987, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 6. An assistance program for  
 7 the".  
 8 31. Page 55, by striking line 11 and inserting  
 9 the following: "prohibitions of subsections 2 and 3."  
 10 32. Page 56, by striking line 4 and inserting the  
 11 following: "individual owner or operator, which in  
 12 addition to a daily inventory system include but are  
 13 not limited to the".  
 14 33. Page 56, line 15, by inserting after the word  
 15 "of" the following: "tank".  
 16 34. Page 57, line 21, by inserting after the word  
 17 "An" the following: "increase in the".  
 18 35. By renumbering as necessary.

The Speaker announced that lines 21 through 30 on page 2 of amendment H—3588 were out of order.

Shoultz of Black Hawk offered the following amendment H—3589, to amendment H—3588, filed by him from the floor and moved its adoption:

**H—3589**

- 1 Amend the amendment, H—3588, to House File 631 as  
 2 follows:  
 3 1. Page 2, by inserting after line 30 the  
 4 following:  
 5 "\_\_\_\_\_. Page 52, by inserting after line 31 the  
 6 following:  
 7 "Sec. \_\_\_\_\_. NEW SECTION. 455F.11 PENALTIES.  
 8 Any person violating a provision of this chapter or  
 9 a rule adopted pursuant to this chapter is guilty,  
 10 upon conviction, of a simple misdemeanor."

Amendment H—3589 was adopted.

On motion by Shoultz of Black Hawk, amendment H—3588, as amended, was adopted, placing out of order amendment H—3469 previously adopted, and found on page 1095 of the House Journal.

Action on amendment H—3596 was temporarily deferred.

The House resumed consideration of amendment H—3391, temporarily deferred, as amended, found on pages 1073 and 1074 of the House Journal.

Schnekloth of Scott moved the adoption of amendment H—3391, as amended.

Roll call was requested by Schnekloth of Scott and Stromer of Hancock.

On the question "Shall amendment H—3391, as amended, be adopted?" (H.F. 631)

The ayes were, 36:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Eddie	Garman	Halvorson, R. A.
Harbor	Hermann	Hester	Hummel
Lageschulte	Lundby	Maulsby	Metcalf
Miller	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Tyrell	Van Camp	Van Maanen

The nays were, 60:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	May	McKean	McKinney
Muhlbauer	Mullins	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 4:

Koenigs	Kremer	Neuhauser	Swearingen
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Amendment H—3391, as amended, lost.

Johnson of Winneshiek offered the following amendment H—3596 filed from the floor by Johnson, Cooper, Fogarty, Muhlbauer, Gruhn and Skow and moved its adoption:

H-3596

1 Amend House File 631 as follows:

2 1. Page 7, by striking lines 24 through 30 and  
3 inserting the following:

4 "b. AN AGRICULTURE MANAGEMENT ACCOUNT. Moneys  
5 collected from the groundwater protection fee levied  
6 pursuant to section 200.8, subsection 4, the pesticide  
7 dealer license fee levied pursuant to section 206.8,  
8 subsection 2, the registration fee levied pursuant to  
9 section 206.12, subsection 3, and other moneys  
10 designated for the purpose of agriculture management  
11 shall be deposited in the agriculture management  
12 account."

13 2. Page 8, by striking lines 1 through 7 and  
14 inserting the following:

15 "(2) Two million four hundred thousand dollars is  
16 appropriated annually to the department of natural  
17 resources to provide grants to counties for the  
18 testing of private, rural water supply wells and  
19 proper closing of private, rural, abandoned wells.  
20 The department of natural resources may use a sum not  
21 to exceed fifty thousand dollars annually for the  
22 purpose of administering grants to counties and  
23 conducting oversight of county-based programs. A sum  
24 not to exceed one million three hundred thousand  
25 dollars shall be used annually for grants to counties  
26 for the purpose of conducting programs of private,  
27 rural water supply well testing. A sum not to exceed  
28 one million fifty thousand dollars shall be used  
29 annually for grants to counties for the purpose of  
30 conducting programs for properly closing abandoned,  
31 rural water supply wells.

32 The department may allocate a sum not to exceed ten  
33 percent of the moneys under this subparagraph to the  
34 University of Iowa college of preventative medicine  
35 for the purpose of conducting human health and cancer  
36 studies relative to potential exposure of the state's  
37 rural population to contaminated private, rural water  
38 supply wells."

39 3. Page 8, lines 10 and 11, by striking the word  
40 "cost-sharing" and inserting the following:  
41 "financial incentive".

42 4. Page 9, by striking lines 2 through 12.

43 5. Page 10, by striking lines 23 through line 31  
44 and inserting the following:

45 "The commission shall make grants to counties for  
46 the purpose of conducting programs for the testing of  
47 private, rural water supply wells and for the proper  
48 closing of abandoned, rural, private water supply  
49 wells within the jurisdiction of the county. Grants  
50 shall be funded through allocation of the agriculture

## Page 2

1 management account of the groundwater protection fund.  
2 Grants awarded, continued, or renewed shall be subject  
3 to the following conditions:"

4 6. By striking page 10, line 34, through page 11,  
5 line 3 and inserting the following:

6 "b. Nothing in this section shall be construed to  
7 prohibit the department from making grants to one or  
8 more counties to carry out the purpose of the grant on  
9 a joint, multicounty basis."

10 7. Page 11, lines 9 and 10, by striking the words  
11 "relative to private water supply and private sewage  
12 disposal facilities".

13 8. Page 14, line 30, by striking the word  
14 "methemoglobinemia" and inserting the following:  
15 "methemoglobinemia,".

16 9. Page 17, line 14, by striking the word  
17 "person" and inserting the following: "person  
18 manufacturer".

19 10. Page 18, line 32, by striking the word  
20 "fifty" and inserting the following: "forty".

21 11. Page 21, by striking lines 10 through 15 and  
22 inserting the following: "applicators. Commercial  
23 and public applicators shall choose between one-year  
24 certification for which the applicator shall pay a  
25 twenty-five dollar fee, or two-year certification for  
26 which the applicator shall pay a fifty dollar fee.  
27 The commercial or public applicator shall be tested  
28 prior to certification annually, if the applicator  
29 chooses a one-year certification or each two years if  
30 the applicator chooses two-year certification. A  
31 private applicator shall be tested prior to initial  
32 certification. The test shall include, but is not  
33 limited to the area of safe handling of agriculture  
34 chemicals and the effects of these chemicals on  
35 groundwater. After initial certification, a private  
36 applicator shall, at three-year intervals, participate  
37 in a course developed by the department which meets  
38 the standards established by the department, for  
39 renewal of certification. At the time of initial  
40 testing and at the time of renewal of certification, a  
41 private applicator shall pay a fee of five dollars."

42 12. Page 22, line 6, by striking the words "or  
43 employed by the business" and inserting the following:  
44 "and employed by the business to apply pesticides".

45 13. Page 22, line 7, by striking the word  
46 "qualified" and inserting the following: "qualified  
47 certified".

48 14. Page 22, lines 12 and 13, by striking the  
49 words "this examination" and inserting the following:  
50 "this examination the certification".

## Page 3

1 15. Page 22, line 22, by striking the words "have  
2 also been licensed" and inserting the following: "are  
3 certified".

4 16. Page 22, line 29, by striking the word  
5 "examinations" and inserting the following:  
6 "examinations certification requirements".

7 17. Page 23, line 2, by striking the word  
8 "Individuals" and inserting the following:  
9 "Individuals Public agencies or municipal  
10 corporations".

11 18. Page 23, by striking lines 13 through 18 and  
12 inserting the following:

13 "2. Application for a license shall be accompanied  
14 by a twenty-five dollar A pesticide dealer shall pay  
15 an annual license fee for the primary business  
16 location and an additional five dollar annual license  
17 fee for each other location or outlet within the  
18 state, and shall be on a form prescribed by the  
19 secretary and shall include the full name of the  
20 person applying for such license based upon the gross  
21 retail sales of all pesticides sold by the pesticide  
22 dealer in the previous year. A person applying for  
23 initial licensure shall pay a fee of twenty-five  
24 dollars at the time of application. The annual  
25 license fee shall be paid to the department of  
26 agriculture and land stewardship, beginning July 1,  
27 1988, and July 1 of each year thereafter. The fee  
28 paid shall be in accordance with the following  
29 schedule:

30 a. Twenty-five dollars for gross retail sales of  
31 under twenty-five thousand dollars.

32 b. Fifty dollars for gross retail sales of twenty-  
33 five to fifty thousand dollars.

34 c. One hundred dollars for gross retail sales of  
35 fifty thousand to one hundred thousand dollars.

36 d. Two hundred fifty dollars for gross retail  
37 sales of one hundred thousand to five hundred thousand  
38 dollars.

39 e. Five hundred dollars for gross retail sales of  
40 five hundred thousand to one million dollars.

41 f. One thousand dollars for gross retail sales of  
42 one million dollars to two million dollars.

43 g. For each one million dollar increment of gross  
44 retail sales or portion thereof above that increment,  
45 and until the subsequent million dollar increment is  
46 reached, a one thousand dollar fee shall be paid in  
47 addition to the initial one thousand dollar fee.

48 The initial twenty-five dollars of each annual  
49 license fee shall be retained by the department for  
50 administration of the program, and the remaining

## Page 4

- 1 moneys collected shall be deposited in the agriculture  
2 management account of the groundwater protection  
3 fund."  
4 19. By striking page 23, line 24 through page 24,  
5 line 15.  
6 20. Page 25, line 29, by striking the word "one"  
7 and inserting the following: "five".  
8 21. Page 25, line 30, by striking the words "One-  
9 half of the fees" and inserting the following: "fees  
10 Fifty dollars of each fee".  
11 22. Page 25, lines 33 and 34, by striking the  
12 words "one-half of the fees" and inserting the  
13 following: "four hundred fifty dollars of each fee".  
14 23. Page 26, line 4, by striking the words "a  
15 quarterly" and inserting the following: "an annual".  
16 24. Page 26, line 7, by striking the word  
17 "quarter." and inserting the following: "year. This  
18 report shall be filed at the time of payment for  
19 licensure or annually on July 1."  
20 25. Page 27, lines 34 and 35, by striking the  
21 words "cooperative extension service in agriculture  
22 and home economics" and inserting the following:  
23 "agricultural experiment station at Iowa State  
24 University of science and technology".  
25 26. By striking page 30, line 7, through page 32,  
26 line 12 and inserting the following: "AND WETLANDS".  
27 27. Page 33, line 12, by striking the words "Cost  
28 sharing" and inserting the following: "Financial  
29 incentive moneys".  
30 28. Page 33, line 16, by striking the words "cost  
31 sharing" and inserting the following: "financial  
32 incentive moneys".  
33 29. Page 33, lines 32 and 33, by striking the  
34 words "cost sharing" and inserting the following:  
35 "financial incentive moneys".  
36 30. Page 33, line 34, by striking the word "cost-  
37 sharing" and inserting the following: "financial-  
38 incentive-program".  
39 31. Page 34, line 14, by striking the word "cost-  
40 sharing" and inserting the following: "financial-  
41 incentive-program".  
42 32. Page 35, line 11, by striking the words "cost  
43 sharing" and inserting the following: "the financial-  
44 incentive-program portion".  
45 33. By renumbering as necessary.

Amendment H—3596 was adopted, placing out of order lines 22 through 24, page 1 of amendment H—3588 previously adopted, and found on page 1102 of the House Journal.

Mullins of Kossuth offered amendment H—3577 filed from the floor by Mullins, Gruhn, Eddie, Fogarty and Branstad and requested division as follows:

H—3577

1 Amend House File 631 as follows:

H—3577A

2 1. Page 8, by inserting after line 7 the  
3 following:

4 "(3) One hundred thousand dollars is appropriated  
5 annually to the Iowa consortium on agriculture and  
6 groundwater quality for the demonstration project  
7 regarding agricultural drainage wells."

8 2. Page 8, line 9, by striking the word and  
9 figure "and (2)" and inserting the following: ", (2),  
10 and (3)".

H—3577B

11 3. Page 32, line 31, by striking the figure  
12 "1992" and inserting the following: "1995".

H—3577A

13 4. Page 33, line 7, by inserting after the word  
14 "well" the following: "and a landholder whose land is,  
15 drained by the well or wells of another person".

H—3577B

16 5. Page 33, line 12, by striking the words "Cost  
17 sharing" and inserting the following: "Financial  
18 incentive moneys".

H—3577A

19 6. Page 33, line 15, by inserting after the word  
20 "well" the following: "and a landholder whose land is  
21 drained by the well or wells of another person".

H—3577B

22 7. Page 33, line 16, by striking the words "cost  
23 sharing" and inserting the following: "financial  
24 incentive moneys".

H—3577A

25 8. Page 33, by inserting after line 19 the  
26 following:

27 "6. The Iowa consortium on agriculture and  
28 groundwater quality is created which shall consist of  
29 the chief administrator of each of the following  
30 organizations or the administrator's designee:

H-3577A

- 31 a. The secretary of agriculture.  
32 b. The Des Moines river water resource district.  
33 c. The Iowa cooperative extension service in  
34 agriculture and home economics.  
35 d. The energy and geological resources division of  
36 the department of natural resources.  
37 e. The division of soil conservation of the  
38 department of agriculture and land stewardship.  
39 f. The division of soil conservation of the United  
40 States department of agriculture.  
41 g. The United States environmental protection  
42 agency.  
43 h. The state University of Iowa department of  
44 preventative medicine and environmental health.  
45 i. The state hygienic laboratory.  
46 The consortium shall elect a chairperson and shall  
47 meet at least quarterly or upon request of the  
48 chairperson.  
49 7. The consortium shall:  
50 a. Develop a pilot demonstration project to

Page 2

- 1 identify the environmental, economic, and social  
2 problems presented by agricultural drainage wells and  
3 monitor possible contamination caused by agriculture  
4 practices relative to agricultural drainage wells in  
5 the Gilmore City area.  
6 b. Develop alternative management practices based  
7 upon the findings from the demonstration project  
8 pursuant to paragraph "a" to reduce any infiltration  
9 of synthetic organic compounds found in the  
10 groundwater of the area.  
11 c. Examine alternatives and the costs of  
12 implementation of alternatives to the use of  
13 agricultural drainage wells, and examine the legal and  
14 technical or hydrological constraints for integrating  
15 alternative drainage into existing drainage districts.  
16 d. Implement the demonstration project on July 1,  
17 1987 and include in the report filed pursuant to  
18 section 455B.189, subsection 2, the consortium's  
19 discoveries, findings, and recommendations. The  
20 consortium shall also, upon request, submit reports to  
21 the general assembly regarding the project.  
22 8. The consortium may receive, accept, and  
23 administer any moneys appropriated or granted to it by  
24 any public or private agency."

Mullins of Kossuth offered the following amendment H-3579, to amendment H-3577A, filed by her from the floor and moved its adoption:

H-3579

- 1 Amend amendment H-3577 to House File 631 as
- 2 follows:
- 3 1. Page 2, line 2, by inserting after the word
- 4 "by" the words "continued use or closure of".

Amendment H-3579 was adopted.

On motion by Mullins of Kossuth, amendment H-3577A, as amended, was adopted.

The Speaker announced that amendment H-3577B was out of order.

Mullins of Kossuth offered the following amendment H-3575 filed by her from the floor and moved its adoption:

H-3575

- 1 Amend House File 631 as follows:
- 2 1. Page 32, line 27, by striking the figure
- 3 "455B.189" and inserting the following: "159.20".
- 4 2. By renumbering as necessary.

Amendment H-3575 was adopted.

Fogarty of Palo Alto asked and received unanimous consent to temporarily defer action on amendment H-3590.

Fogarty of Palo Alto asked and received unanimous consent to reconsider the vote by which amendment H-3363, as amended, and found on page 1088 of the House Journal was adopted by the House on April 2, 1987.

Fogarty of Palo Alto asked and received unanimous consent to reconsider the vote by which amendment H-3467, found on pages 1088 and 1089 of the House Journal, to amendment H-3363, was adopted by the House on April 2, 1987.

Fogarty of Palo Alto asked and received unanimous consent to withdraw amendment H-3467, to amendment H-3363.

On motion by Fogarty of Palo Alto, amendment H-3363 was adopted.

Fogarty of Palo Alto offered the following amendment H-3590 filed by him and Gruhn of Dickinson from the floor and moved its adoption:

H-3590

- 1 Amend House File 631 as follows:
- 2 1. Page 33, line 6, by inserting after the figure
- 3 "1989." the following: "The report shall include a

4 recommendation regarding the mandating of the plugging  
5 of agricultural drainage wells."

Amendment H—3590 was adopted.

Koenigs of Mitchell offered the following amendment H—3597  
filed by him from the floor and moved its adoption:

H—3597

- 1 Amend House File 631 as follows:
- 2 1. By striking page 52, line 32 through page 53,
- 3 line 10.
- 4 2. Renumber sections and correct internal
- 5 references as necessary in accordance with this
- 6 amendment.

A non-record roll call was requested.

The ayes were 6, nays 43.

Amendment H—3597 lost.

Koenigs of Mitchell offered the following amendment H—3576  
filed by him from the floor and moved its adoption:

H—3576

- 1 Amend House File 631 as follows:
- 2 1. By striking page 52, line 33 through page 53,
- 3 line 7 and inserting the following: "The department
- 4 shall administer a pilot program, utilizing private
- 5 services to the extent available, to collect used oil
- 6 from residences and farms at collection stations for
- 7 used oil, one in an urban county and one in a rural
- 8 county, by October 1, 1987. The program shall provide
- 9 for promotion, collection, and proper disposal of the
- 10 used oil. The department shall report to the general
- 11 assembly by March 1, 1988, regarding the progress of
- 12 the pilot program, including the cost of the program,
- 13 the amount of used oil collected, disposal
- 14 alternatives, and other important aspects of the
- 15 program determined by the department".

Amendment H—3576 lost.

Carpenter of Polk called up for consideration the motion to recon-  
sider amendment H—3370 filed by her from the floor and asked and  
received unanimous consent to reconsider the vote by which amend-  
ment H—3370, found on pages 1070 and 1071 of the House Journal,  
was adopted by the House on April 2, 1987.

Rosenberg of Story offered the following amendment H—3594, to  
amendment H—3370, filed by him and Tabor of Jackson from the floor  
and moved its adoption:

H-3594

1 Amend the amendment, H-3370, to House File 631 as  
 2 follows:  
 3 1. Page 1, by inserting after line 4 the  
 4 following:  
 5 "\_\_\_\_\_. Page 4, line 12, by inserting after the  
 6 word "protection." the following: "An activity that  
 7 does not violate chapter 455B does not violate this  
 8 chapter. In the event of a conflict between this  
 9 section and another provision of this chapter, it is  
 10 the intent of the general assembly that this section  
 11 prevails."

Amendment H-3594 was adopted.

On motion by Carpenter of Polk, amendment H-3370, as amended, was adopted.

The following amendments, previously deferred, were withdrawn by unanimous consent:

H-3417 filed by Tabor of Jackson on March 26, 1987.  
 H-3401 filed by Paulin of Plymouth on March 25, 1987.  
 H-3357 filed by Koenigs, et al., on March 25, 1987.  
 H-3430 filed by Tabor of Jackson on March 26, 1987.  
 H-3413 filed by Tabor of Jackson on March 26, 1987.

Johnson of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 631)

The ayes were, 81:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Grühn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy

Renaud	Rosenberg	Running	Schrader
Sherzan	Shoning	Shdultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

The nays were, 16:

Beaman	Bennett	Branstad	Corey
Daggett	De Groot	Hermann	Maulsby
Miller	Renken	Royer	Schnekloth
Stueland	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 3:

Kremer	Neuhauser	Syearingen
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGE (House File 631)

Arnould of Scott asked and received unanimous consent that House File 631 be immediately messaged to the Senate.

#### BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on April 2, 1987, he approved and transmitted to the Secretary of State the following bills:

Senate File 141, an act relating to relief under bankruptcy for a judgment debtor from suspension of license, registration, or nonresident operating privilege under motor vehicle financial responsibility requirements.

Senate File 269, an act affirming and reenacting certain provisions affecting the criminal laws, and providing an effective date.

#### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on Wednesday, April 1, 1987. Had I been present, I would have voted "aye" on House File 626.

CONNOLLY of Dubuque

I was necessarily absent from the House chamber on April 2, 1987. Had I been present, I would have voted "aye" on House File 73.

GRONINGA of Cerro Gordo

I was necessarily absent from the House chamber on April 1, 1987.

Had I been present, I would have voted "aye" on House Files 105, 575, 580, 594, 614, 615, 620, 622, 626, 648, 652, 655; and "nay" on House File 39.

PONCY of Wapello

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Forty-five fifth grade students from Madison Elementary School, Des Moines, accompanied by Karen Warren. By Sherzan of Polk.

Forty high school students from Leo High School, Holy Cross, accompanied by Father Thomas and John Kohlstedt. By Knapp of Dubuque.

### COMMUNICATION RECEIVED

The following communication was received and is on file in the office of the Chief Clerk:

#### CITIZENS' AIDE/OMBUDSMAN

The annual report of the Citizens' Aide/Ombudsman for calendar year 1986, pursuant to Section 601G.18, Code of Iowa.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 663

Energy and Environmental Protection: Holveck, Chair; Lundby and Norrgard.

##### House Concurrent Resolution 19

Education: Haverland, Chair; Black, Corbett, McKean and Neuhauser.

##### Senate File 13

Agriculture: Fogarty, Chair; Branstad, McKinney, Mühlbauer and Pellett.

##### Senate File 38

Natural Resources and Outdoor Recreation: Fogarty, Chair; Branstad and Gruhn.

##### Senate File 76

Human Resources: Haverland, Chair; Adams, Corey, Eddie and Spear.

##### Senate File 149

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shultz.

##### Senate File 177

Agriculture: De Groot, Chair; Gruhn and Johnson.

**Senate File 180**

Small Business and Commerce: Skow, Chair; Hansen of Woodbury, Hanson of Delaware, Hatch and Metcalf.

**Senate File 276**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schneklath and Shoultz.

**Senate File 290**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**Senate File 327**

Agriculture: Svoboda, Chair; De Groot and McKinney.

**Senate File 388**

Education: Tabor, Chair; Plasier, Schrader, Siegrist and Wise.

**Senate File 389**

Natural Resources and Outdoor Recreation: Johnson, Chair; Black and Tyrrell.

**Senate File 394**

Agriculture: Norrgard, Chair; Branstad and May.

**Senate File 428**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**Senate File 493**

Small Business and Commerce: Skow, Chair; Hansen of Woodbury, Hanson of Delaware, Hatch and Metcalf.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON ECONOMIC DEVELOPMENT**

**Committee Resolution,** a concurrent resolution to provide an interim study of job retraining programs for the retention of existing jobs in Iowa.

Fiscal Note is not required.

Recommended **Do Pass** April 1, 1987.

**COMMITTEE ON LOCAL GOVERNMENT**

**Senate File 179,** a bill for an act to provide that a single person may claim a

homestead exempt from judicial sale.

Fiscal Note is not required.

Recommended Do Pass April 2, 1987.

**Senate File 265**, a bill for an act relating to the publication of notices of public hearings, bond sales, adopted regulations, and elections.

Fiscal Note is not required.

Recommended Do Pass April 2, 1987.

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 148**, a bill for an act relating to gender balance in the appointment and election of judicial nominating commissioners.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3574 April 1, 1987.

**Senate File 187**, a bill for an act relating to the purchase of sacramental wine.

Fiscal Note is not required.

Recommended Do Pass April 1, 1987.

**Senate File 434**, a bill for an act relating to issuance of certificates of inspection for boilers used on tourist railroads or tourist trains and providing an effective date.

Fiscal Note is not required.

Recommended Do Pass April 1, 1987.

#### COMMITTEE ON TRANSPORTATION

**Senate File 311**, a bill for an act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3570 April 1, 1987.

#### RESOLUTIONS FILED

**HCR 24**, by Adams, Doderer, Renken and Hanson of Delaware, a concurrent resolution requesting a study relating to a tax on moneys and credits.

Laid over under Rule 25.

**HCR 25**, by committee on economic development, a concurrent resolution to provide an interim study of job retraining programs for the retention of existing jobs in Iowa.

Laid over under Rule 25.

**HCR 26**, by Pavich, Harbor, Pellett, Muhlbauer, Peterson of Carroll, Siegrist, Royer, Daggett, Hester, Hummel, Skow, Poney and Connors, a concurrent resolution recognizing C. Joseph Giangreco for service to the Iowa School for the Deaf.

Laid over under **Rule 25**.

**AMENDMENTS FILED**

H-3569	S.F.	298	Senate Amendment (Filed April 1, 1987)
H-3570	S.F.	311	Committee on Transportation
H-3571	H.F.	468	Hermann of Scott
H-3573	H.F.	650	Spear of Lee
H-3574	S.F.	148	Committee on State Government
H-3581	S.F.	374	Jay of Appanoose
H-3582	H.F.	649	Brammer of Linn
H-3585	H.F.	377	Halvorson of Webster
H-3587	H.F.	39	Tyrrell of Iowa
H-3595	H.F.	377	Wise of Lee
H-3598	H.F.	650	Shoultz of Black Hawk
H-3599	H.F.	650	Shoultz of Black Hawk
H-3600	H.F.	657	Tyrrell of Iowa
H-3601	H.F.	650	Shoultz of Black Hawk
H-3604	H.F.	650	Jay of Appanoose
H-3605	H.F.	377	Hanson of Delaware Carpenter of Polk
H-3606	H.F.	619	Svoboda of Tama
H-3607	H.F.	377	Hanson of Delaware Carpenter of Polk
H-3609	H.F.	433	Holveck of Polk
H-3610	H.F.	650	Doderer of Johnson Siegrist of Pottawattamie Lageschulte of Bremer Jay of Appanoose Dvorsky of Johnson
H-3611	H.F.	650	Jay of Appanoose
H-3612	H.F.	619	Svoboda of Tama
H-3613	H.F.	650	Jay of Appanoose
H-3614	H.F.	650	Jay of Appanoose
H-3615	H.F.	650	Jay of Appanoose

H-3616	H.F.	39	Spear of Lee
H-3617	H.F.	642	Hammond of Story
H-3618	H.F.	634	Parker of Jasper
H-3619	H.F.	619	Connors of Polk
Hatch of Polk			Svoboda of Tama
Peterson of Carroll			Branstad of Winnebago
Maulsby of Calhoun			Platt of Muscatine
			Renaud of Polk
H-3620	H.F.	650	Swartz of Marshall
H-3621	H.F.	650	Jay of Appanoose
H-3622	H.F.	650	Jay of Appanoose
H-3623	H.F.	650	Shoultz of Black Hawk
H-3624	H.F.	599	Swartz of Marshall
			Parker of Jasper
			Chapman of Linn
H-3625	H.F.	646	Swartz of Marshall

On motion by Arnould of Scott, the House adjourned at 10:30 p.m., until 9:00 a.m., Friday, April 3, 1987.

# JOURNAL OF THE HOUSE

Eighty-second Calendar Day — Fifty-sixth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 3, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Tom Fey, state representative from Scott County.

The Journal of Thursday, April 2, 1987 was approved.

## PETITION FILED

The following petition was received and placed on file:

By Shoning of Woodbury, from twenty-two residents of Zearing, Iowa favoring House File 516, relating to certain religious exemptions to the required provision of medical treatment.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Doderer of Johnson, until her arrival, on request of Pavich of Pottawattamie; Brammer of Linn, until his arrival, on request of Fey of Scott; Neuhauser of Johnson on request of Dvorsky of Johnson.

## SENATE MESSAGES CONSIDERED

**Senate File 154**, by Palmer, a bill for an act relating to the merger or consolidation of bank affiliates.

Read first time and referred to committee on **small business and commerce**.

**Senate File 198**, by Wells and Miller of Cerro Gordo, a bill for an act relating to the payment of special assessments on property acquired by eminent domain and providing an effective date.

Read first time and referred to committee on **local government**.

**Senate File 273**, by committee on human resources, a bill for an act relating to the definition of foster care.

Read first time and referred to committee on **human resources**.

**Senate File 292**, by Deluhery, a bill for an act relating to the establishment of a building materials fire toxicity filing system.

Read first time and referred to committee on **state government**.

**Senate File 371**, by Gettings, a bill for an act relating to installation and use of safety belts and safety harnesses in motor vehicles owned, leased, rented, or primarily used by physically handicapped persons.

Read first time and referred to committee on **transportation**.

**Senate File 376**, by Palmer, a bill for an act relating to state banks by permitting a state bank to engage in securities activities and to organize, acquire, or invest in a subsidiary to engage in nondepository activities permitted by state or federal law, and to invest in certain financial contracts and mutual funds for its own account.

Read first time and referred to committee on **small business and commerce**.

**Senate File 396**, by committee on environment and energy utilities, a bill for an act relating to the creation of a waste management authority within the environmental protection division of the department of natural resources.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 397**, by committee on environment and energy utilities, a bill for an act requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 424**, by committee on state government, a bill for an act relating to the administration of the campaign finance disclosure laws.

Read first time and referred to committee on **state government**.

**Senate File 437**, by committee on state government, a bill for an act relating to anesthesia services, care, and procedures provided by certified registered nurse anesthetists, providing for insurance coverage and payment for services provided to recipients of medical assistance, providing other properly related matters, and providing for the applicability of the Act.

Read first time and referred to committee on **small business and commerce**.

**Senate File 443**, by committee on environment and energy utilities, a bill for an act defining and establishing redemption centers, dealer agents, and territory of service between dealer agents and distributors, and subjecting violators to a penalty.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 451**, by committee on local government, a bill for an act relating to the acquisition of legal settlement in a county.

Read first time and referred to committee on **local government**.

**Senate File 474**, by committee on agriculture, a bill for an act relating to the waiver of homestead exemptions, and providing dates for the effectiveness and applicability of the Act.

Read first time and referred to committee on **agriculture**.

**Senate File 485**, by committee on state government, a bill for an act relating to insurance coverage for health care services provided by registered nurses, requiring that coverage be made available, providing for direct payment or reimbursement, and providing for data collection and utilization review.

Read first time and referred to committee on **small business and commerce**.

**Senate File 488**, by committee on education, a bill for an act relating to physical education activities for students enrolled in grades kindergarten through twelve.

Read first time and referred to committee on **education**.

### HOUSE FILES DEFERRED

Arnould of Scott asked and received unanimous consent that the following bills be deferred and that the bills retain their place on the calendar: House Files 657, 650 and 592.

### CONSIDERATION OF BILLS

#### Regular Calendar

**House File 540**, a bill for an act relating to the planning, acquisition, development, and operation of welcome centers on highways and at other locations throughout the state, was taken up for consideration.

Metcalf of Polk offered the following amendment H—3531 filed by Metcalf, et al., and moved its adoption:

H—3531

- 1 Amend House File 540 as follows:
- 2 1. Page 3, lines 31 and 32, by striking the words
- 3 "the RISE fund,".

Amendment H—3531 lost.

Spear of Lee offered the following amendment H—3555 filed by him and moved its adoption:

H—3555

- 1 Amend House File 540 as follows:
- 2 1. Page 4, line 2, by striking the words " , as
- 3 or" and inserting the following: "as state welcome
- 4 centers or".

Amendment H—3555 was adopted.

Fey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 540)

The ayes were, 83:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Hajvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lundby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Poncy	Renaud	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Svoboda	Swartz
Swearingen	Taber	Teaford	Tyrrell
Van Camp	Wise	Mr. Speaker	

The nays were, 14:

Clark	Daggett	De Groot	Garman
Hummel	Kremer	Lageschulte	Maulsby
Plasier	Platt	Renken	Stromer
Stueland	Van Maanen		

Absent or not voting, 3:

Brammer

Doderer

Neuhauser

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**MOTIONS TO RECONSIDER WITHDRAWN**  
(House File 648)

Daggett of Adams, Hansen of Woodbury and Jay of Appanoose asked and received unanimous consent to withdraw their motions to reconsider House File 648, a bill for an act relating to the penalties for possession and distribution of controlled substances, all filed by them on April 1, 1987.

**HOUSE FILES DEFERRED**

Arnould of Scott asked and received unanimous consent that the following bills be deferred and that the bills retain their place on the calendar: House Files 377, 609 and 649.

**House File 646**, a bill for an act relating to the exchange of information regarding underground facilities and excavations affecting underground facilities, was taken up for consideration.

Hummel of Benton offered the following amendment H—3504 filed by him and Blanshan of Greene:

H—3504

- 1 Amend House File 646 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "information" the following: "in the notice".
- 4 2. By striking page 1, line 28 through page 3,
- 5 line 22 and inserting the following:
- 6 "Sec. 2. NEW SECTION. 479A.2 PUBLIC FILING OF
- 7 LOCATION INFORMATION.
- 8 1. Within six months after the effective date of
- 9 this Act, every underground facility operator shall
- 10 file with the county recorder information delineating
- 11 the townships and cities within the county in which
- 12 underground facilities are owned or operated by the
- 13 underground facility operator, except that the
- 14 underground facility operator is not required to file
- 15 information relating to underground facilities located
- 16 on real property owned by the underground facility
- 17 operator. However, for underground facilities located
- 18 in a city with a population of two thousand or more
- 19 within a county with a population of twenty-five

20 thousand or more, based on the most recent federal  
21 decennial census, the underground facility operator  
22 shall file the information with the clerk of that city  
23 rather than with the county recorder. The underground  
24 facility operator shall promptly update the  
25 information on file as needed. The information shall  
26 include the underground facility operator's name,  
27 address, and a telephone number or numbers answered  
28 twenty-four hours a day, seven days a week.

29 2. In lieu of filing information describing the  
30 underground facilities owned or operated within a  
31 county or city as required by this section, an  
32 underground facility operator may designate a one-call  
33 system to receive notice of intent to excavate from an  
34 excavator and shall file only the name, address, and a  
35 telephone number or numbers, answered twenty-four  
36 hours a day, seven days a week, of the one-call system  
37 with the county recorder or city clerk respectively.

38 Sec. 3. NEW SECTION. 479A.3 NOTICE OF  
39 EXCAVATION.

40 1. An excavator shall not make or begin excavation  
41 in any public or private land, street, alley, or  
42 right-of-way to the public use or easement within a  
43 county without first notifying the office of the  
44 county recorder of the intent to begin excavation.  
45 However, for underground facilities located in a city  
46 with a population of two thousand or more within a  
47 county with a population of twenty-five thousand or  
48 more, the excavator shall first notify the office of  
49 the city clerk, rather than the office of the county  
50 recorder, of the intent to begin excavation within

**Page 2**

1 that city. The county recorder or the city clerk  
2 respectively shall provide any pertinent information  
3 on file by township or city to the excavator, or shall  
4 provide the name, address, and a telephone number or  
5 numbers, answered twenty-four hours a day, seven days  
6 a week, of a pertinent one-call system.

7 2. Before beginning excavation, the excavator  
8 shall notify each identified individual underground  
9 facility operator and any identified one-call system  
10 of the intent to begin excavation. The notice shall  
11 include all of the following:

- 12 a. The name of the individual providing notice.
- 13 b. The location of the proposed site of  
14 excavation.
- 15 c. The name, address, and telephone number of the  
16 excavator.
- 17 d. The excavator's field telephone number, if one  
18 is available.

19 e. The type and the extent of the proposed work on  
20 the site.

21 f. Whether the discharging of explosives is  
22 anticipated on the work site.

23 g. The date and time when work is to begin on the  
24 site.

25 3. For individual underground facility operators,  
26 the county recorder and the city clerk shall  
27 respectively provide the excavator with the  
28 information on file regarding the proposed excavation  
29 site. For underground facility operators which are  
30 members of a one-call system, the county recorder or  
31 city clerk shall respectively provide the excavator  
32 with the name, address, and a telephone number or  
33 numbers, answered twenty-four hours a day, seven days  
34 a week, of the one-call system.

35 Sec. 4. NEW SECTION. 479A.4 RESPONDING TO  
36 NOTICE.

37 An underground facility operator, upon receiving  
38 notice from an excavator as provided in section  
39 479A.3, shall inform the excavator as promptly as  
40 practical of any underground facilities near the  
41 proposed excavation site. If underground facilities  
42 are present, the underground facility operator shall  
43 mark the location of the underground facilities,  
44 within forty-eight hours of the notice from the  
45 excavator, unless otherwise mutually agreed upon, with  
46 appropriate marker flags, paint, or stakes, or a  
47 combination thereof, on the land surface above the  
48 underground facilities for a distance of fifty feet  
49 either side of the proposed excavation site, unless  
50 the excavation necessitates a greater distance. Such

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1 markers shall be placed at twenty-five foot intervals,  
2 where physically possible, along the route of the  
3 underground facilities. The underground facility  
4 operator shall not charge the excavator for the  
5 placement of the markers or for locating the  
6 underground facilities. If an underground facility  
7 operator, after being given notice, informs the  
8 excavator that underground facilities are present, the  
9 operator may have a representative present during any  
10 excavation or related activities and shall be given  
11 free access to the excavation site by the excavator."

Swartz of Marshall offered amendment H—3625, to amendment  
H—3504, filed by him and requested division as follows:

H—3625A

1 Amend the amendment, H—3504, to House File 646, as  
2 follows:

## H-3625A

- 3 1. Page 1, line 6, by striking the word "FILING"  
4 and inserting the following: "DEPOSIT".
- 5 2. Page 1, line 10, by striking the word "file"  
6 and inserting the following: "deposit".
- 7 3. Page 1, line 10, by striking the word  
8 "information" and inserting the following:  
9 "sufficient copies of information, in a form which can  
10 be easily received and updated,".
- 11 4. Page 1, line 14, by striking the word "file"  
12 and inserting the following: "deposit".
- 13 5. Page 1, line 22, by striking the word "file"  
14 and inserting the following: "deposit".
- 15 6. Page 1, line 25, by striking the words "file  
16 as needed" and inserting the following: "deposit".
- 17 7. Page 1, line 29, by striking the word "filing"  
18 and inserting the following: "depositing".
- 19 8. Page 1, line 34, by striking the word "file"  
20 and inserting the following: "deposit".
- 21 9. Page 1, by inserting after line 37 the  
22 following:  
23 "3. County recorders and city clerks shall not  
24 assess any fees for the depositing of information by  
25 underground facility operators or by a one-call system  
26 in the recorder's or clerk's office."

## H-3625B

- 27 10. Page 1, by striking lines 43 and 44, and  
28 inserting the following: "county without first  
29 visiting the office of the county recorder to receive  
30 copies of information regarding the location of  
31 underground facilities on deposit in the office."
- 32 11. Page 1, line 48, by striking the word  
33 "notify" and inserting the following: "visit".
- 34 12. Page 1, by striking line 50 and inserting the  
35 following: "recorder, to receive copies of  
36 information on deposit regarding the location of  
37 underground facilities within".

## H-3625A

- 38 13. Page 2, line 2, by inserting after the word  
39 "provide" the following: "access to".
- 40 14. Page 2, line 3 by striking the word "file"  
41 and inserting the following: "deposit".
- 42 15. Page 2, line 27, by inserting after the word  
43 "with" the following: "access to".
- 44 16. Page 2, line 28, by striking the word "file"  
45 and inserting the following: "deposit".
- 46 17. Page 2, line 34, by inserting after the word  
47 "system." the following: "County recorders and city

H-3625A

- 48 clerks shall not assess any fees for providing access  
 49 to this information.  
 50 4. County recorders and city clerks are immune

Page 2

- 1 from any civil or criminal liability for receiving and  
 2 providing access to the information required to be  
 3 deposited with and made available from the recorders'  
 4 or clerks' offices by this chapter."

On motion by Swartz of Marshall, amendment H-3625A, to amendment H-3504, was adopted.

Swartz of Marshall asked and received unanimous consent to withdraw amendment H-3625B, to amendment H-3504.

On motion by Hummel of Benton amendment H-3504, as amended, was adopted.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 646)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochem
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Brammer

Corbett

Doderer

Neuhauser

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 642**, a bill for an act relating to immunizations of certain students attending nonprofit postsecondary educational institutions, was taken up for consideration.

Hammond of Story offered the following amendment H—3617 filed by her and moved its adoption:

H—3617

- 1 Amend House File 642 as follows:
- 2 1. Page 1, line 5, by inserting after the word
- 3 "nonprofit" the following: "or public".
- 4 2. Page 1, line 7, by inserting after the word
- 5 "evidence" the following: "as included in the
- 6 person's physical examination report".
- 7 3. Page 1, line 9, by inserting after the figure
- 8 "4." the following: "However, an enrollee who is
- 9 thirty years of age or older is exempt from the
- 10 required immunizations."
- 11 4. Page 1, line 15, by inserting after the word
- 12 "nonprofit" the following: "or public".
- 13 5. Page 1, line 22, by inserting after the word
- 14 "nonprofit" the following: "or public".
- 15 6. Page 1, line 30, by inserting after the word
- 16 "nonprofit" the following: "or public".

Amendment H—3617 was adopted.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 642)

The ayes were, 87:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Buhr
Carpenter	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Corey	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Haverland	Hermann	Hester	Holveck

Hummel	Jay	Jochem	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Norrsgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Rénaud	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Van Camp	Mr. Speaker	

The nays were, 6:

Branstad	Daggett	Garman	Renken
Tyrrell	Van Maanen		

Absent or not voting, 7:

Blanshan	Brämmer	Doderer	Harbor
Hatch	Neuhauser	Wise	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES

Arnould of Scott asked and received unanimous consent that House Files 540 and 646 be immediately messaged to the Senate.

### HOUSE FILE 433 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 433 be deferred and that the bill retain its place on the calendar.

**House File 634**, a bill for an act relating to county moneys which may be allocated to the secondary road fund, was taken up for consideration.

Renken of Grundy offered the following amendment H—3420 filed by him and moved its adoption:

H—3420

1 Amend House File 634 as follows:

2 1. Page 1, lines 15 and 16, by striking the words

3 "levy to the total rural services basic levy".

4 2. Page 1, line 33, by striking the word "levy"

5 and inserting the following: "fund".

Amendment H—3420 was adopted.

Parker of Jasper asked and received unanimous consent to withdraw amendment H—3618 filed by him on April 2, 1987.

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. 634)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Muhlbauer
Mullins	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Brammer	Doderer	Hatch	Miller
Neuhauser			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Connors of Polk in the chair at 10:24 a.m.

**House File 650**, a bill for an act relating to providing private instruction and this Act is repealed July 1, 1990, previously deferred, was taken up for consideration.

Doderer of Johnson offered the following amendment H-3610 filed by Doderer, et al.:

H-3610

1 Amend House File 650 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:  
4 "Section 1. Section 299.6, Code 1987, is amended  
5 by striking the section and inserting in lieu thereof  
6 the following:  
7 299.6 CIVIL ENFORCEMENT.  
8 A county attorney or legal counsel employed by a  
9 board of directors of a school corporation who  
10 receives information that a person has violated a  
11 provision of sections 299.1 to 299.5 may seek judicial  
12 enforcement by filing an action in a district court in  
13 a county which is wholly or partially contained within  
14 the school district in which the child resides or the  
15 alleged violation occurred.  
16 Upon a finding by a preponderance of the evidence  
17 that a person has violated a provision of such  
18 sections, the court:  
19 1. Shall assess against the person a civil penalty  
20 in an amount not more than five hundred dollars nor  
21 less than one hundred dollars, to be deposited in the  
22 general fund of the state.  
23 2. Shall order the person to pay all costs and  
24 reasonable attorney fees incurred by a party who  
25 successfully establishes the violation.  
26 3. May issue appropriate orders, including but not  
27 limited to temporary or permanent injunctions  
28 directing the person to refrain from future  
29 violations."  
30 2. Title page, by striking lines 1 and 2 and  
31 inserting the following: "An Act relating to the  
32 penalty for noncompliance with compulsory education  
33 attendance requirements."

Daggett of Adams rose on a point of order that amendment H-3610 was not germane.

The Speaker ruled the point well taken and amendment H-3610 not germane.

Jay of Appanoose offered the following amendment H-3613 filed by him and moved its adoption:

H-3613

1 Amend House File 650 as follows:  
2 1. By striking everything after the enacting  
3 clause and inserting the following:

- 4 "Section 1. Section 299.1, unnumbered paragraph 3,  
 5 Code 1987, is amended to read as follows:  
 6 In lieu of such attendance such child may attend  
 7 upon equivalent instruction by a certified teacher  
 8 elsewhere. A teacher providing such equivalent  
 9 instruction in a nonapproved nonpublic school or by  
 10 means of private instruction shall successfully  
 11 complete all requirements for certification as  
 12 determined by the state board of educational examiners  
 13 for certification of teachers employed by a board of  
 14 directors of a school district or the authorities in  
 15 charge of an approved nonpublic school except for a  
 16 human relations, or similar, course requirement."  
 17 2. Title page, by striking lines 1 and 2 and  
 18 inserting the following: "An Act relating to the  
 19 requirements of a certificated teacher providing  
 20 equivalent instruction in a nonapproved nonpublic  
 21 school or by means of private instruction."

Amendment H—3613 lost.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H—3615 filed by him on April 2, 1987.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Hammond of Story, for the remainder of the day, on request of Holveck of Polk.

Spear of Lee offered the following amendment H—3438 filed by him:

H—3438

- 1 Amend House File 650 as follows:  
 2 1. Page 1, line 1, by striking the figure  
 3 "299B.1".  
 4 2. By renumbering as necessary.

Spear of Lee offered the following amendment H—3573, to amend H—3438, filed by him and moved its adoption:

H—3573

- 1 Amend the amendment, H—3438, to House File 650 as  
 2 follows:  
 3 1. Page 1, by striking lines 2 and 3 and  
 4 inserting the following:  
 5 "\_\_\_\_\_. Page 1, line 1, by striking the words and  
 6 figure: "NEW SECTION. 299B.1"."

Amendment H—3573 was adopted.

Speaker Avenson in the chair at 11:00 a.m.

On motion by Spear of Lee, amendment H—3438, as amended, lost.

Spear of Lee offered the following amendment H—3439 filed by him and moved its adoption:

H—3439

- 1 Amend House File 650 as follows:
- 2 1. Page 1, by striking lines 21 through 23.

A non-record roll call was requested.

The ayes were 42, nays 20.

Amendment H—3439 was adopted.

Swartz of Marshall offered the following amendment H—3620 filed by him and moved its adoption:

H—3620

- 1 Amend House File 650 as follows:
- 2 1. Page 1, line 26, by inserting after the word
- 3 "siblings" the following: "by the parent or guardian
- 4 of the student".
- 5 2. Page 1, by inserting after line 32 the
- 6 following:
- 7 "\_\_\_\_\_. "Designated panel" means a three member
- 8 panel, consisting of a representative of the
- 9 appropriate area education agency, a representative of
- 10 the parent or guardian of the child receiving private
- 11 instruction, and a member mutually agreed upon by the
- 12 area education agency member and the representative of
- 13 the parent or guardian of the child."
- 14 3. Page 2, by striking lines 2 and 3 and
- 15 inserting the following: "examiners, but who provides
- 16 private instruction and who is the parent or guardian
- 17 of the child receiving the private instruction."
- 18 4. Page 2, line 16, by striking the word "person"
- 19 and inserting the following: "parent or guardian".
- 20 5. Page 2, line 26, by striking the word "person"
- 21 and inserting the following: "parent or guardian".
- 22 6. Page 2, line 28, by striking the word "person"
- 23 and inserting the following: "parent or guardian".
- 24 7. Page 2, by striking lines 30 through 33.
- 25 8. Page 3, by striking lines 5 and 6.
- 26 9. Page 3, by striking lines 19 and 20 and
- 27 inserting the following: "which has been administered
- 28 by the designated panel under conditions acceptable to
- 29 the designated panel, and".
- 30 10. Page 3, line 22, by striking the words "and
- 31 the" and inserting the following: ", the".

32 11. Page 3, line 23, by inserting after the word  
33 "child" the following: ", and to the department of  
34 education".

35 12. Page 3, line 30, by inserting after the word  
36 "district" the following: "and to the appropriate  
37 area education agency".

38 13. Page 4, by striking lines 1 and 2 and  
39 inserting the following:

40 "2. If it is determined by the designated panel  
41 that a child receiving private".

42 14. Page 4, by striking line 4 and inserting the  
43 following: "inadequate instruction, the designated  
44 panel shall meet with the parent or guardian of the  
45 child and shall develop a revised plan of instruction  
46 for the parent or guardian to implement. If after one  
47 school year utilizing the revised plan, the child has  
48 not demonstrated adequate academic progress as  
49 determined by the designated panel, the designated  
50 panel may require".

**Page 2**

1 15. Page 4, lines 15 and 16, by striking the  
2 words "the instructor providing the private  
3 instruction,".

4 16. Page 4, line 21, by striking the word  
5 "person" and inserting the following: "parent or  
6 guardian".

7 17. By renumbering as necessary.

**A non-record roll call was requested.**

**The ayes were 30, nays 45.**

**Amendment H—3620 lost.**

**Shultz of Black Hawk offered the following amendment H—3598  
filed by him and moved its adoption:**

**H—3598**

1 Amend House File 650 as follows:

2 1. Page 2, by striking lines 2 and 3 and

3 inserting the following: "examiners, but who provides  
4 private instruction and who is the parent or guardian  
5 of the child receiving the private instruction."

6 2. Page 2, line 16, by striking the word "person"  
7 and inserting the following: "parent or guardian".

8 3. Page 2, line 26, by striking the word "person"  
9 and inserting the following: "parent or guardian".

10 4. Page 2, line 28, by striking the word "person"  
11 and inserting the following: "parent or guardian".

12 5. Page 3, by striking lines 5 and 6.

13 6. Page 4, lines 15 and 16, by striking the words  
14 "the instructor providing the private instruction,".

Roll call was requested by Shoultz of Black Hawk and Jay of Appanoose.

On the question "Shall amendment H—3598 be adopted?"  
(H.F. 650)

The ayes were, 54:

Adams	Arnould	Beatty	Bennett
Bisignano	Blanshan	Branstad	Buhr
Carpenter	Clark	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Harper
Hatch	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Metcalf	Muhlbauer	Mullins	Norrgard
Osterberg	Parker	Paulin	Peters
Peterson, M. K.	Plasier	Poney	Renaud
Rosenberg	Running	Sherzan	Shoultz
Siegrist	Skow	Swartz	Teaford
Wise	Mr. Speaker		

The nays were, 40:

Beaman	Cohoon	Corbett	Corey
Daggett	De Groot	Diemer	Eddie
Garman	Hanson, D. R.	Harbor	Haverland
Hermann	Hester	Hummel	Kremer
Lundby	Maulsby	May	McKean
McKinney	Mills	Ollie	Pavich
Pellett	Petersen, D. F.	Platt	Renken
Royer	Schhekloth	Schrader	Shoning
Spear	Stromer	Stueland	Svoboda
Swearingen	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 6:

Black	Brammer	Chapman	Hammond
Neuhauser	Tabor		

Amendment H—3598 was adopted.

Mullins of Kossuth offered the following amendment H—3557 filed by her:

H—3557

- 1 Amend House File 650 as follows:
- 2 1. Page 2, by striking lines 8 through 10 and in-
- 3 serting the following:
- 4 "A public school shall implement and administer a
- 5 home instruction assistance program if a parent or
- 6 guardian of a child is providing private instruction

7 in the district. An accredited nonpublic school may  
 8 implement and administer a home instruction assistance  
 9 program if a parent or guardian of a child is  
 10 providing private instruction and if requested by a  
 11 parent or guardian."

12 2. Page 2, line 11, by striking the word  
 13 "district."

14 3. Page 2, line 14, by inserting after the figure  
 15 "442.4." the following: "The home instruction  
 16 assistance program shall provide at least three hours  
 17 of contact per week between the certificated teacher  
 18 and the instructor."

19 4. Page 2, by striking lines 22 through 24 and  
 20 inserting the following: "tion 299B.4 while providing  
 21 private instruction pursuant to section 299B.6."

22 5. Page 2, line 28, by inserting after the word  
 23 "child" the following: "while enrolled in a home  
 24 instruction assistance program pursuant to section  
 25 299B.4".

26 6. Page 2, by striking lines 30 through 33.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Royer of Page, for the remainder of the day, on request of Corey of Louisa.

Mullins of Kossuth offered the following amendment H—3630, to amendment H—3557, filed by her from the floor and moved its adoption:

H—3630

1 Amend the amendment, H—3557, to House File 650 as  
 2 follows:

3 1. Page 1, line 16, by striking the word "three"  
 4 and inserting the following: "two".

Amendment H—3630 was adopted.

Mullins of Kossuth moved the adoption of amendment H—3557, as amended.

A non-record roll call was requested.

The ayes were 38, nays 42.

Amendment H—3557, as amended, lost.

Jay of Appanose offered the following amendment H—3621 filed by him and moved its adoption:

H-3621

- 1 Amend House File 650 as follows:
- 2 1. Page 3, line 9, by inserting after the word
- 3 "subjects" the following: "from a multicultural,
- 4 nonsexist approach".

Roll call was requested by Jay of Appanoose and Hansen of Woodbury.

Rule 75 was invoked.

On the question "Shall amendment H-3621 be adopted?"  
(H.F. 650)

The ayes were, 45:

Adams	Beatty	Bisignano	Black
Blanshan	Buhr	Chapman	Cohoon
Connolly	Connors	Cooper	Doderer
Dvorsky	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hansen, S. D.	Hatch	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
McKinney	Metcalf	Muhlbauer	Mullins
Osterberg	Peters	Peterson, M. K.	Platt
Renaud	Rosenberg	Running	Sherzan
Shoultz	Siegrist	Skow	Stueland
Teaford			

The nays were, 49:

Arnould	Beaman	Bennett	Branstad
Corbett	Corey	Daggett	De Groot
Diemer	Eddie	Fey	Fogarty
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Harper	Haverland	Hermann	Kremer
Lundby	Maulsby	May	McKean
Miller	Norrgard	Ollie	Parker
Paulin	Pavich	Pellett	Petersen, D. F.
Plasier	Poncy	Renken	Schnekloth
Schrader	Shoning	Spear	Stromer
Svoboda	Swartz	Swearingen	Tabor
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

Absent or not voting, 6:

Brammer	Carpenter	Clark	Hammond
Neuhauser	Royer		

Amendment H-3621 lost.

Jay of Appanoose offered the following amendment H-3614 filed by him and moved its adoption:

H-3614

- 1 Amend House File 650 as follows:
- 2 1. Page 3, by striking lines 24 through 30.
- 3 2. Page 3, by inserting after line 35 the
- 4 following:
- 5 "\_\_\_\_\_. The parent or guardian of the child shall
- 6 submit on a semiannual basis a progress assessment
- 7 report which shall include the person's individualized
- 8 assessment of the child's academic progress in the
- 9 subjects specified in subsection 1, paragraph "c".
- 10 The progress reports shall be retained by the parent
- 11 or guardian for at least three years and shall be
- 12 submitted on a semiannual basis to the board of
- 13 directors of the local school district."

A non-record roll call was requested.

The ayes were 54, nays 27.

Amendment H-3614 was adopted.

Spear of Lee offered the following amendment H-3496 filed by him and moved its adoption:

H-3496

- 1 Amend House File 650 as follows:
- 2 1. Page 3, line 31, by striking the words "and
- 3 weekly lesson plans" and inserting the following:
- 4 "plan".

Amendment H-3496 was adopted.

Jay of Appanoose offered the following amendment H-3611 filed by him and moved its adoption:

H-3611

- 1 Amend House File 650 as follows:
- 2 1. Page 4, line 4, by striking the word "may" and
- 3 inserting the following: "shall".

Amendment H-3611 lost.

Shultz of Black Hawk offered the following amendment H-3601 filed by him and moved its adoption:

H-3601

- 1 Amend House File 650 as follows:
- 2 1. Page 4, line 8, by striking the word
- 3 "physical" and inserting the following: "potential".
- 4 2. Page 4, line 14, by striking the word
- 5 "assessment" and inserting the following:

- 6 "screening".  
 7 3. Page 4, line 19, by striking the word "tests"  
 8 and inserting the following: "assessment".

Amendment H—3601 was adopted.

Shoultz of Black Hawk offered the following amendment H—3599 filed by him and moved its adoption:

H—3599

- 1 Amend House File 650 as follows:  
 2 1. Page 4, by inserting before line 25 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 299B.7 COMPULSORY  
 5 ATTENDANCE EXEMPTION.  
 6 A child who has received private instruction  
 7 pursuant to this chapter shall successfully complete  
 8 an examination administered by the department of  
 9 education which reflects material received at the  
 10 eighth grade level before the child can be granted a  
 11 special exempt status by the department of education  
 12 from the compulsory attendance requirements of chapter  
 13 299."  
 14 2. By renumbering as necessary.

Amendment H—3599 lost.

Jay of Appanoose offered the following amendment H—3622 filed by him:

H—3622

- 1 Amend House File 650 as follows:  
 2 1. Page 4, by inserting after line 31 the  
 3 following:  
 4 "Sec. \_\_\_\_\_. NEW SECTION. 299B.8 CIVIL  
 5 ENFORCEMENT.  
 6 A county attorney or legal counsel employed by a  
 7 board of directors of a school corporation who  
 8 receives information that a person has violated a  
 9 provision of sections 299B.1 to 299B.7 may seek  
 10 judicial enforcement by filing an action in a district  
 11 court in a county which is wholly or partially  
 12 contained within the school district in which the  
 13 child resides or the alleged violation occurred.  
 14 Upon a finding by a preponderance of the evidence  
 15 that a person has violated a provision of such  
 16 sections, the court:  
 17 1. Shall assess against the person a civil penalty  
 18 in an amount not more than five hundred dollars nor  
 19 less than one hundred dollars, to be deposited in the  
 20 general fund of the state.

- 21 2. Shall order the person to pay all costs and  
 22 reasonable attorney fees incurred by a party who  
 23 successfully establishes the violation.  
 24 3. May issue appropriate orders, including but not  
 25 limited to temporary or permanent injunctions  
 26 directing the person to refrain from future  
 27 violations."  
 28 2. Title page, line 1 by inserting after the word  
 29 "instruction" the following: "and providing a  
 30 penalty".

Daggett of Adams rose on a point of order that amendment H-3622 was not germane.

The Speaker ruled the point well taken and amendment H-3622 not germane.

Shultz of Black Hawk offered the following amendment H-3623 filed by him and moved its adoption:

H-3623

1. Amend House File 650 as follows:
  - 2 1. Page 4, by inserting after line 31 the
  - 3 following:
  - 4 "Sec. \_\_\_\_\_ NEW SECTION. 299B.8 NOT TAX EXEMPT.
  - 5 A home used for home instruction under this chapter
  - 6 is not eligible for tax exemption under section
  - 7 427.1."
  - 8 2. By renumbering as necessary.

Amendment H-3623 was adopted.

Jay of Appanoose asked and received unanimous consent to withdraw amendment H-3604 filed by him on April 2, 1987.

Miller of Cherokee in the chair at 12:45 p.m.

Speaker Avenson in the chair at 12:54 p.m.

Shultz of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 650)

The ayes were, 64:

Adams	Arnould	Beaman	Bisignano
Black	Branstad	Carpenter	Chapman
Cohoon	Connolly	Corbett	Corey
Daggett	De Groot	Doderer	Dvorsky
Eddie	Fey	Fogarty	Garman
Gruhn	Halvorson, R. A.	Hanson, D. R.	Harbor

Harper	Haverland	Hermann	Hummel
Jochum	Kremer	Lundby	Maulsby
May	McKean	McKinney	Miller
Norrgard	Ollie	Osterberg	Paulin
Pavich	Pellett	Petersen, D. F.	Plasier
Renaud	Renken	Running	Schnekloth
Schrader	Sherzan	Shoning	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 33:

Beatty	Bennett	Blanshan	Brammer
Buhr	Clark	Connors	Cooper
Diemer	Fuller	Groninga	Halvorson, R. N.
Hansen, S. D.	Hatch	Hester	Holveck
Jay	Johnson	Knapp	Koenigs
Lageschulte	Metcalf	Muhlbauer	Mullins
Parker	Peters	Peterson, M. K.	Platt
Poney	Rosenberg	Shoultz	Siegrist
Skow			

Absent or not voting, 3:

Hammond	Neuhauser	Royer
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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 609**, a bill for an act relating to the payment of expenses for the boards of medical examiners, dental examiners, and pharmacy examiners, and the board of nursing, previously deferred, was taken up for consideration.

Van Camp of Scott asked and received unanimous consent to withdraw amendment H—3455 filed by him on March 27, 1987.

Peterson of Carroll offered the following amendment H—3562 filed by Peterson, et al., and moved its adoption:

H—3562

- 1 Amend House File 609 as follows:
- 2 1. Page 2, by striking lines 26 through 29 and
- 3 inserting the following: "any other fund, except that
- 4 each fiscal year there shall be transferred to the
- 5 general fund of the state an amount equal to thirteen
- 6 percent of the board's average annual gross revenues
- 7 for the four years immediately preceding the fiscal
- 8 year for which the money is appropriated. That
- 9 amount".
- 10 2. Page 3, by striking lines 30 through 33 and

11 inserting the following: "any other fund, except that  
12 each fiscal year there shall be transferred to the  
13 general fund of the state an amount equal to thirteen  
14 percent of the board's average annual gross revenues  
15 for the four years immediately preceding the fiscal  
16 year for which the money is appropriated. That amount  
17 shall be considered".

18 3. Page 4, by striking line 34 through page 5,  
19 line 2 and inserting the following: "any other fund,  
20 except that each fiscal year there shall be  
21 transferred to the general fund of the state an amount  
22 equal to thirteen percent of the board's average  
23 annual gross revenues for the four years immediately  
24 preceding the fiscal year for which the money is  
25 appropriated. That amount shall be considered".

26 4. Page 6, by striking lines 3 through 6 and  
27 inserting the following: "any other fund, except that  
28 each fiscal year there shall be transferred to the  
29 general fund of the state an amount equal to thirteen  
30 percent of the board's average annual gross revenues  
31 for the four years immediately preceding the fiscal  
32 year for which the money is appropriated. That  
33 amount".

34 5. Page 6, by inserting after line 25 the  
35 following:

36 "Sec. 6. This Act takes effect July 1, 1988."

37 6. Title page, line 3, by inserting after the  
38 word "nursing" the following: "and providing an  
39 effective date".

Amendment H—3562 was adopted.

Black of Jasper in the chair at 1:45 p.m.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 609)

The ayes were, 70:

Adams	Arnould	Avenson	Beaman
Beatty	Bisignano	Blanshan	Brammer
Buhr	Chapman	Clark	Cohoon
Connolly	Connors	Cooper	Corbett
Daggett	De Groot	Diemer	Doderer
Dvorsky	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lundby
May	McKinney	Miller	Muhlbauer

Mullins	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Plasier	Pony	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker (Black)		

The nays were, 22:

Bennett	Branstad	Carpenter	Corey
Eddie	Halvorson, R. N.	Hanson, D. R.	Hester
Hummel	Kremer	Maulsby	McKean
Metcalf	Paulin	Petersen, D. F.	Platt
Renken	Schnekloth	Stromer	Tyrrell
Van Camp	Van Maanen		

Absent or not voting, 8:

Fuller	Hammond	Lageschulte	Neuhauser
Pellett	Royer	Stueland	Swearingen

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:

Swearingen of Keokuk on request of Stromer of Hancock; Stueland of Clinton on request of Hummel of Benton, both for the remainder of the day.

### MOTIONS TO RECONSIDER WITHDRAWN (House File 105)

Groninga of Cerro Gordo and Beatty of Warren asked and received unanimous consent to withdraw the motions to reconsider House File 105, a bill for an act relating to the appointment of assessors, filed by them on April 1, 1987.

### MOTION TO RECONSIDER LOST (House File 620)

Gruhn of Dickinson called up for consideration the motion to reconsider House File 620, filed on April 1, 1987, and moved to reconsider the vote by which House File 620, a bill for an act relating to the acquisition and protection of significant elements of the state's natural open space heritage, passed the House and was placed on its last reading on April 1, 1987.

A non-record roll call was requested.

The ayes were 30, nays 52.

The motion lost, placing out of order the motion to reconsider filed by Halvorson of Clayton on April 1, 1987 and amendment H—3538 filed by Halvorson of Clayton and Harbor of Mills on April 1, 1987.

**MOTIONS TO RECONSIDER WITHDRAWN**  
(House File 656)

Stromer of Hancock and Teaford of Black Hawk asked and received unanimous consent to withdraw the motions to reconsider House File 656, a bill for an act relating to the education of certain children living outside the district of residence and providing effective dates, filed by them on March 31, 1987.

**MOTION TO RECONSIDER LOST**  
(House File 661)

Groninga of Cerro Gordo called up for consideration the motion to reconsider House File 661, filed on March 31, 1987, and moved to reconsider the vote by which House File 661, a bill for an act creating an Iowa life and health insurance guaranty association, protecting persons, within limits, against the failure of certain life, health, and annuity contracts because of impairment or insolvency, specifying the powers and duties of the association, and providing administrative procedures and methods for the operation and financing of the association, including but not limited to the assessment of member insurers and the provision of a partial premium tax liability credit, passed the House and was placed on its last reading on March 31, 1987.

A non-record roll call was requested.

The ayes were 7, nays 59.

The motion lost, placing out of order the motion to reconsider filed by Brammer of Linn on March 31, 1987 and amendment H—3508 filed by him on March 31, 1987.

**MOTION TO RECONSIDER PREVAILED**  
(House File 599)

Swartz of Marshall called up for consideration the motion to reconsider House File 599, filed on March 31, 1987, and moved to reconsider the vote by which House File 599, a bill for an act relating to mortgage foreclosures by establishing an alternative mortgage foreclosure proceeding with final judicial sale and rights in lieu of redemption, and establishing nonjudicial foreclosure proceedings upon waiver of deficiency judgments, passed the House and was placed on its last reading on March 31, 1987.

A non-record roll call was requested.

The ayes were 56, nays none.

The motion prevailed and the House reconsidered House File 599, placing out of order the motion to reconsider filed by Chapman of Linn on March 31, 1987.

Speaker Avenson in the chair at 2:21 p.m.

Swartz of Marshall offered the following amendment H—3624 filed by Swartz, et al.:

H—3624

1 Amend House File 599 as follows:

2 1. Page 1, line 20, by inserting after the word  
3 "following" the word "notice".

4 2. Page 1, line 27, by striking the words "SIX  
5 MONTHS" and inserting the following: "TWELVE MONTHS  
6 (or SIX MONTHS if the petition includes a waiver of  
7 deficiency judgment)".

8 3. Page 1, by inserting after line 35 the  
9 following:

10 "If the plaintiff has not included in the petition  
11 a waiver of deficiency judgment, then the notice shall  
12 include the following:"

13 4. Page 2, line 13, by inserting after the word  
14 "election" the following: "for foreclosure without  
15 redemption".

16 5. Page 2, line 22, by striking the words "six  
17 months" and inserting the following: "twelve months,  
18 or six months if the petition includes a waiver of  
19 deficiency judgment.".

20 6. Page 2, line 23, by inserting after the word  
21 "judgment." the following: "If the demand is filed,  
22 the mortgagor and mortgagee subsequently may file a  
23 stipulation that the sale may be held promptly after  
24 the stipulation is filed and that the mortgagee waives  
25 the right to entry of a deficiency judgment. If the  
26 stipulation is filed, the sale shall be held promptly  
27 after the filing."

28 7. Page 3, line 15, by inserting after the word  
29 "demption" the following: ", the plaintiff may  
30 include in the petition a waiver of deficiency  
31 judgment. If the plaintiff has elected foreclosure  
32 without redemption and does not include in the  
33 petition a waiver of deficiency judgment".

34 8. Page 3, by inserting after line 19 the  
35 following:

36 "Sec. \_\_\_\_\_. Section 654.2B, Code 1987, is amended  
37 to read as follows:

## 38 654.2B REQUIREMENTS OF NOTICE OF RIGHT TO CURE.

39 The notice of right to cure shall be in writing and  
40 shall conspicuously state, the name, address, and  
41 telephone number of the creditor to which payment is  
42 to be made, a brief identification of the obligation  
43 secured by the deed of trust or mortgage and of the  
44 borrower's right to cure the default, a statement of  
45 the nature of the right to cure the default, a  
46 statement of the nature of the alleged default, a  
47 statement of the total payment, including an  
48 itemization of any delinquency or deferral charges, or  
49 other performance necessary to cure the alleged  
50 default, and the exact date by which the amount must

**Page 2**

1 be paid or performance tendered and a statement that  
2 if the borrower does not cure the alleged default that  
3 the creditor is entitled to proceed with initiating a  
4 foreclosure action.

5 Sec. \_\_\_\_\_. NEW SECTION. 654.27 NOTICE, RIGHT TO  
6 CURE DEFAULT.

7 1. A creditor shall not initiate an action  
8 pursuant to this chapter to foreclose on a deed of  
9 trust or mortgage, except as provided in section  
10 654.2A, until the creditor has complied with this  
11 section.

12 2. A creditor who believes in good faith that a  
13 borrower on a deed of trust or mortgage on a homestead  
14 is in default shall give the borrower a notice of  
15 right to cure as provided in section 654.2B. A  
16 creditor gives the notice when the creditor delivers  
17 the notice to the consumer or mails the notice to the  
18 borrower's residence as defined in section 537.1201,  
19 subsection 4.

20 3. The borrower has a right to cure the default  
21 within thirty days from the date the creditor gives  
22 the notice.

23 4. a. The creditor shall not accelerate the  
24 maturity of the unpaid balance of the obligation,  
25 demand or otherwise take possession of the land,  
26 otherwise than by accepting a voluntary surrender of  
27 it, or otherwise attempt to enforce the obligation  
28 until thirty days after a proper notice of right to  
29 cure is given.

30 b. Until the expiration of thirty days after  
31 notice is given, the borrower may cure the default by  
32 tendering either the amount of all unpaid installments  
33 due at the time of tender, without acceleration, or  
34 the amount stated in the notice of right to cure,  
35 whichever is less, or by tendering any other  
36 performance necessary to cure a default which is

37 described in the notice of right to cure.  
 38 5. The act of curing a default restores to the  
 39 borrower the borrower's rights under the obligation  
 40 and the deed of trust or mortgage.

41 6. This section does not prohibit the creditor  
 42 from enforcing the creditor's interest in the land at  
 43 any time after the creditor has complied with this  
 44 section and the borrower did not cure the alleged  
 45 default.

46 7. A borrower has a right to cure the default  
 47 unless, the creditor has given the borrower a proper  
 48 notice of right to cure with respect to a prior  
 49 default which occurred within three hundred sixty-five  
 50 days of the present default.

**Page 3**

1 Sec. \_\_\_\_\_. NEW SECTION. 654.28 RIGHTS RESERVED.

2 A provision in the mortgage or deed of trust shall  
 3 not be deemed to abrogate any rights of a mortgagor  
 4 under this chapter."

5 9. Page 4, line 31, by striking the word "may"  
 6 and inserting the word "shall".

7 10. Page 4, line 33, by inserting after the word  
 8 "service" the following: "required under section  
 9 655A.4".

1 Swartz of Marshall offered the following amendment H—3627, to  
 amendment H—3624, filed by him from the floor and moved its  
 adoption:

H—3627

1 Amend the amendment, H—3624, to House File 599 as  
 2 follows:

3 1. Page 3, by inserting after line 4, the  
 4 following:

5 "\_\_\_\_\_. Page 4, by striking lines 16 through 21 and  
 6 inserting the following:

7 "Notice under this chapter shall be served as  
 8 provided in the rules of civil procedure." "

9 2. Renumber as necessary.

Amendment H—3627 was adopted.

On motion by Swartz of Marshall, amendment H—3624, as  
 amended, was adopted.

Chapman of Linn moved that the bill be read a last time now and  
 placed upon its passage which motion prevailed and the bill was read  
 a last time.

On the question "Shall the bill pass?" (H.F. 599)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	Lundby	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Norrsgard	Ollie	Parker	Paulin
Pavich	Peters	Petersen, D. F.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 16:

Blanshan	Doderer	Hammond	Hermann
Hummel	Kremer	Lageschulte	Maulsby
Miller	Neuhauser	Osterberg	Pellett
Peterson, M. K.	Royer	Stueland	Swearingen

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Adams of Hamilton on request of Dvorsky of Johnson and Peterson of Carroll on request of Siegrist of Pottawattamie, both for the remainder of the day.

### MOTION TO RECONSIDER PREVAILED

(House File 525)

Brammer of Linn called up for consideration the motion to reconsider House File 525, filed on March 24, 1987, and moved to reconsider the vote by which House File 525, a bill for an act relating to the jurisdiction of the juvenile court in hospital admission of minors and the admission procedures for minors, passed the House and was placed on its last reading on March 23, 1987.

A non-record roll call was requested.

The ayes were 65, nays 8.

The motion prevailed and the House reconsidered House File 525.

Brammer of Linn offered the following amendment H—3321 filed by him and moved its adoption:

H—3321

- 1 Amend House File 525 as follows:
- 2 1. Page 2, line 31, by striking the word "The"
- 3 and inserting the following: "Notwithstanding section
- 4 229.11, the".
- 5 2. Page 3, line 1, by inserting after the word
- 6 "minor," the following: "notwithstanding section
- 7 229.11,".

Amendment H—3321 was adopted.

Brammer of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 525)

The ayes were, 85:

Arnould	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Norrsgard	Ollie	Osterberg
Parker	Paulin	Pavich	Peters
Petersen, D. F.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Svoboda	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 15:

Adams	Clark	Doderer	Hammond
Hermann	Hummel	Lageschulte	Maulsby
Neuhauser	Pellett	Peterson, M. K.	Royer
Stueland	Swartz	Swearingen	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan on request of Diemer of Black Hawk; Chapman of Linn and Miller of Cherokee on request of Platt of Muscatine; McKean of Jones on request of Rosenberg of Story.

Connors of Polk in the chair at 2:32 p.m.

**House File 649**, a bill for an act relating to exemptions from execution and attachment by revising provisions governing the exemption of insurance policies, proceeds, and benefits, cash, and certain other personal property, and providing other properly related matters, previously deferred, was taken up for consideration.

Garman of Story offered the following amendment H—3541 filed by her and moved its adoption:

H—3541

- 1 Amend House File 649 as follows:
- 2 1. Page 1, by striking lines 21 through 23 and
- 3 inserting the following: "interest in any wedding or
- 4 engagement ring owned and received by the debtor or the
- 5 debtor's dependents on or before the date of marriage."

Roll call was requested by Garman of Story and Mullins of Kossuth.

On the question "Shall amendment H—3541 be adopted?" (H.F. 649)

The ayes were, 52:

Arnould	Beaman	Beatty	Bennett
Black	Brammer	Branstad	Buhr
Carpenter	Clark	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Gruhn
Hanson, D. R.	Harper	Holveck	Johnson
Koenigs	Lundby	Metcalf	Mullins
Ollie	Osterberg	Paulin	Petersen, D. F.
Plasier	Renken	Schneklath	Schrader

Shoning	Siegrist	Spear	Stromer
Svoboda	Swartz	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker (Connors)

The nays were, 30:

Bisignano	Blanshan	Cohoon	Diemer
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.
Harbor	Haverland	Hester	Jay
Jochum	Knapp	May	McKinney
Norrgard	Parker	Pavich	Pellett
Peters	Platt	Poney	Renaud
Rosenberg	Running	Sherzan	Shoultz
Skow	Tabor		

Absent or not voting, 18:

Adams	Avenson	Chapman	Hammond
Hatch	Hermann	Hummel	Kremer
Lageschulte	Maulsby	McKean	Miller
Muhlbauer	Neuhauser	Peterson, M. K.	Royer
Stueland	Swearingen		

Amendment H—3541 was adopted.

Halvorson of Clayton asked and received unanimous consent to defer action on amendment H—3528.

Halvorson of Clayton offered the following amendment H—3542 filed by him and Jay of Appanoose:

H—3542

- 1 Amend House File 649 as follows:
- 2 1. Page 1, by striking lines 24 through 27 and
- 3 inserting the following:
- 4 "Sec. 4. Section 627.6, Code 1987, is amended by
- 5 adding the following new subsection:
- 6 NEW SUBSECTION. 14. The debtor's interest, not to
- 7 exceed one hundred".
- 8 2. Page 2, line 2, by striking the words "an
- 9 unmatured" and inserting the word "a".
- 10 3. Page 2, by striking lines 4 through 21 and
- 11 inserting the following: "individual's spouse, child
- 12 or dependent. However, if within two years of the
- 13 date the execution is issued or exemptions are
- 14 claimed, the individual either provides additions to a
- 15 current policy in excess of the amount necessary to
- 16 fund the amount of coverage equal to the face amount
- 17 of the policy or acquires a new life insurance policy,
- 18 the amount of the exemption of any such interest or
- 19 value in the additions or new acquisitions shall not
- 20 exceed five thousand dollars in the aggregate."

Halvorson of Clayton offered the following amendment H—3644, to amendment H—3542, filed by him and Jay of Appanoose from the floor and moved its adoption:

H—3644

1 Amend the amendment, H—3542, to House File 649, as  
 2 follows:  
 3 1. Page 1, by striking lines 11 through 20 and  
 4 inserting the following: "inserting the following:  
 5 "individual's spouse, child, or dependent. However,  
 6 the amount of the exemption shall not exceed five  
 7 thousand dollars in the aggregate of any interest or  
 8 value in insurance acquired within two years of the  
 9 date execution is issued or exemptions are claimed, or  
 10 for additions within the same time period to a prior  
 11 existing policy which additions are in excess of the  
 12 amount necessary to fund the amount of face value  
 13 coverage of the policies for the two-year period. For  
 14 purposes of this paragraph, acquisitions shall not  
 15 include such interest in new policies used to replace  
 16 prior policies to the extent of any accrued dividend  
 17 or interest, loan or cash surrender value of, or any  
 18 other interest in the prior policies at the time of  
 19 their cancellation." "

Amendment H—3644 was adopted.

On motion by Halvorson of Clayton, amendment H—3542, as amended, was adopted, placing out of order the following amendments:

H—3513 filed by Brammer of Linn on March 31, 1987.

H—3515 filed by Brammer of Linn on March 31, 1987.

H—3517 filed by Brammer of Linn on March 31, 1987.

H—3528, previously deferred, filed by Halvorson of Clayton and Jay of Appanoose on April 1, 1987.

H—3582 filed by Brammer of Linn on April 2, 1987.

Brammer of Linn offered the following amendment H—3514 filed by him and moved its adoption:

H—3514

1 Amend House File 649 as follows:  
 2 1. Page 3, line 1, by striking the word "fifteen"  
 3 and inserting the following: "seventy-five".

Amendment H—3514 lost.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Fuller of Hardin on request of Bisignano of Polk.

Brammer of Linn asked and received unanimous consent to withdraw amendment H—3518 filed by him on March 31, 1987.

Brammer of Linn offered the following amendment H—3519 filed by him and moved its adoption:

H—3519

- 1 Amend House File 649 as follows:
- 2 1. Page 3, by inserting after line 3 the
- 3 following:
- 4 "Sec. \_\_\_\_\_. Section 5 applies to insurance acquired
- 5 or for which additions were purchased on or after the
- 6 effective date of this Act."
- 7 2. Title page, line 5, by inserting after the
- 8 word "matters" the following: ", and providing for
- 9 the applicability of the Act".

A non-record roll call was requested.

The ayes were 10, nays 58.

Amendment H—3519 lost.

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. 649)

The ayes were, 78

Arnould	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Clark	Cohoon
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Lundby	May	McKinney
Metcalf	Mullins	Norrard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Running	Schneklath	Sherzan

Shoning	Shultz	Siegrist	Skow
Spear	Stromer	Swartz	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker (Connors)		

The nays were, 4:

Branstad	Holveck	Schrader	Svoboda
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Absent or not voting, 18:

Adams	Avenson	Chapman	Doderer
Fuller	Hammond	Hermann	Kremer
Lageschulte	Maulsby	McKean	Miller
Muhlbauer	Neuhauser	Peterson, M. K.	Royer
Stueland	Swearingen		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGE (House File 634)

Arnould of Scott asked and received unanimous consent that House File 634 be immediately messaged to the Senate.

#### MOTIONS TO RECONSIDER (House File 642)

I move to reconsider the vote by which House File 642 passed the House on April 3, 1987.

HAMMOND of Story

(House File 642)

I move to reconsider the vote by which House File 642 passed the House on April 3, 1987.

VAN CAMP of Scott

(House File 649)

I move to reconsider the vote by which House File 649 passed the House on April 3, 1987.

HALVORSON of Clayton

(House File 649)

I move to reconsider the vote by which House File 649 passed the House on April 3, 1987.

BRAMMER of Linn

(House File 650)

I move to reconsider the vote by which House File 650 passed the House on April 3, 1987.

DODERER of Johnson

(House File 650)

I move to reconsider the vote by which House File 650 passed the House on April 3, 1987.

HAVERLAND of Polk

(House File 650)

I move to reconsider the vote by which House File 650 passed the House on April 3, 1987.

BLACK of Jasper

(House File 650)

I move to reconsider the vote by which House File 650 passed the House on April 3, 1987.

DAGGETT of Adams

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, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 461, a bill for an act relating to electronic funds transfers by providing for limiting liability of financial institutions for unauthorized electronic funds transfers involving the customer's account, altering restrictions on the establishment, location, and use of satellite terminals, adding definitions, and requiring that all satellite terminals in this state or their data processing centers be directly connected to a central routing unit.

Also: That the Senate has on April 3, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 477, a bill for an act relating to the Iowa state fair by creating an independent Iowa state fair authority, authorizing the issuance of bonds and notes.

Also: That the Senate has on April 3, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 482, a bill for an act relating to the civil process and procedure for awarding interest on civil judgments and decrees, determining whether a sufficient burden of proof has been met for the awarding of punitive damages, and for allowing the consideration for previous payments for medical damages, and providing an effective date.

Also: That the Senate has on April 3, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 496, a bill for an act relating to the retirement benefits received by certain members of the Iowa public employees' retirement system.

JOHN F. DWYER, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 2, 1987. Had I been present, I would have voted "nay" on House File 631.

KREMER of Buchanan

I was necessarily absent from the House chamber on April 2, 1987. Had I been present, I would have voted "aye" on House File 73.

PONCY of Wapello

I was necessarily absent from the House chamber on Thursday morning, April 2, 1987. Had I been present, I would have voted "aye" on House Files 73 and 379.

SIEGRIST of Pottawattamie

### PRESENTATION OF VISITORS

Beaman of Clarke presented to the House foreign exchange student Dorothy Larson, of Denmark, accompanied by Gary Brown and his daughter, Michelle, of Creston.

The Speaker announced that the following visitors were present in the House chamber:

Two 4-H members from Fayette County, accompanied by Norma Kerr. By Avenson of Fayette.

Fourteen junior high students from Washington and Jones Junior High School, Dubuque, accompanied by Gary Reed, Fran Ouderkirk and Gary Kruse. By Connolly of Dubuque.

Ten 4-H members from Clayton County, accompanied by Kris and Ed Lawrence. By Halvorson of Clayton.

Eighteen eighth grade students from Mar-Mac Middle School, McGregor, accompanied by Mr. Elliott, Mr. Vick, Mrs. Mitter and Mrs. Kaufman. By Halvorson of Clayton.

Three 4-H members from Dubuque County, accompanied by Banks Daggett and Barb Sauser. By Jochum and Connolly of Dubuque.

Twenty-five senior students from Twin Rivers High School, Bode, accompanied by Garvin Larson and Patrick Davis. By Mullins of Kossuth.

Thirty-seven 4-H members from Jackson County, accompanied by Judy Kruse, Greg Grant and Lana Hruby. By Tabor of Jackson.

Forty-eight fifth grade students from Webster Elementary School, Oskaloosa, accompanied by Mrs. Boender and Mrs. Swoop. By Van Maanen of Mahaska.

#### SUBCOMMITTEE ASSIGNMENTS

##### Senate File 292

State Government: Renaud, Chair; Pavich and Van Camp.

##### Senate File 373

Judiciary and Law Enforcement: Halvorson of Clayton, Chair; Jay and McKinney.

##### Senate File 424

State Government: Halvorson of Webster, Chair; Buhr, Hanson of Delaware, Running and Van Camp.

##### Senate File 455

State Government: Beatty, Chair; Garman, Hanson of Delaware, Knapp and Peterson of Carroll.

##### Senate File 469

Judiciary and Law Enforcement: Sherzan, Chair; Rosenberg and Siegrist.

#### COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

#### COMMITTEE ON AGRICULTURE

**Senate File 138**, a bill for an act relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3626** April 2, 1987.

#### COMMITTEE ON HUMAN RESOURCES

**Senate File 272**, a bill for an act repealing a pilot program regarding second opinions on elective surgery for medical assistance recipients.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1987.

#### COMMITTEE ON RULES AND ADMINISTRATION

**Committee Resolution**, a house concurrent resolution to approve and confirm the appointment of the citizens' aide.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1987.

**Committee Resolution**, a house concurrent resolution relating to the schedule for review for progress from the first to second step in the legislative pay matrix for employees of the general assembly.

Fiscal Note is not required.

Recommended **Do Pass** April 2, 1987.

#### RESOLUTIONS FILED

**HCR 27**, by committee on rules and administration, a concurrent resolution to approve and confirm the appointment of the citizens' aide.

Laid over under **Rule 25**.

**HCR 28**, by committee on rules and administration, a concurrent resolution relating to the schedule for review for progress from the first to second step in the legislative pay matrix for employees of the general assembly.

Laid over under **Rule 25**.

#### AMENDMENTS FILED

H-3626	S.F.	138	Committee on Agriculture
H-3628	H.F.	377	Halvorson of Webster
H-3629	H.F.	377	Halvorson of Webster
H-3631	H.F.	619	Connors of Polk
H-3632	S.F.	219	Tyrrell of Iowa
H-3633	S.F.	219	Tyrrell of Iowa
H-3634	S.F.	219	Tyrrell of Iowa
H-3635	S.F.	219	Tyrrell of Iowa
H-3636	S.F.	219	Tyrrell of Iowa
H-3637	S.F.	219	Tyrrell of Iowa
H-3638	S.F.	219	Tyrrell of Iowa
H-3639	S.F.	219	Tyrrell of Iowa
H-3640	S.F.	219	Tyrrell of Iowa
H-3641	H.F.	39	Bisignano of Polk

H—3642	S.F.	219	Van Camp of Scott Tyrrell of Iowa
H—3643	S.F.	219	Van Camp of Scott Tyrrell of Iowa
H—3645	H.F.	601	Teaford of Black Hawk Mullins of Kossuth
H—3646	S.F.	219	Tyrrell of Iowa
H—3647	S.F.	219	Tyrrell of Iowa
H—3648	S.F.	219	Tyrrell of Iowa
H—3649	S.F.	219	Tyrrell of Iowa Van Camp of Scott
H—3650	S.F.	311	Fey of Scott Renaud of Polk Harbor of Mills Halvorson of Clayton Jay of Appanoose Schrader of Marion

On motion by Arnould of Scott, the House adjourned at 3:15 p.m.,  
until 10:00 a.m., Monday, April 6, 1987.

# JOURNAL OF THE HOUSE

Eighty-fifth Calendar Day — Fifty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 6, 1987

The House met pursuant to adjournment, Connors of Polk in the chair.

Prayer was offered by the Honorable Johnie Hammond, state representative from Story County.

The Journal of Friday, April 3, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Avenson of Fayette on request of Arnould of Scott; Schneklath of Scott and Hermann of Scott on request of Van Maanen of Mahaska; Hester of Pottawattamie on request of Siegrist of Pottawattamie; Fey of Scott on request of Arnould of Scott, all until their arrival.

## SENATE MESSAGES CONSIDERED

**Senate File 461**, by committee on commerce, a bill for an act relating to electronic funds transfers by providing for limiting liability of financial institutions for unauthorized electronic funds transfers involving the customer's account, altering restrictions on the establishment, location, and use of satellite terminals, adding definitions, and requiring that all satellite terminals in this state or their data processing centers be directly connected to a central routing unit.

Read first time and referred to committee on **small business and commerce**.

**Senate File 477**, by committee on agriculture, a bill for an act relating to the Iowa state fair by creating an independent Iowa state fair authority, authorizing the issuance of bonds and notes.

Read first time and referred to committee on **state government**.

**Senate File 482**, by committee on commerce, a bill for an act relating to the civil process and procedure for awarding interest on civil judgments and decrees, determining whether a sufficient burden of proof has been met for the awarding of punitive damages, and for allowing the consideration for previous payments for medical damages, and providing an effective date.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 496**, by committee on state government, a bill for an act relating to the retirement benefits received by certain members of the Iowa public employees' retirement system.

Read first time and referred to committee on **state government**.

### HOUSE FILES 592 AND 377 DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 592 and 377 be deferred and that the bills retain their place 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 April 3, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 471, a bill for an act relating to indemnification and limitation on liability of directors and officers and to liability of persons who volunteer services to the state or a municipality or a nonprofit organization.

Also: That the Senate has on April 3, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 480, a bill for an act relating to things of value given to and received by public employees, officials, members of the general assembly, other persons serving in a public capacity, and candidates, mandating reporting of certain things of value, subjecting violators to penalties, and providing an effective date.

Also: That the Senate has on April 3, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 484, a bill for an act relating to health care providers and patients and providing for the creation of an excess liability fund for health care providers, establishing a surcharge to be deposited in the fund, establishing a special surcharge, establishing qualifications for a health care provider or a patient to be protected by the fund, establishing a maximum limitation on the liability of the fund, creation of a compensation review board, authorization of the fund to procure reinsurance to protect the fund, authorization of the fund to provide primary insurance coverage to health care providers and providing for structured settlements.

JOHN F. DWYER, Secretary

### CONSIDERATION OF BILLS Regular Calendar

**House File 433**, a bill for an act relating to an exemption from securities registration for securities traded or approved for trade on the national association of securities dealers automated quotations — national market system (NASDAQ/NMS), was taken up for consideration.

Neuhauser of Johnson offered the following amendment H—3561 filed by her and moved its adoption:

H—3561

1 Amend House File 433 as follows:

2 1. Page 1, line 6 by inserting after the word  
3 “(NASDAQ/NMS)” the following: “if the issuer  
4 satisfies the requirements of section 502.202,  
5 subsection 18, paragraphs “a” and “b””.

6 2. Page 1, by inserting after line 12 the  
7 following:

8 “Sec. \_\_\_\_\_. Section 502.202, Code 1987, is amended  
9 by adding the following new subsection:

10 NEW SUBSECTION. 18. Certification of an exchange  
11 or listing system, as exempt, if not otherwise exempt  
12 under this section, shall be made by the administrator  
13 upon written request if the administrator finds that  
14 the exchange or listing system approves applications  
15 to list or designate securities and applies the  
16 substantial equivalent of or exceeds the criteria set  
17 forth in each of paragraphs “a” and “b”. The  
18 administrator may certify an exchange or system upon a  
19 finding that it provides a sufficient level of  
20 investor protection and that certification is  
21 consistent with the purposes fairly intended by the  
22 policy and provisions of this section.

23 a. QUANTITATIVE LISTING REQUIREMENTS:

24 (1) SHARES. Five hundred thousand or more  
25 publicly held shares.

26 (2) MARKET VALUE. Market value of publicly held  
27 shares of three million dollars or more.

28 (3) MINIMUM PRICE. Minimum price per share of  
29 five dollars of a reasonable period of time prior to  
30 the filing of a listing application.

31 (4) STOCKHOLDERS. One thousand or more  
32 stockholders.

33 (5) DISTRIBUTION OF SHARES. Eight hundred or more  
34 holders of one hundred or more shares.

35 (6) NET INCOME. Net income for the last fiscal  
36 year of four hundred thousand dollars or more.

37 (7) PRETAX INCOME. Pretax income of seven hundred  
38 fifty thousand dollars or more in the last fiscal  
39 year.

40 (8) SHAREHOLDERS' EQUITY. Minimum shareholders'  
41 equity of at least four million dollars calculated by  
42 subtracting liabilities from assets.

43 b. QUALITATIVE LISTING REQUIREMENTS:

44 (1) SHAREHOLDER MEETINGS. Each issuer shall hold  
45 an annual meeting of shareholders and shall provide at  
46 least ten days' written notice of a shareholder  
47 meeting to the self-regulatory exchange or listing

48 system.

49 (2) INDEPENDENT DIRECTORS. Each issuer shall have  
50 at least two independent directors on its board of

**Page 2**

1 directors. For purposes of this subsection,  
2 "independent director" means a person other than an  
3 officer or employee of the company or its affiliates,  
4 other close relatives of an officer or employee, or  
5 any other individual having a relationship which, in  
6 the opinion of the self-regulatory exchange or listing  
7 service, would interfere with the exercise of  
8 independent judgment.

9 (3) AUDIT COMMITTEE. Each issuer shall establish  
10 and maintain an audit committee composed solely of  
11 independent directors.

12 (4) QUORUM. Each issuer shall provide for a  
13 quorum as specified in its bylaws for any meeting of  
14 the holders of voting securities which quorum shall be  
15 no less than one-third of the company's outstanding  
16 voting securities.

17 (5) CONFLICTS OF INTEREST. Each issuer shall  
18 conduct an appropriate review of all materially  
19 related-party transactions on an ongoing basis and  
20 shall utilize the company's audit committee or a  
21 comparable body for the review of potential conflict  
22 of interest situations. The audit committee is  
23 expected to judge objectively the benefits and  
24 detriments of any related-party transactions and to  
25 make a fair and impartial review that will permit  
26 those situations which truly are advantageous to the  
27 corporation and its security holders to continue.

28 (6) EQUAL VOTING RIGHTS. Each issuer shall  
29 provide for equal voting rights for all classes of  
30 common shares."

Amendment H—3561 lost.

Holveck of Polk offered the following amendment H—3609 filed  
by him and moved its adoption:

H—3609

1 Amend House File 433 as follows:

2 1. Page 1, line 6, by inserting after the word  
3 "(NASDAQ/NMS)" the following: ", if, in each case,  
4 quotations have been available and public trading has  
5 taken place for the class of security designated,  
6 prior to the offer or sale of a security in reliance  
7 upon this exemption".

8 2. Page 1, by inserting after line 12 the  
9 following:

10 "Sec. 2. Section 502.202, subsection 8, Code 1987,  
11 is amended to read as follows:

12 8. Any A security listed or approved for listing  
13 upon notice of issuance on the New York Stock  
14 Exchange, the American Stock Exchange, the Midwest  
15 Stock Exchange, the Pacific Coast Stock Exchange, or  
16 any other national securities exchange registered  
17 under the Securities Exchange Act of 1934 and  
18 designated by rule of the administrator, if, in each  
19 case, quotations have been available and public  
20 trading has taken place for the class of security  
21 listed prior to the offer or sale of a security in  
22 reliance upon this exemption; any other security of  
23 the same issuer which is of senior or substantially  
24 equal rank; any security called for by subscription  
25 rights or warrants so listed or approved; or any  
26 warrant or right to purchase or subscribe to any of  
27 the foregoing."

A non-record roll call was requested.

The ayes were 31, nays 47.

Amendment H—3609 lost.

Swartz of Marshall moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 433)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hummel	Jochum	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKinney	Miller
Muhlbauer	Mullins	Neuhauser	Norrsgard
Ollie	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Renaud	Renken
Royer	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford

Tyrrell Mr. Speaker (Connors)	Van Camp	Van Maanen	Wise
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The nays were, 10:

Hammond	Haverland	Holveck	Jay
Johnson	McKean	Metcalf	Osterberg
Poncy	Rosenberg		

Absent or not voting, 5:

Avenson	Fey	Hermann	Hester
Schnekloth			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 10:50 a.m., until the fall of the gavel.

The House resumed session at 11:52 a.m., Connors of Polk in the chair.

On motion by Groninga of Cerro Gordo, the House was recessed at 11:53 a.m., until 1:15 p.m.

#### AFTERNOON SESSION

The House reconvened, Connors of Polk in the chair.

#### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 6, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 392, a bill for an act relating to the practice of chiropractic by providing for the issuance of limited licenses for students and recent graduates participating in a preceptor program.

Also: That the Senate has on April 6, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 452, a bill for an act to cancel all personal property taxes not collected by July 1, 1988, including the removal of tax liens against personal property.

Also: That the Senate has on April 6, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 464, a bill for an act relating to the regulation of health clubs and providing penalties.

Also: That the Senate has on April 6, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 470, a bill for an act relating to corporate takeovers.

Also: That the Senate has on April 6, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 479, a bill for an act relating to the use and application of pesticides and making penalties applicable.

Also: That the Senate has on April 6, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 486, a bill for an act relating to engineering services by providing for the educational and experience requirements for registered professional engineers and registered land surveyors and allowing boards of supervisors to contract for engineering services.

JOHN F. DWYER, Secretary

The House stood at ease at 1:25 p.m., until the fall of the gavel.

The House resumed session at 2:38 p.m., Connors of Polk in the chair.

### CONSIDERATION OF BILLS Regular Calendar

**House File 377**, a bill for an act relating to public financing of political campaigns, appropriating funds, and providing penalties and providing effective dates, previously deferred, was taken up for consideration.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—3527 filed by him on March 31, 1987.

Halvorson of Webster offered the following amendment H—3567 filed by him:

H—3567

- 1 Amend House File 377 as follows:
- 2 1. Page 1, by inserting after line 3 the
- 3 following:
- 4 "a. "Benefited candidate" means a candidate in a
- 5 restricted campaign whose election is recommended or
- 6 whose opponent's defeat is recommended by advocacy
- 7 information or by the fair inferences drawn from the
- 8 advocacy information by a reasonable person as
- 9 determined by the commission..
- 10 b. "Advocacy information" is material published or
- 11 broadcast which discusses public issues, candidates,
- 12 or voting records from which a reasonable person could
- 13 draw a fair inference that the material recommends the

14 defeat or election of an identifiable candidate in a  
15 restricted campaign."

16 2. Page 7, by inserting after line 5 the  
17 following:

18 "13. a. A person or political action committee  
19 which intends to publish, mass mail, or broadcast  
20 advocacy information in a restricted campaign must  
21 give notice to the commission and to the benefited  
22 candidate. The notice shall be given within twenty-  
23 four hours of the signing of the contract with the  
24 publishing or broadcasting company or preparation of  
25 the mass mailing and shall be given at least thirty  
26 days prior to the election. The notice shall be ac-  
27 companied with the text of the advocacy information to  
28 be published, mailed, or broadcast and the amount of  
29 publication, mailing, or broadcast expenditures under  
30 the contract or a good faith estimate. The notice  
31 shall be made by certified restricted mail.

32 b. The benefited candidate shall notify the com-  
33 mission within seventy-two hours whether the candidate  
34 accepts the contribution or disavows the contribution.  
35 If the candidate accepts the contribution, the  
36 anticipated expenditure shall be credited against the  
37 candidate's contribution and expenditure limit.

38 c. For the purposes of this subsection, the  
39 commission shall disregard the first five hundred  
40 dollars of aggregate disavowed expenditures regarding  
41 a benefited candidate for the general assembly, the  
42 first one thousand dollars of aggregate disavowed  
43 expenditures regarding a benefited candidate for a  
44 statewide office other than governor and the first  
45 five thousand dollars of aggregate disavowed  
46 expenditures regarding a benefited candidate for  
47 governor. If the aggregate disavowed expenditures  
48 regarding a benefited candidate exceed the amounts  
49 provided in this subsection, the commission shall  
50 determine if a reasonable person would draw a fair

**Page 2**

1 inference that the material assists the election of  
2 the benefited candidate or the defeat of an opposing  
3 candidate. If the commission makes that  
4 determination, the commission shall reverse the  
5 disavowal and attribute the disavowed expenditure to  
6 the contribution and expenditure limits of the  
7 benefited candidate and shall increase the benefited  
8 candidate's opponent's contribution and expenditure  
9 limits by the amount of the disavowed expenditures  
10 attributed to the benefited candidate.

11 d. In addition to increasing the limits for the  
 12 benefited candidate's opponent, the commission shall,  
 13 up to the maximum grant amount provided by subsection  
 14 3, award the opponent the same amount from the  
 15 political candidates fund and reduce the benefited  
 16 candidate's grant, if any, by the same amount. If the  
 17 contribution and expenditure limits are raised by more  
 18 than the maximum grant amount, the limitations on  
 19 largest individual contribution, largest political  
 20 action committee contribution, and total political  
 21 action committee contributions shall no longer apply.

22 e. The commission by rule may delegate decisions  
 23 under paragraphs "c" and "d" to the executive  
 24 secretary or a panel of three members of the  
 25 commission. If delegated, the decisions of the  
 26 executive secretary or panel shall constitute final  
 27 agency action for the purposes of chapter 17A.  
 28 Notwithstanding the provisions of section 17A.19, a  
 29 petition for judicial review of a decision under this  
 30 section shall be filed only in Polk county, the court  
 31 shall not stay the awarding of funds from the  
 32 political candidates fund or the raising of the limits  
 33 for the candidates opposing the benefited candidate  
 34 pending the outcome of the judicial review proceeding,  
 35 the petitioner shall have only two days after filing  
 36 to provide notice or copies to the other parties, and  
 37 the proceeding shall receive the highest priority  
 38 among the cases before the district court.

39 The decisions under paragraphs "c" and "d" shall  
 40 be made within two days of the commission's receipt of  
 41 the benefited candidate's disavowal and the benefited  
 42 candidate and opponents shall be promptly notified.  
 43 Any expenditure or contribution attributed to the  
 44 benefited candidate under paragraphs "c" or "d" shall  
 45 not cause the imposition of a civil or criminal  
 46 penalty to the candidate or candidate's committee  
 47 under sections 56.16 or 56.34."

48 3. Page 8, by inserting after line 2 the  
 49 following:

50 "Sec. \_\_\_\_\_. Section 56.13, unnumbered paragraph 1,

**Page 3**

1 Code 1987, is amended to read as follows:

2 Action involving a contribution or expenditure  
 3 which must be reported under this chapter and which is  
 4 taken by any person, candidate's committee or  
 5 political committee on behalf of a candidate, if known  
 6 and approved by the candidate, shall be deemed action  
 7 by the candidate and reported by the candidate's  
 8 committee. It shall be presumed that a candidate  
 9 approves the action if the candidate had knowledge of

10 it and failed to file a statement of disavowal with  
 11 the commissioner or commission and take corrective  
 12 action within seventy-two hours of the action. A  
 13 person, candidate's committee or political committee  
 14 taking such action independently of that candidate's  
 15 committee shall notify that candidate's committee in  
 16 writing within twenty-four hours of taking the action.  
 17 The notification shall provide that candidate's  
 18 committee with the cost of the promotion at fair  
 19 market value. A copy of the notification shall be  
 20 sent to the commission. If the candidates are in a  
 21 restricted campaign, the notification schedule and  
 22 requirements of section 56.33 shall prevail over this  
 23 paragraph."

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Brammer of Linn, for the afternoon session, on request of Svoboda of Tama; Corey of Louisa, until his return, on request of Royer of Page; Swearingen of Keokuk, until his return, on request of Stromer of Hancock.

Halvorson of Webster offered the following amendment H—3629, to amendment H—3567, filed by him and moved its adoption:

H—3629

- 1 Amend amendment, H—3567, to House File 377 as
- 2 follows:
- 3 1. Page 1, line 50, by inserting after the word
- 4 "would" the words "or would not".
- 5 2. Page 2, lines 3 and 4, by striking the words
- 6 "that determination" and inserting the following:
- 7 "the determination that a candidate is benefited".
- 8 3. Page 2, lines 4 and 5, by striking the words
- 9 "reverse the disavowal and".

Amendment H—3629 was adopted.

Van Maanen of Mahaska rose on a point of order and invoked Joint Rule 17, requiring a fiscal note, on House File 377 and amendment H—3629.

The Speaker ruled the point not well taken and a fiscal note not required.

Maulsby of Calhoun offered the following amendment H—3655, to amendment H—3567, filed by him from the floor and moved its adoption:

H—3655

- 1 Amend amendment H—3567 to House File 377 as
- 2 follows:

- 3 1. Page 1, line 18, by adding after the word  
4 "person" the word ", union".

A non-record roll call was requested.

The ayes were 32, nays 52.

Amendment H—3655 lost.

Halvorson of Webster moved the adoption of amendment H—3567,  
as amended.

A non-record roll call was requested.

The ayes were 50, nays 36.

Amendment H—3567, as amended, was adopted.

Van Camp of Scott offered amendment H—3269 filed by him and  
requested division as follows:

H—3269

- 1 Amend House File 377 as follows:

H—3269A

- 2 1. Page 1, line 9, by striking the word "except"  
3 and inserting the word "including".

H—3269B

- 4 2. Page 7, by inserting after line 14 the  
5 following:  
6 "Sec. 3. NEW SECTION. 56.35 POLITICAL ACTION  
7 COMMITTEE LIMITS.  
8 The limits on total political action committee  
9 contributions provided by section 56.33, subsection 3,  
10 apply to all candidate's committees for eligible  
11 offices regardless of whether a restricted campaign  
12 has been filed for or is in effect. Violations of  
13 this section are subject to the criminal penalty of  
14 section 56.16."

Van Camp of Scott moved the adoption of amendment H—3269A.

A non-record roll call was requested.

The ayes were 31, nays 40.

Amendment H—3269A lost.

Hanson of Delaware asked and received unanimous consent to defer action on amendment H—3607.

Hanson of Delaware offered the following amendment H—3605 filed by him and Carpenter of Polk and moved its adoption:

H—3605

- 1 Amend House File 377 as follows:
- 2 1. Page 4, by inserting after line 9 the
- 3 following:
- 4 "6. A candidate for the house of representatives
- 5 or the senate in a restricted campaign shall not
- 6 accept a contribution from a candidate's committee of
- 7 a representative, senator, or candidate for the
- 8 general assembly who is not in a restricted campaign."

Roll call was requested by Hanson of Delaware and Tyrrell of Iowa.

On the question "Shall amendment H—3605 be adopted?"  
(H.F. 377)

The ayes were, 44:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Daggett
De Groot	Diemer	Eddie	Garman
Gruhn	Halvorson, R. A.	Hammond	Hanson, D. R.
Harbor	Hermann	Hester	Holveck
Hummel	Kremer	Lageschulte	Maulsby
McKean	Metcalf	Miller	Mullins
Osterberg	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Royer
Schnekloth	Shoning	Siegrist	Stromer
Stueland	Tyrrell	Van Camp	Van Maanen

The nays were, 52:

Adams	Arnould	Beatty	Bisignano
Blanshan	Buhr	Chapman	Cohoon
Connolly	Cooper	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Halvorson, R. N.	Hansen, S. D.	Harper	Hatch
Haverland	Jay	Jochum	Johnson
Knapp	Koenigs	Lundby	May
McKinney	Muhlbauer	Neuhauser	Norrgard
Ollie	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker (Connors)

Absent or not voting, 4:

Avenson

Brammer

Corey

Swearingen

Amendment H—3605 lost.

Halvorson of Webster offered the following amendment H—3585 filed by him:

H—3585

1 Amend House File 377 as follows:

2 1. Page 4, line 22, by striking the words

3 "divided equally among them" and inserting the

4 following: "divided proportionately among the

5 candidates based upon the amount of contributions the

6 candidate has raised which qualify to match for a

7 grant under subsection 8 as shown by the first

8 disclosure report filed after the restricted campaign

9 begins".

10 2. Page 5, line 8, by inserting after the word

11 "in" the word "noncash".

12 3. Page 5, by inserting after line 13 the

13 following:

14 "In order to be eligible for a grant a candidate

15 shall have raised at least the following amounts in

16 grant qualifying contributions during the restricted

17 campaign: for governor, ten thousand dollars; for

18 other statewide offices, two thousand five hundred

19 dollars; for state senator, nine hundred dollars; and

20 for state representative, four hundred fifty dollars."

21 4. Page 5, by inserting after line 23 the

22 following:

23 "10. A candidate in a restricted campaign shall

24 not raise more than the following amounts of

25 unitemized cash contributions as reported under

26 section 56.6, subsection 3, paragraphs "c" and "f":

27 for governor, ten thousand dollars; for other

28 statewide offices, two thousand five hundred dollars;

29 for state senator, nine hundred dollars; and for state

30 representative, four hundred fifty dollars."

31 5. Page 8, by inserting after line 2 the

32 following:

33 "Sec. 4. Section 56.2, subsection 4, paragraph b,

34 Code 1987, is amended by adding the following new

35 paragraph:

36 NEW PARAGRAPH. "Contribution" does not include

37 articles, interviews, or editorials in broadcasts or

38 in newspapers, regularly scheduled newsletters, or

39 other publications which are regularly distributed to

40 subscribers or membership lists which are not

41 advertisements."

Halvorson of Webster offered the following amendment H—3628, to amendment H—3585, filed by him and moved its adoption:

H—3628

- 1 Amend the amendment, H—3585, to House File 377 as
- 2 follows:
- 3 1. Page 1, line 14, by inserting after the word
- 4 "grant" the words "under subsection 6 or this
- 5 subsection".
- 6 2. Page 1, line 16, by striking the words "grant
- 7 qualifying contributions" and inserting the words
- 8 "contributions which qualify to match for a grant".

Amendment H—3628 was adopted.

Wise of Lee offered the following amendment H—3653, to amendment H—3585, filed by him and Dvorsky of Johnson from the floor and moved its adoption:

H—3653

- 1 Amend amendment, H—3585, to House File 377 as
- 2 follows:
- 3 1. Page 1, line 17, by striking the word "ten"
- 4 and inserting the word "twenty".
- 5 2. Page 1, line 18, by striking the word "two"
- 6 and inserting the word "five".
- 7 3. Page 1, line 19, by striking the words "nine
- 8 hundred" and inserting the words "two thousand".
- 9 4. Page 1, line 20, by striking the words "four
- 10 hundred fifty" and inserting the words "one thousand
- 11 five hundred".

Amendment H—3653 was adopted.

Tyrrell of Iowa asked and received unanimous consent to defer action on amendment H—3585, as amended.

Renaud of Polk in the chair at 4:10 p.m.

### LEAVE OF ABSENCE

Leave of absence was granted as follows:

Kremer of Buchanan, for the remainder of the day, on request of Diemer of Black Hawk.

Connors of Polk in the chair at 4:15 p.m.

Tyrrell of Iowa offered the following amendment H—3511 filed by him and moved its adoption:

H—3511

1 Amend House File 377 as follows:

2 1. Page 5, by inserting after line 6 the  
3 following:

4 "Notwithstanding subsection 3, a candidate for the  
5 general assembly in a restricted campaign may be  
6 reimbursed for travel within the district at the rate  
7 established by section 18.117 for actual travel by the  
8 candidate's committee and the amounts expended for  
9 such reimbursement shall not be credited against the  
10 total expenditure or total contribution limits of  
11 subsection 3."

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 54, nays 40.

Amendment H—3511 was adopted.

Halvorson of Webster asked and received unanimous consent to withdraw amendment H—3526 filed by him on March 31, 1987.

Halvorson of Webster offered the following amendment H—3565 filed by him and moved its adoption:

H—3565

1 Amend House File 377 as follows:

2 1. Page 5, by inserting after line 6 the  
3 following:

4 "8. a. This subsection and section 56.13 govern  
5 receipt of in kind contributions during a restricted  
6 campaign and the applicability of the limitations of  
7 subsection 3 to those contributions.

8 b. The following activities by political parties  
9 and nonparty political organizations shall not be  
10 considered an in kind contribution to a candidate for  
11 the purposes of this chapter:

12 (1) Voter registration efforts and voter turnout  
13 efforts.

14 (2) Fundraising activities by the political party  
15 or nonparty political organization for itself.

16 (3) Activities incidental to a political party or  
17 nonparty political organization convention.

18 c. The following in kind contributions provided by  
19 state and county statutory political committees is  
20 subject to the limitations of subsection 3 to the  
21 extent the in kind contribution to a candidate in a  
22 restricted campaign exceeds the following amounts:

23 (1) For assistance to a gubernatorial candidate by

24 a state statutory political committee, five thousand  
25 dollars.

26 (2) For assistance to a statewide office other  
27 than governor by a state statutory political  
28 committee, one thousand dollars.

29 (3) For assistance to a legislative candidate by a  
30 state statutory political committee, one thousand  
31 dollars.

32 (4) For assistance to any candidate by a county  
33 statutory political committee, one hundred dollars.  
34 d. The commission shall adopt rules defining which  
35 services and assistances shall be considered in kind  
36 contributions consistent with this chapter. If a  
37 political committee engages in a fundraising activity  
38 for a candidate in a restricted campaign soliciting  
39 contributors to make a contribution to the candidate,  
40 the expenses of that solicitation shall be an in kind  
41 contribution to that candidate. The commission shall  
42 adopt rules governing the attribution of contributions  
43 to candidates of advertising which promotes the  
44 election or defeat of more than one candidate."

A non-record roll call was requested.

The ayes were 51, nays 17.

Amendment H—3565 was adopted.

Halvorson of Webster offered the following amendment H—3512  
filed by him and moved its adoption:

H—3512

1 Amend House File 377 as follows:

2 1. Page 7, by inserting after line 5 the  
3 following:

4 "13. Each January the commission shall by rule  
5 adjust the contribution and spending limits of this  
6 section and any allowances or exemptions to them in  
7 the same manner as provided for adjustment by the  
8 annual inflation factor by the department of revenue  
9 and finance under section 422.4, subsection 17,  
10 however, paragraph "d" shall not apply. This  
11 adjustment shall not be subject to requirements of  
12 chapter 17A for the adoption of a rule."

Amendment H—3512 lost.

The House resumed consideration of amendment H—3269B, to  
page 7 of the bill.

Van Camp of Scott moved the adoption of amendment H—3269B.

Roll call was requested by Stromer of Hancock and Renken of Grundy.

On the question "Shall amendment H—3269B be adopted?"  
(H.F. 377)

The ayes were, 45:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Fogarty
Garman	Halvorson, R. A.	Hanson, D. R.	Harbor
Haverland	Hermann	Hester	Hummel
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Muhlbauer	Mullins
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Running	Schneklath
Sherzan	Shoning	Siegrist	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

The nays were, 50:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Buhr	Chapman
Cohoon	Connolly	Cooper	Doderer
Dvorsky	Fey	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Schrader	Shoultz
Skow	Spear	Swartz	Tabor
Wise	Mr. Speaker (Connors)		

Absent or not voting, 5:

Avenson	Brammer	Kremer	Svoboda
Teaford			

Amendment H—3269B lost.

Wise of Lee offered the following amendment H—3595 filed by him and moved its adoption:

H—3595

- 1 Amend House File 377 as follows:
- 2 1. Page 8, by inserting after line 2 the
- 3 following:

4 "Sec. 4. Section 56.2, subsection 6, Code 1987, is  
 5 amended to read as follows:  
 6 6. "Political committee" means a committee, but  
 7 not a candidate's committee, which accepts  
 8 contributions, makes expenditures, or incurs  
 9 indebtedness in the aggregate of more than two hundred  
 10 fifty dollars in any one calendar year for the purpose  
 11 of supporting or opposing a candidate for public  
 12 office or ballot issue, or an association, lodge,  
 13 society, cooperative, union, fraternity, sorority,  
 14 educational institution, civic organization, labor  
 15 organization, religious organization, or professional  
 16 organization which makes contributions in the  
 17 aggregate of more than two hundred fifty dollars in  
 18 any one calendar year for the purpose of supporting or  
 19 opposing a candidate for public office or a ballot  
 20 issue. "Political committee" also includes a  
 21 committee which accepts contributions, makes  
 22 expenditures, or incurs indebtedness in the aggregate  
 23 of more than two hundred fifty dollars in a calendar  
 24 year to cause the publication or broadcasting of  
 25 material in which the public policy positions or  
 26 voting record of an identifiable candidate is  
 27 discussed and in which a reasonable person could find  
 28 commentary favorable or unfavorable to those public  
 29 policy positions or voting record."  
 30 2. By renumbering as necessary.

Amendment H-3595 was adopted.

Hanson of Delaware offered the following amendment H-3607, previously deferred, filed by him and Carpenter of Polk and moved its adoption:

H-3607

1 Amend House File 377 as follows:  
 2 1. Page 1, line 11, by inserting after the  
 3 figure "44." the following: " "Political action  
 4 committee" also includes a candidate's committee when  
 5 it contributes to a candidate's committee of a  
 6 candidate in a restricted campaign."

Amendment H-3607 was adopted.

The House resumed consideration of amendment H-3585, (to page 4) as amended, previously deferred.

Tyrrell of Iowa offered the following amendment H-3658, to amendment H-3585, filed by him from the floor:

H—3658

- 1 Amend amendment, H—3585, to House File 377 as
- 2 follows:
- 3 1. Page 1, line 23, by inserting after the word
- 4 "shall" the following: "pay a fee of one hundred
- 5 dollars to the commission to help defray the cost of a
- 6 restricted campaign, and shall".

Tyrrell of Iowa asked and received unanimous consent to suspend the rules for consideration of amendment H—3661, to amendment H—3658, to amendment H—3585, filed by him from the floor as follows:

H—3661

- 1 Amend amendment, H—3658, to House File 377 as
- 2 follows:
- 3 1. Page 1, line 5, by inserting after the word
- 4 "commission" the words ", which shall not be
- 5 credited against the contribution or expenditure
- 6 limits of subsection 3,".

On motion by Tyrrell of Iowa, amendment H—3661 was adopted.

On motion by Tyrrell of Iowa, amendment H—3658, as amended, lost.

On motion by Halvorson of Webster, amendment H—3585, as amended, was adopted.

Bennett of Ida rose on a point of order and invoked Rule 32 to refer House File 377 to the committee on ways and means.

The Speaker ruled the point well taken.

Arnould of Scott moved to suspend Rule 32 to consider House File 377.

A non-record roll call was requested.

The ayes were 53, nays 39.

The motion prevailed and Rule 32 was suspended.

Halvorson of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

Rule 75 was invoked.

On the question "Shall the bill pass?" (H.F. 377)

The ayes were, 60:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Lageschulte	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Peterson, M. K.	Poney	Rosenberg
Running	Schrader	Sherzan	Shoultz
Skow	Svoboda	Swartz	Tabor
Teaford	Van Camp	Wise	Mr. Speaker (Connors)

The nays were, 36:

Beaman	Bennett	Branstad	Corbett
Corey	Daggett	De Groot	Eddie
Garman	Halvorson, R. A.	Harbor	Hermann
Hester	Hummel	Koenigs	Lundby
Maulsby	Miller	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Plasier
Platt	Renaud	Renken	Royer
Schnekloth	Shoning	Siegrist	Spear
Stromer	Swearingen	Tyrrell	Van Maanen

Absent or not voting, 4:

Avenson	Brammer	Kremer	Stueland
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGES (House Files 377 and 433)

Arnould of Scott asked and received unanimous consent that House Files 377 and 433 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 6, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 288, a bill for an act to provide for publication of state salary lists, job titles, and expenses paid to state employees.

Also: That the Senate has on April 6, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 312, a bill for an act requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices.

Also: That the Senate has on April 6, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 432, a bill for an act relating to the creation of an Iowa small business guaranty fund.

JOHN F. DWYER, Secretary

### EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on April 6, 1987. Had I been present, I would have voted "aye" on House File 433.

HERMANN of Scott

I was necessarily absent from the House chamber on April 2 and 3, 1987. Had I been present, I would have voted "aye" on House Files 540, 609, 631 and 646; "nay" on House File 650.

NEUHAUSER of Johnson

I was necessarily absent from the House chamber on Friday afternoon, April 3, 1987. Had I been present, I would have voted "aye" on House Files 609 and 650, and "nay" on House File 649.

ROYER of Page

### RESOLUTION 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 resolution has been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Secretary of State for her approval on this 6th day of April, 1987: House Joint Resolution 14.

JOSEPH O'HERN

Chief Clerk of the House

Report adopted.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Thirty eighth grade students from Alden High School, Alden, accompanied by Janet Ziesman. By Fuller of Hardin.

Twelve eighth grade students from Sacred Heart School, Boone, accompanied by Marilyn O'Brien and Betty Waterbury.

Also: Thirty-one fifth grade students from Slater Elementary School, Slater, accompanied by Kathy Hennick. By Garman of Story.

### CERTIFICATES OF RECOGNITION

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

- |         |                       |  |
|---------|-----------------------|--|
| 1987-20 | Ann Muller, Humboldt  | – Participated in the statewide essay contest for Women's History Month. |
| 1987-21 | Karyn Entler, Rutland | – Participated in the statewide essay contest for Women's History Month. |

**JOSEPH O'HERN**  
Chief Clerk of the House

### AMENDMENTS FILED

H-3651	H.F.	39	Spear of Lee
H-3652	H.F.	39	Spear of Lee
H-3654	H.F.	619	Svoboda of Tama
H-3656	H.F.	642	Hammond of Story Van Camp of Scott
H-3657	H.F.	39	Spear of Lee
H-3659	H.F.	39	Bisignano of Polk
H-3660	H.F.	665	Chapman of Linn
H-3662	S.F.	276	Harper of Black Hawk

On motion by Arnould of Scott, the House adjourned at 6:11 p.m., until 9:00 a.m., Tuesday, April 7, 1987.

# JOURNAL OF THE HOUSE

Eighty-sixth Calendar Day — Fifty-eighth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 7, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Delwyn Stromer, state representative from Hancock County.

The Journal of Monday, April 6, 1987 was approved.

## INTRODUCTION OF BILL

**House File 667**, by Swartz, Connolly, Fuller, Harper, Norrgard, Sherzan, Neuhauser, Running, Gruhn, Peters, Adams, Svoboda, Shoultz, Connors, Fey, Hatch, Fogarty, Hansen of Woodbury, Groninga, Bisignano, Hammond, Black, Haverland, Teaford, Brammer, Beatty, Blanshan, Dvorsky, Halvorson of Webster, Ollie, Holveck, Cooper, Jay, Renaud and Koenigs, a bill for an act relating to family development assistance by providing service coordination grants, providing for family development teams, and making appropriations.

Read first time and referred to committee on **appropriations**.

## SENATE MESSAGES CONSIDERED.

**Senate File 288**, by Holden, a bill for an act to provide for publication of state salary lists, job titles, and expenses paid to state employees.

Read first time and referred to committee on **state government**.

**Senate File 312**, by committee on transportation, a bill for an act requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices.

Read first time and referred to committee on **transportation**.

**Senate File 392**, by Miller of Des. Moines, a bill for an act relating to the practice of chiropractic by providing for the issuance of limited licenses for students and recent graduates participating in a preceptor program.

Read first time and referred to committee on **state government**.

**Senate File 432**, by Palmer, and Rife, a bill for an act relating to the creation of an Iowa small business guaranty fund.

Read first time and referred to committee on **small business and commerce**.

**Senate File 452**, by committee on local government, a bill for an act to cancel all personal property taxes not collected by July 1, 1988, including the removal of tax liens against personal property.

Read first time and referred to committee on **ways and means**.

**Senate File 464**, by committee on commerce, a bill for an act relating to the regulation of health clubs and providing penalties.

Read first time and referred to committee on **small business and commerce**.

**Senate File 470**, by committee on judiciary, a bill for an act relating to corporate takeovers.

Read first time and referred to committee on **small business and commerce**.

**Senate File 471**, by committee on judiciary, a bill for an act relating to indemnification and limitation on liability of directors and officers and to liability of persons who volunteer services to the state or a municipality or a nonprofit organization.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 479**, by committee on environment and energy utilities, a bill for an act relating to the use and application of pesticides and making penalties applicable.

Read first time and referred to committee on **energy and environmental protection**.

**Senate File 486**, by committee on state government, a bill for an act relating to engineering services by providing for the educational and experience requirements for registered professional engineers and registered land surveyors and allowing boards of supervisors to contract for engineering services.

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 April 6, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 399, a bill for an act establishing a motorcycle rider education fund, increasing fees for certain operator's licenses, crediting moneys to the fund, and appropriating moneys from the fund to the department of education to reimburse sponsors of motorcycle rider education courses for the costs of the courses.

Also: That the Senate has on April 6, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 423, a bill for an act relating to the subcontractor's right to file a mechanic's lien against the property for which labor is performed or material is furnished.

JOHN F. DWYER, Secretary

### HOUSE FILE 460 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 460 be deferred and that the bill retain its place on the calendar.

### SPECIAL PRESENTATION

Connors of Polk presented to the House the following visitors from our sister city Naucalpan, Mexico: Dr. Rene Martinez Souvervil, Mrs. Lourdes de Martinez, Mr. Claudio Botella, Mrs. Maria de Botella, Mrs. Maria Luisa Gorienchea, Mr. Aniseto Pena, Mr. Jose Prado Jara, David Ruiz, Mr. Mario Rodriguez Placencia, Mr. Cesar Garcia Lara, and Mr. Nicolas Newman.

The House rose and expressed its welcome.

### CONSIDERATION OF BILLS Regular Calendar

**House File 601**, a bill for an act relating to organ and tissue identification and transplantation, by creating a commission to develop a state plan for human organ and tissue transplants and requiring certain criteria in the state plan including organ and tissue procurement, registration and distribution, recipient selection criteria, transplant center eligibility, informed consent, confidentiality, and costs, requiring a certificate of need for certain transplant services, specifying a protocol for organ and tissue identification in hospitals, specifying duties of the Iowa department of public health and the department of human services, and the collection of information regarding organ and tissue transplants, with report of committee recommending amendment and passage was taken up for consideration.

Mullins of Kossuth offered the following amendment H—3484 filed by the committee on appropriations and moved its adoption:

H—3484

- 1 Amend House File 601 as follows:
- 2 1. Page 2, line 6, by inserting after the word
- 3 "from" the following: "separate, nonaffiliated".
- 4 2. Page 6, line 9, by inserting after the word
- 5 "prohibit" the following: "state payment for".
- 6 3. Page 6, line 11, by inserting after the word
- 7 "prohibit" the following: "state payment for".
- 8 4. Page 7, by inserting after line 35, the
- 9 following:
- 10 "\_\_\_\_\_. Sanctions imposed in subsection 6 shall not
- 11 be imposed for a violation of subsection 4, paragraph
- 12 "a"."

The committee amendment H—3484 was adopted.

Teaford of Black Hawk offered amendment H—3645 filed by her and Mullins of Kossuth and requested division as follows:

H—3645

- 1 Amend House File 601 as follows:

H—3645A

- 2 1. Page 1, by striking line 16, and inserting the
- 3 following:
- 4 "1. The state of Iowa shall regulate".

H—3645B

- 5 2. Page 1, line 25, by inserting after the word
- 6 "components." the following: "The state shall provide
- 7 medical reimbursement only after adoption of and
- 8 approval of the state plan by the administrative rules
- 9 review committee."

H—3645A

- 10 3. Page 2, line 15, by inserting after the word
- 11 "health." the following: "Members of the commission
- 12 shall serve four-year terms, beginning and ending as
- 13 provided in section 69.19. Vacancies shall be filled
- 14 by the appropriate agency or organization for the
- 15 balance of the unexpired term."
- 16 4. Page 5, line 24, by inserting after the word
- 17 "tissue" the following: "to each center designated in
- 18 paragraph "e" ".
- 19 5. Page 5, line 30, by striking the word "three"
- 20 and inserting the following: "ten".

H—3645A

21 6. Page 6, line 7, by inserting after the words  
22 "The criteria" the following: "for selection of  
23 patients under Title XIX".  
24 7. Page 8, by inserting after line 15, the  
25 following:  
26 "Sec. \_\_\_\_\_. Notwithstanding section 142B.1, the  
27 members appointed to the commission shall determine  
28 initial terms of service by drawing lots, so that one-  
29 half of the members serve two-year terms and one-half  
30 serve four-year terms.  
31 Notwithstanding section 142B.1, the two members of  
32 the commission submitted by the Iowa hospital  
33 association shall be representatives from two separate  
34 and nonaffiliated hospitals which have performed  
35 transplants in the hospitals prior to July 1, 1987.  
36 Those members shall serve until the state plan,  
37 including designation of transplant centers, is  
38 adopted."

On motion by Teaford of Black Hawk, amendment H—3645A was adopted.

Teaford of Black Hawk asked and received unanimous consent to withdraw amendment H—3645B.

Spear of Lee offered the following amendment H—3274 filed by him and moved its adoption:

H—3274

1 Amend House File 601 as follows:  
2 1. Page 1, line 35, by striking the words  
3 "consist of five members, one" and inserting the  
4 following: "include one member".

Amendment H—3274 was adopted.

Spear of Lee offered the following amendment H—3255 filed by him and moved its adoption:

H—3255

1 Amend House File 601 as follows:  
2 1. Page 2, line 26, by striking the word  
3 "conceivable".  
4 2. Page 3, line 7, by striking the word  
5 "conceivable".  
6 3. Page 3, line 16, by striking the word  
7 "conceivable".  
8 4. Page 3, line 27, by striking the word  
9 "conceivable".  
10 5. Page 4, line 3, by striking the word  
11 "conceivable".

Amendment H—3255 was adopted.

Spear of Lee offered the following amendment H—3372 filed by him and moved its adoption:

H—3372

- 1 Amend House File 601 as follows:
- 2 1. Page 4, line 28, by striking the words
- 3 "facilitation between" and inserting the following:
- 4 "coordination among".

Amendment H—3372 was adopted.

Hermann of Scott offered the following amendment H—3262 filed by him and moved its adoption:

H—3262

- 1 Amend House File 601 as follows:
- 2 1. Page 6, line 9, by inserting after the word
- 3 "services." the following: "The state plan shall be
- 4 restricted to transplant operations in which the
- 5 attending surgeons have agreed that the patient is a
- 6 reasonable risk for operation and in which there is a
- 7 reasonable expectation that the patient's quality of
- 8 life will be improved as a result of the transplant."

Amendment H—3262 was adopted.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 601)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Daggett
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett

Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schrader	Sherzan
Shöning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 8:

Corey	De Groot	Hummel	Kremer
Maulsby	Renken	Schnekloth	Van Maanen

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 (House File 601)

Arnould of Scott asked and received unanimous consent that House File 601 be immediately messaged to the Senate.

**House File 619**, a bill for an act relating to foreclosure and redemption of real property, by removing certain restrictions on redemption in certain cases, providing a cause of action against the receiver in certain cases, permitting the use of independent appraisers to determine the value of the homestead, providing for the designation of a farmstead right of a former owner to repurchase or lease a farmstead, providing dates of applicability, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Parker of Jasper offered the following amendment H—3459 filed by the committee on small business and commerce:

H—3459

- 1 Amend House File 619 as follows:
- 2 1. Page 1, line 17, by inserting after the word
- 3 "fees." the following: "The receiver shall deliver
- 4 notice to the owner or person in actual possession, or
- 5 the attorney of the owner or person in actual
- 6 possession of an offer made to the receiver, the terms
- 7 of the offer, and the name and address of the person
- 8 making the offer. The delivery shall be made
- 9 personally with receipt returned or by certified or
- 10 registered mail, with the proper postage on the
- 11 envelope, addressed to the owner or person in actual
- 12 possession or the attorney of the owner or person in
- 13 actual possession. An offer shall be deemed to have

14 been refused if the owner or person in actual  
15 possession or the attorney of the owner or person in  
16 actual possession does not respond within ten days  
17 following the date that the notice is mailed."

18 2. Page 1, line 30, by striking the word  
19 "FARMSTEAD".

20 3. Page 2, line 30, by striking the word  
21 "farmstead" and inserting the word "homestead".

22 4. Page 2, line 34, by striking the word  
23 "farmstead" and inserting the word "homestead".

24 5. Page 3, line 3, by striking the word  
25 "farmstead" and inserting the word "homestead".

26 6. Page 3, by striking lines 5 through 8 and  
27 inserting the following:

28 "c. The homestead means any homestead which meets  
29 the qualifications of chapter 561 for inclusion under  
30 the coverage of the provisions of that chapter,  
31 provided that it is not located within a city plat."

32 7. Page 3, by striking lines 9 and 10 and  
33 inserting the following:

34 "d. A former owner may designate only one  
35 homestead, and the homestead designation shall not be  
36 changed after filing."

37 8. Page 3, line 12, by striking the word  
38 "farmstead" and inserting the word "homestead".

39 9. Page 3, line 25, by striking the word  
40 "farmstead" and inserting the word "homestead".

41 10. Page 3, line 26, by striking the word  
42 "farmstead" and inserting the word "homestead".

43 11. Page 3, line 29, by striking the word  
44 "farmstead" and inserting the word "homestead".

45 12. Page 3, line 31, by striking the word  
46 "farmstead" and inserting the word "homestead".

47 13. Page 3, line 33, by striking the word  
48 "farmstead" and inserting the word "homestead".

49 14. Page 4, line 4, by striking the word  
50 "farmstead" and inserting the word "homestead".

## Page 2

1 15. Page 4, line 13, by striking the word  
2 "farmstead" and inserting the word "homestead".

3 16. Page 4, line 14, by striking the words  
4 "farmstead within ninety" and inserting the following:  
5 "homestead within forty-five".

6 17. Page 4, line 17, by striking the word  
7 "farmstead" and inserting the word "homestead".

8 18. Page 4, line 18, by inserting after the word  
9 "lapses" the following: ", unless the titleholder is  
10 unavailable or refuses to accept timely payment".

11 19. Page 4, line 19, by striking the word  
12 "farmstead" and inserting the word "homestead".

- 13 20. Page 4, lines 25 and 26, by striking the  
14 words "in an escrow account any" and inserting the  
15 following: "at least five percent of the purchase  
16 price offered in an escrow account as".
- 17 21. Page 4, line 28, by striking the word  
18 "ninety" and inserting the word "forty-five".
- 19 22. Page 5, line 5, by striking the word  
20 "farmstead" and inserting the word "homestead".
- 21 23. Page 5, line 9, by striking the word  
22 "farmstead" and inserting the word "homestead".
- 23 24. Page 5, line 13, by striking the word  
24 "farmstead" and inserting the word "homestead".
- 25 25. Page 5, line 20, by striking the word  
26 "farmstead" and inserting the word "homestead".
- 27 26. Page 5, line 27, by striking the word  
28 "farmstead" and inserting the word "homestead".
- 29 27. Page 5, line 29, by striking the word  
30 "farmstead" and inserting the word "homestead".
- 31 28. Page 5, line 32, by striking the word  
32 "farmstead" and inserting the word "homestead".
- 33 29. Page 5, line 33, by inserting after the word  
34 "lapses" the following: ", unless the titleholder is  
35 unavailable or refuses to accept timely payment".
- 36 30. Page 5, line 35, by striking the word  
37 "farmstead" and inserting the word "homestead".
- 38 31. Page 6, line 1, by striking the word  
39 "farmstead" and inserting the word "homestead".
- 40 32. Page 6, by striking lines 9 through 12 and  
41 inserting the following:  
42 "5. An interest enforced against a homestead by a  
43 foreclosure sale is not enforceable against the  
44 homestead after the homestead has been repurchased or  
45 leased from a titleholder pursuant to this section."
- 46 33. Page 6, line 14, by striking the word  
47 "farmstead" and inserting the word "homestead".
- 48 34. Page 6, line 18, by striking the word  
49 "farmstead" and inserting the word "homestead".
- 50 35. Page 6, line 32, by striking the word

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- 1 "farmstead" and inserting the word "homestead".
- 2 36. Page 7, by inserting before line 1 the  
3 following:  
4 "9. Upon written agreement, title to the homestead  
5 may be conveyed to the former owner by the titleholder  
6 if the former owner waives rights under this section,  
7 section 524.910, or chapter 628, to repurchase, lease,  
8 or redeem agricultural land held by the titleholder.  
9 A titleholder who executes an agreement under this  
10 subsection shall be deemed to waive any right to a  
11 deficiency judgment or general execution premised upon

12 the deficiency judgment issued against the former  
13 owner if the agricultural land does not sell for an  
14 amount sufficient to satisfy the execution."

15 37. Page 7, line 2, by striking the word  
16 "farmstead" and inserting the word "homestead".

17 38. Title page, line 6, by striking the word  
18 "farmstead" and inserting the word "homestead".

19 39. Title page, line 7, by striking the word  
20 "farmstead," and inserting the following: "homestead,  
21 providing that a titleholder and former owner may  
22 execute certain agreements,".

23 40. By renumbering as necessary.

Parker of Jasper asked for unanimous consent to table the committee amendment H—3459.

Objection was raised.

Parker of Jasper moved to table the committee amendment H—3459 to House File 619.

A non-record roll call was requested.

The ayes were 28, nays 51.

The motion to table lost.

Svoboda of Tama offered the following amendment H—3612, to the committee amendment H—3459, filed by her and moved its adoption:

H—3612

1 Amend amendment, H—3459, to House File 619, as  
2 follows:

3 1. Page 2, line 15, by striking the word "five"  
4 and inserting the word "ten".

A non-record roll call was requested.

The ayes were 28, nays 12.

Amendment H—3612 was adopted.

On motion by Parker of Jasper, the committee amendment H—3459, as amended, was adopted.

Svoboda of Tama offered amendment H—3606 filed by her and requested division as follows:

H—3606

1 Amend House File 619 as follows:

## H-3606A

- 2 1. Page 4, line 22, by striking the word
- 3 "titleholder" and inserting the following: "owner".
- 4 2. Page 4, line 24, by striking the word
- 5 "titleholder" and inserting the following: "owner".

## H-3606B

- 6 3. Page 4, lines 25 and 26, by striking the words
- 7 "in an escrow account any" and inserting the
- 8 following: "at least ten percent of the purchase
- 9 price offered, in an escrow account as".

## H-3606A

- 10 4. Page 4, line 34, by striking the word "prior"
- 11 and inserting the following: "former".
- 12 5. Page 4, line 34, by striking the word "bank"
- 13 and inserting the following: "titleholder".
- 14 6. Page 5, line 12, by inserting after the word
- 15 "fair" the following: "market".
- 16 7. Page 5, line 27, by inserting after the word
- 17 "fair" the following: "market".
- 18 8. Page 5, line 28, by inserting after the word
- 19 "fair" the following: "market".

The Speaker announced that amendment H-3606B was out of order.

Svoboda of Tama offered the following amendment H-3654, to amendment H-3606A, filed by her:

## H-3654

- 1 Amend the amendment, H-3606, to House File 619, as
- 2 follows:
- 3 1. Page 1, by inserting before line 2 the follow-
- 4 ing:
- 5 "\_\_\_\_\_ Page 1, by inserting before line 1 the
- 6 following:
- 7 "Section 1. LEGISLATIVE FINDINGS.
- 8 The general assembly finds and declares as follows:
- 9 1. The state of Iowa is suffering from a financial
- 10 crisis in agriculture that affects the entire economic
- 11 health of this state.
- 12 2. This financial crisis has grown to include the
- 13 business communities which, together with the
- 14 agricultural producers, form the core of the state's
- 15 economy.
- 16 3. A large number of producers and farm families
- 17 are being forced to leave farming and make a new
- 18 start.

19 4. It is deemed to be in the best interest of the  
20 state to protect the business communities and the  
21 dislocated farm families affected by the financial  
22 crisis in agriculture."

23 \_\_\_\_\_. Page 2, by inserting after line 29 the  
24 following:

25 "g. "Ownership" means holding title to agricul-  
26 tural land."

27 \_\_\_\_\_. Page 4, by striking lines 19 and 20, and  
28 inserting the following:

29 "d. If, at any time within one year after owner-  
30 ship of the farmstead is first acquired by any  
31 titleholder, a titleholder proposes to sell or  
32 otherwise"."

33 2. By renumbering as necessary.

Bennett of Ida rose on a point of order that amendment H-3654 was not germane.

The Speaker ruled the point well taken and amendment H-3654 not germane to amendment H-3606A.

On motion by Svoboda of Tama, amendment H-3606A was adopted.

Peterson of Carroll offered the following amendment H-3619 filed by Connors, et al.:

H-3619

1 Amend House File 619 as follows:

2 1. Page 7, by inserting after line 6, the  
3 following:

4 "Sec. 100. NEW SECTION. 654.17A RIGHT OF FORMER  
5 OWNER TO REPURCHASE OR LEASE RESIDENTIAL HOMESTEAD.

6 1. As used in this section, unless the context  
7 otherwise requires:

8 a. "Fair monthly market rental value" means the  
9 monthly rental value of a residential homestead  
10 determined by a court, which may consult an  
11 independent real estate appraiser or use the average  
12 monthly rent paid for similar residential homesteads  
13 in the community.

14 b. "Fair market value" means the value of a  
15 residential homestead determined by a court which may  
16 consult an independent real estate appraiser, or use  
17 the average purchase price paid for similar  
18 residential homesteads in the community.

19 c. "Foreclosure sale" means a special execution  
20 sale of a residential homestead enforcing a mortgage,  
21 deed of trust, or contract for deed entered into  
22 before the effective date of this section.

- 23 d. "Former owner" means a person who owned a  
24 residential homestead immediately prior to a  
25 foreclosure sale of that residential homestead.
- 26 e. "Residential homestead" means a single or two-  
27 family unit dwelling that was the residence of the  
28 former owner immediately prior to the foreclosure sale  
29 of the dwelling.
- 30 f. "Titleholder" means any of the following:
- 31 (1) A person acquiring ownership of a residential  
32 homestead through or by means of a foreclosure sale  
33 held on or after the effective date of this section.
- 34 (2) A person who acquired ownership of a  
35 residential homestead through or by means of a  
36 foreclosure sale held before the effective date of  
37 this section if the person owned that residential  
38 homestead on the effective date of this section, or  
39 became the owner of that residential homestead after  
40 the effective date of this section, provided that  
41 person also was the holder of an interest enforced by  
42 the foreclosure sale.
- 43 (3) A person, other than a former owner, acquiring  
44 ownership of a residential homestead from a person  
45 described in subparagraph (1) or (2).
- 46 2. A former owner may designate a residential  
47 homestead in accordance with the following procedure:
- 48 a. In the case of a foreclosure sale of a  
49 residential homestead held on or after the effective  
50 date of this section, the former owner shall file a

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- 1 designation of the residential homestead with the  
2 court in advance of the foreclosure sale.
- 3 b. In the case of a foreclosure sale of a  
4 residential homestead held before the effective date  
5 of this section, the former owner shall file a  
6 designation of the residential homestead with the  
7 court within ninety days of the effective date of this  
8 section.
- 9 c. The residential homestead may include up to  
10 one-half acre of land, must be as compact as  
11 practicable, and must include a homestead designated  
12 pursuant to chapter 561 or section 654.16.
- 13 d. A former owner may designate only one  
14 residential homestead and the residential homestead  
15 designation shall not be changed after filing.
- 16 e. At any time within thirty days of a former  
17 owner's designation of a residential homestead  
18 pursuant to either paragraph "a" or paragraph "b", any  
19 person who is the holder of an interest enforced by  
20 the foreclosure sale may petition the court for a  
21 determination that the former owner presently is

22 financially able to honor the obligations enforced by  
23 the foreclosure sale without causing undue hardship to  
24 the former owner or the former owner's dependents, and  
25 that the primary motive for the former owner's  
26 previous failure to honor such obligations was a  
27 desire to use the repurchase or lease rights afforded  
28 by this section to circumvent the necessity for full  
29 payment of such obligations. If the person filing  
30 such a petition establishes such financial ability and  
31 primary motive, the former owner shall have no rights  
32 to repurchase or lease the residential homestead from  
33 the titleholder pursuant to this section.

34 3. The former owner may repurchase the residential  
35 homestead from a titleholder in accordance with the  
36 following procedure:

37 a. At any time within one year after ownership of  
38 the residential homestead first is acquired by any  
39 titleholder, the former owner may deliver to the  
40 titleholder at that time an offer to repurchase the  
41 residential homestead at a specified price. If the  
42 titleholder does not petition the court for a  
43 determination of the fair market value of the  
44 residential homestead within thirty days after the  
45 titleholder's receipt of a repurchase offer from the  
46 former owner, the titleholder is deemed to have  
47 accepted the former owner's repurchase offer.

48 b. Within thirty days after receipt of a  
49 repurchase offer from the former owner, the  
50 titleholder may petition the court for a determination

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1 of the fair market value of the residential homestead.  
2 The court may consult an independent appraiser before  
3 making the determination.

4 c. If the titleholder accepts or is deemed to have  
5 accepted the former owner's repurchase offer, the  
6 former owner must pay to the titleholder the price  
7 specified in the offer within thirty days of the  
8 titleholder's acceptance or deemed acceptance of the  
9 offer. If the titleholder petitions the court for a  
10 determination of the fair market value of the  
11 residential homestead, the former owner shall pay to  
12 the titleholder the fair market value of the  
13 residential homestead within ninety days of the  
14 court's determination. If the former owner fails to  
15 pay the required amount to the titleholder within the  
16 required time, the former owner's right to repurchase  
17 the residential homestead from the titleholder  
18 pursuant to this section lapses.

19 d. If the titleholder proposes to sell or  
20 otherwise dispose of the residential homestead to a

21 person other than the former owner within one year  
22 following acquisition of the residential homestead by  
23 a titleholder, the titleholder shall first offer the  
24 former owner the opportunity to repurchase the  
25 residential homestead. However, before the offer is  
26 made to the former owner, the person to whom the sale  
27 is proposed or who proposes the sale to the  
28 titleholder shall deposit in an escrow account any  
29 earnest money to be received by the titleholder for  
30 the residential homestead. The former owner has  
31 ninety days or until the end of the one-year period,  
32 whichever occurs first, after being given notice of  
33 the terms of the proposed sale in which to exercise  
34 the right to repurchase the residential homestead by  
35 submitting a binding offer to the titleholder on the  
36 same terms as the proposed sale, with closing to occur  
37 within ninety days after the offer unless otherwise  
38 agreed by the former owner and the titleholder.  
39 Notice of the proposed sale or other disposition or  
40 submission of a binding offer is considered given on  
41 the date the notice or offer is personally served on  
42 the other party or on the date the notice or offer is  
43 mailed to the other party's last known address by  
44 registered or certified mail.

45 4. The former owner may lease the residential  
46 homestead from a titleholder in accordance with the  
47 following procedure:

48 a. At any time within one year after ownership of  
49 the residential homestead first was acquired by the  
50 titleholder the former owner may deliver to the

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1 current titleholder an offer to lease the residential  
2 homestead at a specified monthly rent. The term of  
3 the lease shall begin on the first day of the month  
4 following the month when the offer is delivered and  
5 ending not later than one year after the ownership of  
6 the residential homestead was first acquired by the  
7 titleholder. If the titleholder does not petition the  
8 court for a determination of the fair market monthly  
9 rental value of the residential homestead within  
10 fifteen days after the titleholder's receipt of a  
11 lease offer from the former owner, the titleholder is  
12 deemed to have accepted the former owner's lease  
13 offer.

14 b. Within fifteen days after receipt of a lease  
15 offer from the former owner, the titleholder may  
16 petition the court for a determination of the fair  
17 market monthly rental value of the residential  
18 homestead. The court may consult an independent real  
19 estate appraiser before making the determination.

20 c. If the titleholder accepts or is deemed to have  
21 accepted the former owner's lease offer, the former  
22 owner shall pay to the titleholder the monthly rent  
23 specified in the offer on or before the first day of  
24 each month during the term of the lease. If the  
25 titleholder petitions the court for a determination of  
26 the fair market monthly rental value of the  
27 residential homestead, the former owner shall pay to  
28 the titleholder the fair market monthly rental value  
29 of the residential homestead on or before the first  
30 day of each month during the term of the lease. If  
31 the former owner fails to pay the required amount to  
32 the titleholder at the required time, on two or more  
33 occasions, the former owner's right to lease the  
34 residential homestead from the titleholder pursuant to  
35 this section lapses.

36 5. An interest enforced against a residential  
37 homestead by a foreclosure sale is not enforceable  
38 against the residential homestead after the  
39 residential homestead has been repurchased or leased  
40 from a titleholder pursuant to this section.

41 6. A former owner's right to repurchase or lease a  
42 residential homestead from a titleholder is not  
43 assignable by the former owner to any person other  
44 than a person who is the former owner's spouse or  
45 child.

46 7. A former owner's right to repurchase or lease a  
47 residential homestead from a titleholder shall not be  
48 waived by the former owner unless the right is  
49 expressly waived by the former owner in a writing  
50 containing the full text of this section executed

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1 after the residential homestead has been sold at a  
2 foreclosure sale, or unless the right is expressly  
3 waived by the former owner in a writing containing the  
4 full text of this section executed in connection with  
5 an agreement to extend the debtor's redemption period  
6 pursuant to section 628.26A.

7 8. After the effective date of this section, a  
8 transfer of a residential homestead accomplished  
9 through use of the alternative nonjudicial voluntary  
10 foreclosure procedure authorized by section 654.18,  
11 the deed in lieu of foreclosure procedure authorized  
12 by section 654.19, or any nonstatutory deed in lieu of  
13 foreclosure procedure is not valid unless the former  
14 owner's right to repurchase or lease a residential  
15 homestead from a titleholder is expressly waived by  
16 the former owner in a writing containing the full text  
17 of this section, and executed simultaneously with the  
18 use of the procedure.

19 9. The former owner's right to repurchase or lease  
20 a residential homestead from a titleholder is in  
21 addition to all other rights otherwise available to a  
22 former owner of a residential homestead and neither  
23 the existence of this section nor any use of it by a  
24 former owner in any way alters, abridges, modifies, or  
25 otherwise affects the availability of these rights."

26 2. Page 7, by inserting after line 15, the  
27 following:

28 "Sec. 9. Section 100 of this Act does not apply to  
29 a foreclosure sale of a residential homestead held on  
30 or after October 1, 1993."

31 3. Title page, line 5, by inserting after the  
32 word "homestead," the following: "providing for the  
33 designation of a residential homestead right of a  
34 former owner to repurchase or lease a residential  
35 homestead,".

36 4. By renumbering as necessary.

Running of Linn in the chair at 10:47 a.m.

Connors of Polk offered the following amendment H-3631, to  
amendment H-3619, filed by him and moved its adoption:

H-3631

1 Amend the amendment, H-3619, to House File 619 as  
2 follows:

3 1. Page 5, line 25, by striking the word "there"  
4 and inserting the following: "their".

Amendment H-3631 was adopted.

On motion by Peterson of Carroll, amendment H-3619, as  
amended, was adopted.

Koenigs of Mitchell called up for consideration the motion, filed  
from the floor, to reconsider amendment H-3619, as amended, and  
moved to reconsider the vote by which amendment H-3619, as  
amended, was adopted by the House on April 7, 1987.

A non-record roll call was requested.

The ayes were 12, nays 55.

The motion to reconsider lost.

Speaker Avenson in the chair at 11:44 a.m.

Svoboda of Tama moved that the bill be read a last time now and  
placed upon its passage which motion prevailed and the bill was read  
a last time.

On the question "Shall the bill pass?" (H.F. 619)

The ayes were, 54:

Adams	Arnould	Bisignano	Black
Brammer	Branstad	Chapman	Cohoon
Connolly	Connors	Cooper	Corey
Doderer	Fey	Fogarty	Fuller
Gruhn	Hammond	Harper	Hatch
Haverland	Hermann	Holveck	Jochum
Johnson	Knapp	Koenigs	May
McKean	McKinney	Muhlbauer	Norrgard
Ollie	Osterberg	Pavich	Peters
Petersen, D. F.	Peterson, M. K.	Platt	Poncy
Renaud	Rosenberg	Running	Schnekloth
Schrader	Sherzan	Skow	Spear
Stueland	Svoboda	Swearingen	Tyrrell
Van Camp	Mr. Speaker		

The nays were, 45:

Beaman	Beatty	Bennett	Blanshan
Buhr	Carpenter	Clark	Corbett
Daggett	De Groot	Diemer	Dvorsky
Eddie	Garman	Groninga	Halvorson, R. A.
Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.	Harbor
Hester	Hummel	Jay	Kremer
Lageschulte	Lundby	Maulsby	Metcalf
Miller	Mullins	Neuhauser	Parker
Paulin	Pellett	Plasier	Renken
Royer	Shoning	Shoultz	Siegrist
Stromer	Swartz	Tabor	Teaford
Van Maanen			

Absent or not voting, 1:

Wise

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**REREFERRED TO COMMITTEE ON APPROPRIATIONS**  
(House File 657)

Arnould of Scott asked and received unanimous consent that House File 657, presently on the **regular calendar**, be rereferred to the committee on **appropriations**.

**MOTION TO RECONSIDER LOST**  
(House File 619)

Svoboda of Tama moved to reconsider the vote by which House File 619 passed the House on April 7, 1987.

A non-record roll call was requested.

The ayes were 37, nays 53.

The motion lost placing out of order the motion to reconsider filed by Chapman of Linn from the floor.

**House File 460**, a bill for an act relating to the contract provisions for certain certificated employees of certain institutions governed by the state board of regents, with report of committee recommending passage was taken up for consideration.

Siegrist 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. 460)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Chapman	Clark
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poney	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromper
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 2:

Carpenter            Diemer

Absent or not voting, 3:

Brammer            Muhlbauer            Pellett

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

## HOUSE FILES 561 AND 468 DEFERRED

Arnould of Scott asked and received unanimous consent that House Files 561 and 468 be deferred and that the bills retain their place on the calendar.

**House File 638**, a bill for an act exempting gas public utilities having less than two thousand customers from certain regulation authority of the utilities board and defining the areas in which such utilities remain subject to regulation and providing an effective date, was taken up for consideration.

## SENATE FILE 209 SUBSTITUTED FOR HOUSE FILE 638

Adams of Hamilton asked and received unanimous consent to substitute Senate File 209 for House File 638.

**Senate File 209**, a bill for an act exempting gas public utilities having less than two thousand customers from the rate regulation authority of the utilities board and defining the areas in which such utilities remain subject to regulation and providing an effective date, was taken up for consideration.

Adams of Hamilton moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 209)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Clark
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklouth	Schrader
Sherzan	Shoning	Shoultz	Siegrist

Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 2:

Chapman	Hummel
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Absent or not voting, 5:

Brammer	Connors	Osterberg	Platt
Tyrrell			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE MESSAGES CONSIDERED

**Senate File 399**, by Riordan, a bill for an act establishing a motorcycle rider education fund, increasing fees for certain operator's licenses, crediting moneys to the fund, and appropriating moneys from the fund to the department of education to reimburse sponsors of motorcycle rider education courses for the costs of the courses.

Read first time and referred to committee on **transportation**.

**Senate File 423**, by committee on judiciary, a bill for an act relating to the subcontractor's right to file a mechanic's lien against the property for which labor is performed or material is furnished.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 480**, by committee on ethics, a bill for an act relating to things of value given to and received by public employees, officials, members of the general assembly, other persons serving in a public capacity, and candidates, mandating reporting of certain things of value, subjecting violators to penalties, and providing an effective date.

Read first time and referred to committee on **ethics**.

**Senate File 484**, by committee on commerce, a bill for an act relating to health care providers and patients and providing for the creation of an excess liability fund for health care providers, establishing a surcharge to be deposited in the fund, establishing a special surcharge, establishing qualifications for a health care provider or a patient to be protected by the fund, establishing a maximum limitation on the liability of the fund, creation of a compensation review

board, authorization of the fund to procure reinsurance to protect the fund, authorization of the fund to provide primary insurance coverage to health care providers and providing for structured settlements.

Read first time and referred to committee on **judiciary and law enforcement**.

### MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 122, a bill for an act to provide for an exemption from participation in physical education activities for students participating in marching band.

Also: That the Senate has on April 7, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 340, a bill for an act relating to the testing of blood or other bodily specimens of persons committed to an institution under the control of the Iowa department of corrections or a jail under the charge of a sheriff or other person, and providing penalties.

Also: That the Senate has on April 7, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 459, a bill for an act relating to handicapped parking spaces, making penalties applicable and providing an effective date.

Also: That the Senate has on April 7, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 463, a bill for an act relating to the development and implementation by the agricultural development authority of programs to provide economic assistance on behalf of agricultural producers within the state and providing an effective date.

Also: That the Senate has on April 7, 1987, adopted the following concurrent resolution in which the concurrence of the House is asked:

Senate Concurrent Resolution 11, a concurrent resolution to petition the Federal Communications Commission to increase the wattage of KWDM.

JOHN F. DWYER, Secretary

### IMMEDIATE MESSAGE (House File 460)

Arnould of Scott asked and received unanimous consent that House File 460 be immediately messaged to the Senate.

### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on April 6, 1987. Had I been present, I would have voted "nay" on House File 377.

KREMER of Buchanan

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty-two sixth grade students from Decatur Elementary School, Decatur, accompanied by Michelle Griffieon. By Daggett of Adams.

Sixty fifth grade students from Windsor Elementary School, Des Moines. By Holveck of Polk.

Fifty-two fifth grade students from Audubon Junior High School, Audubon, accompanied by Phyllis Madsen. By Peterson of Carroll.

Twenty seniors from Monticello High School, Monticello, accompanied by Tony Amsler. By McKean of Jones.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 25**

Agriculture: Muhlbauer, Chair; Branstad and May.

**Senate File 208**

Transportation: Fogarty, Chair; Fey and Harbor.

**Senate File 257**

Agriculture: Gruhn, Chair; Cooper and Kremer.

**Senate File 338**

Energy and Environmental Protection: Norrgard, Chair; McKean and Svoboda.

**Senate File 371**

Transportation: Koenigs, Chair; Pellett and Renaud.

**Senate File 384**

Transportation: Fey, Chair; Neuhauser and Platt.

**Senate File 392**

State Government: Beatty, Chair; Garman and Peterson of Carroll.

**Senate File 396**

Energy and Environmental Protection: Rosenberg, Chair; Adams, Harper, Hatch, Mullins, Petersen of Muscatine and Van Camp.

**Senate File 397**

Energy and Environmental Protection: Hatch, Chair; Adams, Garman, Norrgard, Petersen of Muscatine, Shoultz and Van Camp.

**Senate File 443**

Energy and Environmental Protection: Schrader, Chair; Fuller and Garman.

**Senate File 474**

Agriculture: McKinney, Chair; Eddie and Johnson.

**Senate File 477**

State Government: Connors, Chair; Blanshan and Hanson of Delaware.

**Senate File 482**

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton.

**Senate File 486**

State Government: Fuller, Chair; Hammond and Renken.

**Senate File 496**

State Government: Blanshan, Chair; Carpenter, Connors, Hammond and Shoning.

**RESOLUTION FILED**

**HR 10**, by Hammond and Rosenberg, a house resolution honoring the Ames High School academic decathlon team.

Laid over under **Rule 25**.

**SCR 11**, by Gentleman, a concurrent resolution to petition the Federal Communications Commission to increase the wattage of KWDM.

Laid over under **Rule 25**.

**AMENDMENTS FILED**

H—3663	H.F.	366	Hanson of Delaware
H—3664	H.F.	468	Black of Jasper
H—3665	S.F.	219	Plasier of Sioux
			Corbett of Linn
			De Groot of Lyon
			Shoning of Woodbury
			Van Camp of Scott
H—3666	H.F.	650	Doderer of Johnson
			Jay of Appanoose
			Lageschulte of Bremer
			Wise of Lee
H—3667	H.F.	371	Platt of Muscatine
			Cooper of Lucas
			Muhlbauer of Crawford
			Hummel of Benton

On motion by Arnould of Scott, the House adjourned at 12:03 p.m., until 9:00 a.m., Wednesday, April 8, 1987.

# JOURNAL OF THE HOUSE

Eighty-seventh Calendar Day — Fifty-ninth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 8, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Richard Running, state representative from Linn County.

The Journal of Tuesday, April 7, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Sherzan of Polk, until his arrival, on request of Swartz of Marshall; Ollie of Clinton, for the morning session, on request of Haverland of Polk.

## SENATE MESSAGES CONSIDERED

**Senate File 122**, by Horn, a bill for an act to provide for an exemption from participation in physical education activities for students participating in marching band.

Read first time and referred to committee on **education**.

**Senate File 340**, by Fraise, a bill for an act relating to the testing of blood or other bodily specimens of persons committed to an institution under the control of the Iowa department of corrections or a jail under the charge of a sheriff or other person, and providing penalties.

Read first time and referred to committee on **judiciary and law enforcement**.

**Senate File 463**, by committee on agriculture, a bill for an act relating to the development and implementation by the agricultural development authority of programs to provide economic assistance on behalf of agricultural producers within the state and providing an effective date.

Read first time and referred to committee on **agriculture**.

## MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on April 7, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 153, a bill for an act relating to the state's conforming its income, franchise, and death taxes with the new federal tax provisions by updating references to the Internal Revenue Code, rewriting the state minimum taxes to conform with the federal alternative minimum taxes, rewriting the state generation skipping transfer tax to conform with the federal provisions, striking obsolete and repealed items, clarifying the taxation of regulated investment company dividends and shares, extending the statute of limitations for certain refund claims, providing for waiver of penalty for underpayment of estimated tax, and providing effective dates.

Also: That the Senate has on April 7, 1987, passed the following bill in which the concurrence of the House is asked:

Senate File 481, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing for refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates.

JOHN F. DWYER, Secretary

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 8

Plasier of Sioux offered the following House Memorial Resolution and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 8

*Whereas*, The Honorable Francis Thomas (Frank) McGill of Sioux County, Iowa, who was a member of the Forty-sixth and Forty-sixth Extra General Assemblies, passed away December 22, 1986;  
*Now Therefore*,

*Be It Resolved by the House of Representatives*, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.

The motion prevailed and the Speaker appointed as such committee Plasier of Sioux, Miller of Cherokee and De Groot of Lyon.

### ADOPTION OF HOUSE MEMORIAL RESOLUTION 9

Corbett of Linn offered the following House Memorial Resolution and moved its adoption:

#### HOUSE MEMORIAL RESOLUTION 9

*Whereas*, The Honorable Nathan F. Sorg of Linn County, Iowa, who was a member of the Sixty-second, Sixty-third, and Sixty-fourth General Assemblies, passed away May 11, 1985; *Now Therefore*,

*Be It Resolved by the House of Representatives, That a committee of three be appointed by the Speaker of the House to prepare suitable resolutions commemorating his life, character and service to the state.*

The motion prevailed and the Speaker appointed as such committee Corbett of Linn, Lundby of Linn and Running of Linn.

### HOUSE FILE 468 DEFERRED

Arnould of Scott asked and received unanimous consent that House File 468 be deferred and that the bill retain its place on the calendar.

### CONSIDERATION OF BILLS Regular Calendar

**House File 659**, a bill for an act relating to soil conservation districts, by changing the name to soil and water conservation districts, was taken up for consideration.

### SENATE FILE 382 SUBSTITUTED FOR HOUSE FILE 659

Johnson of Winneshiek asked and received unanimous consent to substitute Senate File 382 for House File 659.

**Senate File 382**, a bill for an act relating to soil conservation districts, by changing the name to soil and water conservation districts, was taken up for consideration.

Johnson of Winneshiek moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 382)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cphoon	Connolly
Connors	Cooper	Corbett	Corey
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groning	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf

Miller	Mullins	Neuhauser	Norrgard
Osterberg	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Daggett	Hatch	Muhlbauer	Ollie
Parker	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### HOUSE FILE 659 WITHDRAWN

Johnson of Winneshiek asked and received unanimous consent to withdraw House File 659 from further consideration by the House.

### Ways and Means Calendar

**House File 666**, a bill for an act to provide that a homestead tax credit claim need not be refiled when the homestead is transferred to one of the spouses pursuant to a dissolution of marriage, was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 666)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby

Maulsby	May	McKean	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrgard	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklloth	Schrader	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Holveck	Muhlbauer	Ollie	Parker
Sherzan			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE AMENDMENT CONSIDERED House Refused to Concur

Renaud of Polk called up for consideration **Senate File 298**, a bill for an act relating to the sale of alcoholic beverages, by allowing the alcoholic beverages division to assess a split-case charge when alcoholic liquor is sold in quantities which require a case to be split, by lowering the maximum markup on liquor sold by the division to class "E" licensees from sixty to fifty percent, by setting the bond for a class "E" license at a maximum of fifteen thousand dollars, by not requiring a bond from class "E" licensees who purchase alcoholic liquor from the division on a cash basis or by means that ensures that the division will receive full payment in advance of delivery, by providing for the issuance of a class "E" liquor control license to a city council in certain circumstances, by further restricting the issuance of a class "E" license to premises on or near which gasoline is sold, by allowing the division to deposit all the license fees collected from class "E" licensees in the beer and liquor control fund, by allowing the advertisement of alcoholic liquor for sale, by repealing the fifty percent goods and services test to qualify for Sunday sales of alcoholic beverages or beer under a liquor control license or class "B" beer permit, by providing that a corporation only placing alcoholic liquor in bailment with the division is not doing business in Iowa for the purpose of determining its tax liability and making the provision retroactive, by requiring class "E" licensees to collect and refund the beverage container deposit on containers of alcoholic liquor, by striking a standing

appropriation for the treatment of alcoholics, by allowing the division to sell liquor inventories in state stores to class "E" licensees at reduced prices as state stores are closed, and by allowing the division to continue sales of wine to class "A" and "B" wine permittees until inventories are depleted, and providing an effective date, amended by the House, further amended by the Senate and moved that the House concur in the following Senate amendment H-3569 to the House amendment:

H-3569

- 1 Amend the House amendment, S-3255 to Senate File
- 2 298 as amended, passed and reprinted by the Senate as
- 3 follows:
- 4 1. By striking page 1, line 3, through page 2,
- 5 line 7.
- 6 2. By striking page 2, line 38 through page 3,
- 7 line 21.
- 8 3. Page 3, by striking line 32 and inserting the
- 9 following:
- 10 "\_\_\_\_\_. Page 5, line 13, by inserting after the
- 11 word "may" the word "not"."
- 12 4. Page 4, by striking line 9 and inserting the
- 13 following:
- 14 "\_\_\_\_\_. Page 6, line 15, by inserting after the
- 15 figure "1986" the following: ", and is repealed
- 16 effective January 1, 1989"."
- 17 5. Page 4, by striking lines 19 through 31.
- 18 6. By renumbering as necessary.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 44, nays 53.

The motion lost and the House refused to concur in the Senate amendment H-3569, to the House amendment.

The House stood at ease at 9:53 a.m., until the fall of the gavel.

The House resumed session at 10:36 a.m., Speaker Avenson in the chair.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 21

Pavich of Pottawattamie called up for consideration House Concurrent Resolution 21, relating to railroad crossing safety for school children, and moved its adoption.

The motion prevailed and the resolution was adopted.

**ADOPTION OF THE CONFERENCE COMMITTEE REPORT**

Jochum of Dubuque called up for consideration the report of the conference committee on House File 355 as follows:

**REPORT OF THE CONFERENCE COMMITTEE  
ON HOUSE FILE 355**

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 House File 355, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1986 and ending June 30, 1987 and providing an effective date, respectfully make the following report:

1. That the Senate recede from its amendment, H-3179, to House File 355, as passed by the House.

2. That House File 355, as passed by the House, is amended as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the department of human services, the following amounts, or so much thereof as is necessary, to supplement prior appropriations:

	<u>1986-1987</u> <u>Fiscal Year</u>
1. For aid to families with dependent children to be used for the same purposes and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 303, subsection 1 . . . . .	\$ 900,000
2. For medical assistance to be used for the same purposes and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 303, subsection 2, paragraph "e" . . . . .	\$ 8,000,000
3. For medical contracts to be used for the same purpose and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 303, subsection 3 . . . . .	\$ 214,600
4. For state supplementary assistance to be used for the same purpose and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 303, subsection 5 . . . . .	\$ 730,000
5. For home-based services to be used for the same purpose and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 303, subsection 7 . . . . .	\$ 52,116

6. For foster care to be used for the same purpose and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 303, subsection 8 .....	\$	3,208,193
7. For county-based juvenile justice to be used for the same purpose and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 303, subsection 10 .....	\$	900,000
8. For supplementation of federal social services block grant and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 308 .....	\$	392,437

Sec. 2. The department of human services shall not implement any mandatory coverage system for Title XIX recipients for enrollment in health maintenance organizations. The department shall work to develop policies and guidelines to implement on a pilot basis a special case management program for Title XIX enrollees, after reviewing programs in place in other states. The department, in consultation with the legislative fiscal bureau and under monitoring by the fiscal committee of the legislative council, shall develop a methodology to evaluate and compare the effectiveness of the provision of Title XIX services through case management and through health maintenance organizations, in terms of both cost and health outcomes. The evaluation shall continue for at least eighteen months subsequent to the implementation of the programs.

Sec. 3. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the department of human services, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For a work incentive program .....	\$	400,000
2. For food stamp employment and training program .....	\$	100,000

Sec. 4. 1986 Iowa Acts, chapter 1246, section 1, subsection 4, unnumbered paragraph 1, is amended to read as follows:

For establishment and maintenance of an ambassador's program .....	\$	1,000,000
		500,000

Of the funds appropriated by this subsection, the department of economic development shall spend one hundred thousand (100,000) dollars for the special marketing project to develop a marketing and promotion plan for the Quad Cities area in cooperation with the state of Illinois.

Sec. 5. 1986 Iowa Acts, chapter 1246, section 1, subsection 6, unnumbered paragraph 1, is amended to read as follows:

For establishment and maintenance of an export finance program .....	\$	1,000,000
		500,000

Sec. 6. 1986 Iowa Acts, chapter 1249, section 4, subsection 9, is amended to read as follows:

9. For a solar ethanol and corn starch project to be administered by the center for industrial research and service .....

	\$	150,000
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Sec. 7. 1986 Iowa Acts, chapter 1246, section 103, subsection 8, is amended to read as follows:

8. For the old territorial capitol in Port of Burlington building in Burlington for restoration renovation .....

	\$	22,000
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Sec. 8. 1986 Iowa Acts, chapter 1246, section 303, subsection 9, is amended to read as follows:

9. For community-based programs .....

	\$	2,883,000
		<u>2,698,500</u>

Sec. 9. 1986 Iowa Acts, chapter 1246, section 303, subsection 9, paragraph h, is amended to read as follows:

h. Of the funds appropriated by this subsection, one million one nine hundred fifteen thousand five hundred (1,100,000) (915,500) dollars, or so much thereof as is necessary, is allocated for protective day care.

Sec. 10. 1986 Iowa Acts, chapter 1246, section 501, subsection 3, is amended to read as follows:

**3. INDEMNITY FUND AND ESCROW.**

From the general fund of the state as an advance for administration of the indemnity fund and escrow provision created by the 1986 Iowa Acts, Senate File 2116, for not more than five full-time equivalent positions .....

	\$	100,000
--	----	---------

It is a condition of the funds appropriated by this subsection that the general fund be reimbursed from the interest accruing to the indemnity fund, no later than June 30, 1987, for the advance made by this subsection. Notwithstanding 1986 Iowa Acts, Senate File 2116, section 33, only interest accruing to the indemnity fund may be used for administration costs of the indemnity fund. In addition, interest accruing to the indemnity fund may be used for the expenses of administration of the escrow provision, subject to the approval of the Iowa grain indemnity fund board, notwithstanding 1986 Iowa Acts, Senate File 2116, section 33.

The general assembly authorizes the transfer of funds appropriated under this section by the department of management to the department of justice to fund farm mediation services.

Sec. 11. 1986 Iowa Acts, chapter 1246, section 713, is amended to read as follows:

SEC. 713. 1985 Iowa Acts, chapter 254, section 1, subsection 1, paragraph b, is amended to read as follows:

b. For the fiscal year beginning July 1, 1986 .....

	\$	44,000,000
		<u>40,500,000</u>

Sec. 12. Notwithstanding the 1986 Iowa Acts, chapter 1246, section 111, subsection 7, there is appropriated from the moneys appropriated to the obstetrical patient care

fund to the department of public health for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the following amounts to be used as follows:

1. Three hundred thousand (300,000) dollars, or so much thereof as is necessary, for statewide expansion of the maternal health and child health centers.

2. Seventy-seven thousand five hundred sixty (77,560) dollars, or so much thereof as is necessary, to complete the regional centers necessary to provide for statewide coverage of developmental educationally related programs of the mobile and regional child health specialty clinics of the child health care services program.

3. Notwithstanding section 8.33, the funds appropriated under subsections 1 and 2 of this section which remain unobligated and unencumbered for the fiscal year beginning July 1, 1986 and ending June 30, 1987, shall remain available to the Iowa department of public health for the purposes specified in the fiscal year beginning July 1, 1987 and ending June 30, 1988.

Sec. 13. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to the state board of regents the sum of sixty-five thousand (65,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 110, subsection 3, paragraph "c", subparagraph (2).

Sec. 14. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to the judicial department, the sum of one hundred fifty thousand (150,000) dollars, or so much thereof as is necessary, to be credited to the fund established pursuant to section 602.1302, subsection 4, to be spent for jury and witness fees.

Sec. 15. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to the department of natural resources the sum of twenty thousand (20,000) dollars, or so much thereof as is necessary, to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 505 to fund the costs of a pilot project for toxic waste cleanup days.

Sec. 16. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to the department of general services the sum of four million (4,000,000) dollars, or so much thereof as is necessary, of which seven hundred fifty thousand (750,000) dollars shall be allocated to the historical division of the department of cultural affairs to equip the new historical building with the remainder to be used for capitol complex construction and renovation.

Notwithstanding section 8.33, funds appropriated by this section which are unexpended or unencumbered shall carry forward to the 1987-1988 fiscal year for the same purpose as originally appropriated.

Sec. 17. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987, to the department of agriculture and land stewardship, the following amounts, or so much thereof as is necessary, to be used for the following purposes:

	1986-1987 Fiscal Year	
1. Startup funding for the Iowa grain quality program .....	\$	125,000
2. Startup funding of a regenerative, sustainable, biological and/or education and demonstration project .....	\$	75,000

Notwithstanding section 8.33, the funds which remain unobligated or unencumbered for the purposes provided in this section for the fiscal year beginning July 1, 1986 and ending June 30, 1987 shall remain available for expenditure by the department of agriculture and land stewardship for the purposes specified in the fiscal year beginning July 1, 1987 and ending June 30, 1988.

Sec. 18. There is appropriated from the general fund of the state to the Iowa agricultural development authority for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the amount of five million (5,000,000) dollars, or so much thereof as is necessary, to be used for providing assistance to Iowa farmers under and through the agricultural loan assistance programs. Not more than one hundred fifty thousand (150,000) dollars, or so much thereof as is necessary, shall be used for general administration, including salaries, support, maintenance, and miscellaneous purposes.

Not more than one-half of the funds appropriated shall be committed for grants pursuant to agreements under section 175.35 entered into on or after April 1, 1987 but before October 1, 1987. Notwithstanding section 8.33, moneys appropriated by this section which are committed for grants pursuant to agreements under section 175.35 entered into on or after April 1, 1987 but before October 1, 1987, shall not revert to the general fund of the state.

Not more than one-half of the funds appropriated shall be committed for assistance, training, and management programs for agricultural producers under the program established in House File 626, enacted by the Seventy-second General Assembly, 1987 Session. Notwithstanding section 8.33, the moneys appropriated for assistance, training, and management programs for agricultural producers under this section which are committed pursuant to agreements under House File 626 and entered into between April 1, 1987 and June 30, 1989 shall not revert to the general fund of the state.

If House File 626 does not become law, the moneys allocated for that program under this section shall be used for grants pursuant to agreements under section 175.35.

Sec. 19. There is appropriated from the general fund of the state to the historical division of the department of cultural affairs for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the amount of one hundred thirty thousand (130,000) dollars, or so much thereof as is necessary, to cover the expenses of moving the division's Des Moines collection into the new historical building or to be used to duplicate the Iowa City genealogical records and transferring the duplicates to Des Moines.

Notwithstanding section 8.33, the funds appropriated under this section which remain unobligated or unencumbered for the fiscal year beginning July 1, 1986 and ending June 30, 1987, shall remain available to the historical division of the department of cultural affairs for the purposes specified in the fiscal year beginning July 1, 1987 and ending June 30, 1988.

#### Sec. 20.

1. During the fiscal period beginning July 1, 1986 and ending June 30, 1990, upon the request of the public broadcasting division of the department of cultural affairs, the executive council shall sell the property and building located at 2801 Bell Avenue in Des Moines, Iowa, and used by the Iowa department of public broadcasting. For the fiscal period beginning July 1, 1986 and ending June 30, 1990, the proceeds from the sale of the property and building are appropriated to the public broadcasting division of the department of cultural affairs to pay a portion of the costs of construction of a new building for the public broadcasting division of the department of cultural affairs. However, the executive council may direct that the building and property located at 2801 Bell Avenue in Des Moines, Iowa, be used for another state purpose. The execu-

tive council shall determine by independent appraisal the fair market value of the building and property and, in that case, an appropriation equal to appraised value of the building and property may be considered by the general assembly to pay a portion of the costs of construction of a new building for the public broadcasting division of the department of cultural affairs.

2. During the fiscal period beginning July 1, 1986 and ending June 30, 1990, if the property and building are not sold or proceeds from the sale of the property have not been received at the time the public broadcasting division requires money to exercise the purchase option on its new building located at 6450 Corporate Drive, Johnston, Iowa, there is appropriated from the general fund of the state to the public broadcasting division of the department of cultural affairs, for the fiscal period beginning July 1, 1986 and ending June 30, 1990, the sum of five hundred thousand (500,000) dollars, or as much thereof as is necessary, to be used to purchase the new building. Notwithstanding section 8.33, moneys appropriated in this subsection shall revert on June 30, 1990.

3. If funds appropriated under subsection 1 are expended for the purpose provided in subsection 1, subsection 2 is void.

Sec. 21. There is appropriated from the general fund of the state to the state board of regents for the fiscal year beginning July 1, 1986 and ending June 30, 1987, the sum of four hundred thousand (400,000) dollars, or so much thereof as is necessary, to be used by Iowa State University of science and technology for the college of veterinary medicine. Notwithstanding section 8.33, the funds which remain unobligated or unencumbered for the purposes provided in this section for the fiscal year beginning July 1, 1986 and ending June 30, 1987 shall remain available for expenditure for the purposes specified in this section during the fiscal year beginning July 1, 1987 and ending June 30, 1988.

Sec. 22. There is appropriated from the general fund of the state for the fiscal year beginning July 1, 1986 and ending June 30, 1987 to the department of justice the sum of fifty thousand (50,000) dollars, or so much thereof as is necessary, to be used for the same purposes and to supplement funds appropriated by 1986 Iowa Acts, chapter 1246, section 414.

Sec. 23. Notwithstanding section 8.55, the moneys in the Iowa economic emergency fund on the effective date of this Act are transferred to the general fund of the state. Funds transferred to the general fund of the state shall be used to defray expenses incurred for the fiscal year beginning July 1, 1986 and ending June 30, 1987.

Sec. 24. The state transportation commission may authorize the temporary transfer of funds between the department's share of the RISE fund under section 315.4 to the primary road fund in an amount not to exceed twenty-five million dollars. Transferred funds shall be repaid within ninety days to the fund from which they came upon receipt of federal highway trust fund reimbursements and not later than July 1, 1988. However, the commission shall not authorize the transfer of any RISE funds already allocated for expenditure on a specific RISE project prior to July 1, 1988.

Sec. 25.

1. The state transportation commission may issue anticipatory certificates in an amount not to exceed fifty million dollars prior to July 1, 1987. If by July 1, 1987, the state has not received the full allotment of the appropriate federal highway trust funds, the state transportation commission may issue additional anticipatory certificates. However, the commission shall not issue more than one hundred fifty million dollars

in anticipatory certificates. The certificates shall be retired at the time or times determined by the commission but not later than July 1, 1988.

2. The certificates shall be authorized by a resolution adopted by the commission which shall specify:

a. The primary road funds, specifying the year or years, from which the certificates are payable.

b. The amount of certificates authorized.

c. The denomination, and place of payment, which may be at any bank within or without the state, of each certificate.

d. The rate of interest which each certificate shall bear which shall not exceed that permitted by chapter 74A, and the date or dates interest is payable.

e. The authorization for the chairperson of the commission and the treasurer of state to sign and countersign the certificates.

3. Each certificate shall specify on its face the following information:

a. The annual accruing primary road funds, naming the year from which the certificate is payable.

b. The date the certificate is payable.

c. That the certificate is payable solely from accruing primary road funds.

4. The state transportation commission is authorized to pledge all or any portion of the primary road fund toward the payment of the certificates and amounts in the primary road fund are appropriated, to the extent necessary, for payment of principal and interest on the certificates. The certificates shall be payable solely from the primary road fund and under no circumstance shall any certificate be or become or be construed to constitute a debt of or a charge against the state within the purview of any constitutional or statutory limitation or provision.

5. Each of the certificates shall be executed by the manual or facsimile signature of the chairperson of the commission and the treasurer of state.

6. Interest on the certificates shall be exempt from state income taxation.

7. The treasurer of state shall be responsible for the sale of the certificates. In lieu of selling the certificates, the treasurer of state may apply the certificates at face value plus interest in payment of any warrants duly authorized and issued for primary road work.

8. The treasurer of state, or the treasurer's designee, shall, if appropriate, enter on a record the name and address of all persons to whom the certificates are issued, with a particular designation of the certificate delivered to each person.

9. Any subsequent holder of a certificate may present the certificate to the treasurer of state, or the treasurer's designee, who shall enter the subsequent holder's name and address in place of the name and address of the previous holder.

Sec. 26. The department of general services shall not purchase any equipment which requires an expenditure in excess of one hundred thousand (100,000) dollars during the remainder of the fiscal year beginning July 1, 1986 and ending June 30, 1987, unless the equipment purchase was approved in the department's budget for the fiscal year by the general assembly. The limitations imposed upon the department of general services under this section shall also apply to any state agency or department which purchases equipment through the department of general services. The limitations imposed under this section shall also apply to lease-purchase agreements. The limitations imposed by this section shall apply to the department of general services and any state agency or department for the fiscal year beginning July 1, 1987 and ending June 30, 1988.

Sec. 27. Section 8.23, Code 1987, is amended by adding the following new unnumbered paragraph:

**NEW UNNUMBERED PARAGRAPH.** On or before September 1, 1987, and each succeeding year, all agencies and departments of government shall transmit to the director and the director of the legislative fiscal bureau, as part of their recommendations for appropriations for administration, operations and maintenance, each item or expenditure, actual or estimated, planned equipment purchases in excess of one hundred thousand dollars during the fiscal year, and the costs of lease-purchase agreements for equipment which exceed one hundred thousand dollars in the fiscal year. Each lease-purchase agreement or proposed purchase of equipment shall be listed as a separate item in the proposed budget.

Sec. 28. Section 99E.31, subsection 5, paragraph f, Code 1987, is amended to read as follows:

f. To the Iowa state university of science and technology the sum of two hundred fifty thousand dollars for allocation to the center for industrial research and service for a hazardous waste research program and a solar energy conversion program an ethanol and corn starch project. Of the amount allocated under this paragraph, the sum of fifty thousand dollars shall be used for a solar energy conversion program an ethanol and corn starch project. The hazardous waste research program shall be created within the civil engineering department. This research program shall concentrate its efforts in the cleanup of industrial hazardous waste in the state with special emphasis upon new waste disposal techniques and applications. The center for industrial research and service shall administer the research funds and report to the general assembly on the program's progress and result.

Sec. 29. Section 99E.32, subsection 2, Code 1987, is amended by adding the following new lettered paragraph:

**NEW LETTERED PARAGRAPH. h.** For the fiscal year beginning on July 1, 1986 the department shall establish a pilot program entitled the new business opportunity program to provide financial and technical assistance to emerging businesses and industries that expand and diversify the state's economic base. Assistance may be in any form authorized under the community economic betterment account and the department may allocate up to one million dollars of the account's funds for the pilot program.

Sec. 30. Section 252B.13, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

**252B.13 COLLECTION SERVICES CENTER.**

1. The department shall establish within the unit a collection services center for the receipt and disbursement of all support payments as defined in section 598.1. For purposes of this section, child support payments do not include attorney fees or court costs. The judicial department and the department of human services shall cooperate in the establishment of the center which will receive and disburse support payments.

2. The collection services center shall have no more than twenty-eight full-time equivalent positions. The department shall not transfer on a temporary or permanent basis any other personnel of the department to the center. The limitation on full-time equivalent positions does not apply to temporary conversion staff necessary to convert current records of the clerks of court into the center's data base. No temporary conversion staff are authorized on or after April 1, 1988.

3. The center shall establish a procedure to file and record complaints against the operation of the clearinghouse system. The center shall keep a record of all complaints received and the complaints shall be retained by the center. Upon request for the complaints, the center shall provide the complaints received, tallied and in the aggregate as a public record.

4. The center shall develop a system to provide certified child support arrearages through telephone communications, without costs, from the center to the clerks of the district court and the clerks of the district court are authorized to receive this information. The center shall also retain written documentation of these records to permit access to the records in those situations where the electronic data base is inoperable. All requests for information shall receive a response within a two-hour period of time during the regular business hours of the center.

5. The state of Iowa, subject to chapter 25A, shall be financially responsible for errors made by the center in providing information to any person when that person acts on the basis of the information provided by the center.

6. The center shall submit a report relating to the time required between the time the payment is received and the time the funds are distributed to the recipient to the fiscal committee of the legislative council on August 1, 1987, November 1, 1987, January 1, 1988, and January 1 of each succeeding year.

Sec. 31. Section 252B.14, Code 1987, is amended by striking the section and inserting in lieu thereof the following:

**252B.14 SUPPORT PAYMENTS — CLERK OF COURT — COLLECTION SERVICES CENTER.**

Sections 252B.13 through 252B.17 apply to all initial or modified orders for support entered under this chapter, chapters 234, 252A, 252C, 598, and 675 of the Code. For purposes of this section, child support payments do not include attorney fees or court costs. All orders or judgments for support entered on or before March 31, 1987, shall direct the payment of such sums to the clerk of the district court for the use of the person for whom the payments have been awarded. All orders or judgments for support entered on or after April 1, 1987 shall direct the payment of such sums to the collection services center established pursuant to section 252B.13. Payments to persons other than the clerk of the district court and the collections services center do not satisfy the support obligations created by such orders or judgments, except as provided for trusts in sections 252D.1, 598.22, 598.23 or for tax refunds or rebates in section 602.8102, subsection 47.

Sec. 32. This Act, being deemed of immediate importance, takes effect upon its enactment."

2. Amend the title, lines 1 and 2, by striking the words "supplemental appropriations for the fiscal year beginning July 1, 1986 and ending June 30, 1987" and inserting the following: "appropriations for state agencies, by providing supplemental appropriations for the fiscal year beginning July 1, 1986 and ending June 30, 1987, by providing highway funding through loans and anticipatory certificates, by specifying responsibility of the collection services center relating to collection and disbursement of child support payments and information, by appropriating and reallocating funds for state agencies, by providing for limitations on certain expenditures."

**ON THE PART OF THE HOUSE:**

THOMAS J. JOCHUM, Chair  
ROD HALVORSON  
MICHAEL K. PETERSON

**ON THE PART OF THE SENATE:**

JOE J. WELSH, Chair  
EMIL J. HUSAK  
RICHARD J. VARN

Harbor of Mills rose on a point of order that the conference committee report was not in order pursuant to Joint Rule 13.3, relating to authority by the committee to propose amendments to any portion of a bill provided the amendment is within the scope of the title of the bill as passed by the house of origin or amended by the second house.

The Speaker ruled the point not well taken and the conference committee report in accordance with Joint Rule 13.3.

Jochum of Dubuque moved the adoption of the conference committee report and the amendments contained therein.

A non-record roll call was requested.

The ayes were 57, nays 36.

The motion prevailed and the report was adopted.

Jochum of Dubuque moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 355)

The ayes were, 61:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Corbett	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Hermann
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Lundby	May
McKinney	Neuhauser	Norrgard	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoultz	Siegrist
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 36:

Beaman	Bennett	Branstad	Carpenter
Clark	Corey	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Harbor	Hester	Hummel	Kremer
Lageschulte	Maulsby	McKean	Metcalf
Miller	Mullins	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Renken
Royer	Schnekloth	Shoning	Stromer
Stueland	Swearingen	Tyrrell	Van Maanen

Absent or not voting, 3:

Hanson, D. R.	Muhlbauer	Ollie
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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 MESSAGES**

Arnould of Scott asked and received unanimous consent that the following be immediately messaged to the Senate: House Concurrent Resolution 21, House File 666 and Senate File 382.

Groninga of Cerro Gordo in the chair at 11:47 a.m.

**MOTION TO RECONSIDER LOST**  
(House File 649)

Halvorson of Clayton called up for consideration the motion to reconsider House File 649, filed on April 3, 1987, and moved to reconsider the vote by which House File 649, a bill for an act relating to exemptions from execution and attachment by revising provisions governing the exemption of insurance policies, proceeds, and benefits, cash, and certain other personal property, and providing other properly related matters, passed the House and was placed on its last reading on April 3, 1987.

A non-record roll call was requested.

The ayes were 11, nays 66.

The motion lost, placing out of order the motion to reconsider filed by Brammer of Linn on April 3, 1987.

**MOTION TO RECONSIDER PREVAILED**  
(House File 642)

Hammond of Story called up for consideration the motion to reconsider House File 642, filed on April 3, 1987, and moved to reconsider the vote by which House File 642, a bill for an act relating to immunities of certain students attending nonprofit postsecondary educational institutions, passed the House and was placed on its last reading on April 3, 1987.

A non-record roll call was requested.

The ayes were 69, nays none.

The motion prevailed and the House reconsidered House File 642, placing out of order the motion to reconsider filed by Van Camp of Scott on April 3, 1987.

Hammond of Story offered the following amendment H-3656 filed by her and Van Camp of Scott and moved its adoption:

H-3656

1 Amend House File 642 as follows:

2 1. Page 1, by inserting after line 31 the  
 3 following:  
 4 "Sec.\_\_\_\_\_. Section 139.9, Code 1987, is amended  
 5 by adding the following new subsection:  
 6 NEW SUBSECTION. 9. Persons enrolled as full-time  
 7 students in a nonprofit postsecondary educational  
 8 institution offering a baccalaureate degree or higher  
 9 degree may be exempted from the immunization  
 10 requirements of this section if the institution has a  
 11 philosophical objection to immunizations and the  
 12 institution submits an application to the Iowa  
 13 department of public health for exemption. However,  
 14 this exemption does not apply in times of emergency or  
 15 epidemic situations as determined by the state board  
 16 of health and as declared by the director of public  
 17 health."

A non-record roll call was requested.

The ayes were 54, nays 18.

Amendment H—3656 was adopted.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 642)

The ayes were, 91:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Miller
Mullins	Neuhauser	Norrgard	Osterberg
Parker	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Schneklloth	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Van Camp



## (Amendment H—3569 to Senate File 298)

I move to reconsider the vote by which the House refused to concur in the Senate amendment H—3569 to Senate File 298 on April 8, 1987.

SWARTZ of Marshall

## PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Fifteen ninth grade students from Thompson High School, Thompson. By Branstad of Winnebago.

Twenty-five fifth grade students from Phenix Elementary School, West Des Moines, accompanied by Judy Coldiron. By Carpenter of Polk.

Fifty students from Highland Community School District, Riverside, accompanied by Chris Samuelson. By Corey of Louisa.

Thirty students from Lenox High School, Lenox, accompanied by Karl Peterson and Kevin Johnson. By Daggett of Adams.

Sixty-six senior students from Central Lyon, Rock Rapids, accompanied by Eldon Maxwell and Mr. Roste. By De Groot of Lyon.

4—H members from Henry and Lee Counties, accompanied by Jo Ann Alderton and Mr. and Mrs. Raid. By Spear and Wise of Lee.

## HOUSE STUDY BILL COMMITTEE ASSIGNMENT

**H.S.B. 319 Ways and Means**

Relating to the imposition on July 1, 1987 of a local option sales and services tax and providing effective dates.

## SUBCOMMITTEE ASSIGNMENTS

**Senate File 56**

Local Government: Peters, Chair; Black and Diemer.

**Senate File 154**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**Senate File 198**

Local Government: Bisignano, Chair; Beatty and Petersen of Muscatine.

**Senate File 273**

Human Resources: Teaford, Chair; Clark, Connors, Hammond and Mullins.

**Senate File 376**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**Senate File 399**

Transportation: Jay, Chair; Branstad and Pavich.

**Senate File 423**

Judiciary and Law Enforcement: Tabor, Chair; McKinney and Paulin.

**Senate File 432**

Small Business and Commerce: Skow, Chair; Hansen of Woodbury, Hanson of Delaware, Hatch and Metcalf.

**Senate File 437**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

**Senate File 451**

Local Government: Eddie, Chair; Beatty and Connors.

**Senate File 461**

Small Business and Commerce: Parker, Chair; Hummel, Renken, Sherzan and Skow.

**Senate File 464**

Small Business and Commerce: Chapman, Chair; Holveck, Kremer, McKinney and Metcalf.

**Senate File 470**

Small Business and Commerce: Blanshan, Chair; Renken and Swartz.

**Senate File 471**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**Senate File 479**

Energy and Environmental Protection: Johnson, Chair; May and McKean.

**Senate File 484**

Judiciary and Law Enforcement: Jay, Chair; Brammer and Halvorson of Clayton.

**Senate File 485**

Small Business and Commerce: Groninga, Chair; Brammer, Halvorson of Clayton, Schnekloth and Shoultz.

## COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

JOSEPH O'HERN  
Chief Clerk of the House

## COMMITTEE ON AGRICULTURE

**Senate File 70**, a bill for an act relating to motor vehicle fuel pumps and public scales by revising provisions governing licensing, inspection, calibration, and sealing by the department of agriculture and land stewardship and providing a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3676** April 7, 1987.

**Senate File 177**, a bill for an act relating to the disposal of dead animals.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1987.

## COMMITTEE ON EDUCATION

**Senate File 333**, a bill for an act relating to the use of telecommunications systems and services for educational instructional purposes and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3679** April 7, 1987.

## COMMITTEE ON LOCAL GOVERNMENT

**Senate File 90**, a bill for an act relating to the county responsible for payment of costs for commitment or admission to a state hospital for the mentally ill.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1987.

**Senate File 129**, a bill for an act relating to the sale of unused highway right of way by the county board of supervisors.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1987.

**Senate File 214**, a bill for an act authorizing a city with a population of five thousand or less to reduce council membership to three by referendum.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1987.

## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Senate File 161**, a bill for an act relating to the sentence to be served by a person convicted as an habitual offender of the motor vehicle laws.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1987.

**Senate File 222**, a bill for an act to prohibit the sale or gift of smokeless tobacco to a minor and providing for application of a penalty.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1987.

**Senate File 231**, a bill for an act relating to the date on which a pleading is considered filed.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1987.

**Senate File 341**, a bill for an act relating to the standard of proof required under forfeiture of property law.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1987.

**Senate File 381**, a bill for an act to legalize the payment of a sales tax refund claim to the city of Epworth, Iowa, by the department of revenue and finance.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1987.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Senate File 493**, a bill for an act relating to the creation of a statewide regional network of small business economic development corporations to assist in providing financing for small businesses in the state.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3675** April 7, 1987.

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 55**, a bill for an act to remove the requirement that a gambling license cannot be issued for a period of two years for a location for which a gambling license was revoked, and removing the prohibition against conducting games of skill, games of chance, and raffles on the premises of a liquor control licensee or beer permittee.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3674** April 7, 1987.

**Senate File 130**, a bill for an act to provide that moneys deposited in the barrel tax fund and the gallonage tax fund shall not revert to the state general fund without a specific appropriation, and providing for retroactive applicability of the Act.

Fiscal Note is required.

Recommended **Do Pass** April 7, 1987.

**Senate File 292**, a bill for an act relating to the establishment of a building materials fire toxicity filing system.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1987.

**Senate File 424**, a bill for an act relating to the administration of the campaign finance disclosure laws.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3668** April 7, 1987.

#### COMMITTEE ON TRANSPORTATION

**Senate File 316**, a bill for an act to provide that a leased motor vehicle shall be registered in the county of the lessee's residence.

Fiscal Note is not required.

Recommended **Do Pass** April 7, 1987.

#### AMENDMENTS FILED

H-3668	S.F.	424	Committee on State Government
H-3669	H.F.	590	Schnekloth of Scott
H-3670	S.F.	55	Pavich of Pottawattamie Blanshan of Greene Renken of Grundy Van Camp of Scott Renaud of Polk
H-3671	S.F.	481	Peters of Woodbury
H-3672	H.F.	153	Senate Amendment
H-3673	S.F.	319	Skow of Guthrie Hummel of Benton
H-3674	S.F.	55	Committee on State Government
H-3675	S.F.	493	Committee on Small Business and Commerce
H-3676	S.F.	70	Committee on Agriculture
H-3677	H.F.	39	Spear of Lee
H-3679	S.F.	333	Committee on Education
H-3680	S.F.	311	Halvorson of Webster
H-3681	S.F.	130	Van Camp of Scott
H-3682	S.F.	480	Hermann of Scott

On motion by Arnould of Scott, the House adjourned at 12:16 p.m., until 9:00 a.m., Thursday, April 9, 1987.

# JOURNAL OF THE HOUSE

Eighty-eighth Calendar Day — Sixtieth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Thursday, April 9, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Bob Dvorsky, state representative from Johnson County.

The Journal of Wednesday, April 8, 1987, was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Connors of Polk, for April 9, 10 and 13 and until his arrival on April 14, 1987, on request of Arnould of Scott.

## INTRODUCTION OF BILLS

**House File 668**, by Sherzan, a bill for an act relating to refunds of certain erroneously paid claims for property tax relief for the elderly and disabled and providing an effective date.

Read first time and referred to committee on **ways and means**.

**House File 669**, by Arnould and Stromer, a bill for an act relating to intermediate care facilities for the mentally ill.

Read first time and referred to committee on **human resources**.

## SENATE MESSAGES CONSIDERED

**Senate File 459**, by committee on transportation, a bill for an act relating to handicapped parking spaces, making penalties applicable and providing an effective date.

Read first time and referred to committee on **transportation**.

**Senate File 481**, by committee on ways and means, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing for refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates.

Read first time and referred to committee on **ways and means**.

**CONSIDERATION OF BILLS**  
**Ways and Means Calendar**

**House File 590**, a bill for an act relating to the declaration of value on the transfer of property by certain federal agencies and instrumentalities, was taken up for consideration.

Schneklath of Scott offered the following amendment H—3669 filed by him:

H—3669

- 1 Amend House File 590 as follows:
- 2 1. Page 1, line 8, by inserting after the word
- 3 "recorder." the following: "However, in lieu of a
- 4 declaration of value, the county recorder may file a
- 5 memorandum of sale where the conveyance is not for a
- 6 deed and neither the buyer or seller is a federal
- 7 agency."
- 8 2. Page 2, line 18, by inserting after the word
- 9 "instrumentality," the following: "or those
- 10 conveyances for which the county recorder may file a
- 11 memorandum of sale as provided in section 428A.1."

Skow of Guthrie rose on a point of order that amendment H—3669 was not germane.

The Speaker ruled the point well taken and amendment H—3669 not germane.

Holveck 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. 590)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Chapman
Clark	Cphoon	Connolly	Cooper
Corbett	Corey	Daggett	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins

Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Swearingen
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 8:

Carpenter	De Groot	Maulsby	Plasier
Renken	Schneklath	Tyrrell	Van Maanen

Absent or not voting, 3:

Connors	Jochum	Svoboda
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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 118 WITHDRAWN

Skow of Guthrie asked and received unanimous consent to withdraw House File 118 from further consideration by the House.

**House File 589**, a bill for an act to strike the repeal of the tax for equipment replacement at the area schools, was taken up for consideration.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 589)

The ayes were, 73:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cphoon
Cooper	Corbett	Daggett	De Groot
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lundby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Running	Schneklath

Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

The nays were, 24:

Beaman	Bennett	Branstad	Corey
Eddie	Garman	Halvorson, R. A.	Hanson, D. R.
Harbor	Hummel	Lageschulte	Maulsby
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Royer	Stromer	Stueland
Swearingen	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 3:

Connolly	Connors	Platt
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGE

(House File 590)

Arnould of Scott asked and received unanimous consent that House File 590 be immediately messaged to the Senate.

#### MOTION TO RECONSIDER DEFERRED

(House File 589)

Groninga of Cerro Gordo moved to reconsider the vote by which House File 589 passed the House on April 9, 1987.

The House stood at ease at 10:12 a.m., until the fall of the gavel.

The House resumed session and consideration of the motion to reconsider House File 589 at 10:34 a.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent to defer the motion to reconsider.

#### SENATE AMENDMENT FURTHER CONSIDERED

#### MOTION TO RECONSIDER PREVAILED

(Senate amendment H—3569 to Senate File 298)

Stromer of Hancock asked and received unanimous consent to withdraw the motion to reconsider Senate amendment H—3569, to Senate File 298, filed by him on April 8, 1987.

Swartz of Marshall called up for consideration the motion to reconsider Senate amendment H—3569 filed by him on April 8, 1987 and moved to reconsider the vote by which the House, on April 8, 1987,

refused to concur in the Senate amendment H—3569 (found on page 1214 of the House Journal) to Senate File 298, a bill for an act relating to the sale of alcoholic beverages, by allowing the alcoholic beverages division to assess a split-case charge when alcoholic liquor is sold in quantities which require a case to be split, by lowering the maximum markup on liquor sold by the division to class “E” licensees from sixty to fifty percent, by setting the bond for a class “E” license at a maximum of fifteen thousand dollars, by not requiring a bond from class “E” licensees who purchase alcoholic liquor from the division on a cash basis or by means that ensures that the division will receive full payment in advance of delivery, by providing for the issuance of a class “E” liquor control license to a city council in certain circumstances, by further restricting the issuance of a class “E” license to premises on or near which gasoline is sold, by allowing the division to deposit all the license fees collected from class “E” licensees in the beer and liquor control fund, by allowing the advertisement of alcoholic liquor for sale, by repealing the fifty percent goods and services test to qualify for Sunday sales of alcoholic beverages or beer under a liquor control license or class “B” beer permit, by providing that a corporation only placing alcoholic liquor in bailment with the division is not doing business in Iowa for the purpose of determining its tax liability and making the provision retroactive, by requiring class “E” licensees to collect and refund the beverage container deposit on containers of alcoholic liquor, by striking a standing appropriation for the treatment of alcoholics, by allowing the division to sell liquor inventories in state stores to class “E” licensees at reduced prices as state stores are closed, and by allowing the division to continue sales of wine to class “A” and “B” wine permittees until inventories are depleted, and providing an effective date.

A non-record roll call was requested.

The ayes were 46, nays 42.

The motion prevailed and the House reconsidered the Senate amendment H—3569, to the House amendment.

Renaud of Polk moved that the House concur in the Senate amendment H—3569, to the House amendment.

A non-record roll call was requested.

Rule 75 was invoked.

The ayes were 50, nays 48.

The motion prevailed and the House concurred in the Senate amendment H—3569, to the House amendment.

Renaud 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. 298)

The ayes were, 52:

Adams	Arnould	Beatty	Bisignano
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Cooper	Doderer
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Hansen, S. D.	Harper
Hatch	Hester	Jay	Jochum
Knapp	Koenigs	May	McKinney
Muhlbauer	Neuhauser	Norrgard	Ollie
Parker	Pavich	Peters	Peterson, M. K.
Poney	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoultz	Siegrist
Skow	Spear	Svoboda	Swartz
Tabor	Tyrrell	Wise	Mr. Speaker

The nays were, 46:

Beaman	Bennett	Black	Branstad
Carpenter	Clark	Corbett	Corey
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hanson, D. R.
Harbor	Haverland	Hermann	Holveck
Hummel	Johnson	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Miller	Mullins	Osterberg	Paulin
Pellett	Petersen, D. F.	Plasier	Platt
Renken	Royer	Schneklath	Shoning
Stromer	Stueland	Swearingen	Teaford
Van Camp	Van Maanen		

Absent or not voting, 2:

Connors	Daggett
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### IMMEDIATE MESSAGE

(Senate File 298)

Arnould of Scott asked and received unanimous consent that Senate File 298 be immediately messaged to the Senate.

**MOTION TO RECONSIDER  
(House File 589)**

I move to reconsider the vote by which House File 589 passed the House on April 9, 1987.

**SCHNEKLOTH of Scott**

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Wednesday, April 8, 1987. Had I been present, I would have voted "aye" on House Files 642, 650, 666 and Senate File 382; "nay" on House File 355.

**OLLIE of Clinton**

**PRESENTATION OF VISITORS**

Skow of Guthrie presented to the House the Honorable Ernie Gilson, former member of the House representing Guthrie County.

The Speaker announced that the following visitors were present in the House chamber:

Thirteen members of West Lyon F.F.A. from Inwood, accompanied by Gary DeVries and David Lautz. By De Groot of Lyon.

Twenty-eight twelfth grade students from the Hoover High School Government Class, Des Moines, accompanied by Jane Hildenbrand. By Holveck of Polk.

Twenty-four junior students from Y.J.B. High School, Jamaica. By Skow of Guthrie.

Nineteen sixth grade students from Klemme Elementary School, Klemme, accompanied by Gladys Wessels. By Stromer of Hancock.

**SUBCOMMITTEE ASSIGNMENTS**

**Senate File 62**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**Senate File 459**

Transportation: Renaud, Chair; Fey and Lageschulte.

**Senate File 463**

Agriculture: Norrgard, Chair; Muhlbauer and Petersen of Muscatine.

**Senate File 479 (Reassigned)**

Energy and Environmental Protection: Johnson, Chair; Dvorsky, Lundby, May and McKean.

**Senate File 481**

Ways and Means: Osterberg, Chair; Bennett, Brammer, Carpenter, Metcalf, Rosenberg and Wise.

**Senate File 488**

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

**COMMITTEE ON AGRICULTURE**

**Senate File 13**, a bill for an act relating to the protection of buyers of farm products against the enforcement of liens by secured parties and providing dates for the effectiveness and applicability of the Act.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 1987.

**Senate File 146**, a bill for an act relating to the agricultural loan assistance program of the Iowa agricultural development authority.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 1987.

**Senate File 257**, a bill for an act relating to the payment for crop damages within the right-of-way of drainage improvements.

Fiscal Note is required.

Recommended **Do Pass** April 8, 1987.

**Senate File 327**, a bill for an act requiring lenders and other secured parties to provide to debtors copies of documents signed by the debtors.

Fiscal Note is required.

Recommended **Do Pass** April 8, 1987.

**COMMITTEE ON EDUCATION**

**Senate File 105**, a bill for an act relating to the degree of evidence required for termination or nonrenewal of a school administrator's contract.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 1987.

**Senate File 106**, a bill for an act relating to evaluations of the performance of school administrators including requiring the adoption of job descriptions and evaluation criteria and procedures.

Fiscal Note is not required.

**Recommended Do Pass** April 8, 1987.

**Senate File 388**, a bill for an act relating to the filing time for nomination petitions for a special election to elect a member of a board of directors of a school district.

Fiscal Note is not required.

**Recommended Do Pass** April 8, 1987.

**Senate Concurrent Resolution 19**, a concurrent resolution directing the state board of education to include specific named topics in its study of restructuring.

Fiscal Note is not required.

**Recommended Do Pass and laid over under Rule 25** April 8, 1987.

#### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Senate File 396**, a bill for an act relating to the creation of a waste management authority within the environmental protection division of the department of natural resources.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—3694** April 8, 1987.

**Senate File 397**, a bill for an act requiring each gas and electric public utility to create a utility shutoff fund with certain exceptions.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—3693** April 8, 1987.

#### COMMITTEE ON LABOR AND INDUSTRIAL RELATIONS

**Senate File 420**, a bill for an act relating to the method to be used by the department of employment services for reporting unemployment statistics.

Fiscal Note is not required.

**Recommended Do Pass** April 8, 1987.

**Senate File 449**, a bill for an act relating to the operation and administration of the department of employment services by correcting statutory omissions, inaccuracies, and inconsistencies to reflect or alter current practices, by limiting certain penalties, by continuing the reimbursable status of certain enterprises and businesses sold or transferred by reimbursable employers, and by authorizing the release of certain job service information to certain public or quasi-public officials and entities and certain business and labor organizations.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—3683** April 8, 1987.

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 162**, a bill for an act to provide for the establishment of the Iowa corporation for public telecommunications to plan, establish and operate educational radio

and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems to serve the educational needs of the state and to provide an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3687** April 8, 1987.

**Senate File 201**, a bill for an act related to the senate's review and confirmation of gubernatorial appointments, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3686** April 8, 1987.

**Senate File 455**, a bill for an act relating to physical therapy by providing that physical therapy evaluation and treatment may be rendered without a prescription or referral.

Fiscal Note is not required.

Recommended **Do Pass** April 8, 1987.

### RESOLUTION FILED

**HCR 29**, by De Groot, Black, Hammond, Clark, and Plasier, a concurrent resolution requesting an interim study committee regarding child protection.

Laid over under **Rule 25**.

### AMENDMENTS FILED

H—3683	S.F.	449	Committee on Labor and Industrial Relations
H—3684	S.F.	359	Koenigs of Mitchell
H—3685	S.C.R.	11	Carpenter of Polk
H—3686	S.F.	201	Committee on State Government
H—3687	S.F.	162	Committee on State Government
H—3688	H.F.	371	Platt of Muscatine Cooper of Lucas Muhlbauer of Crawford Hummel of Benton
H—3689	S.F.	493	Neuhauser of Johnson
H—3690	S.F.	311	Halvorson of Webster
H—3691	H.F.	589	Schnekloth of Scott Halvorson of Clayton Hermann of Scott
H—3692	S.F.	55	Shoultz of Black Hawk

H-3693	S.F.	397	Committee on Energy and Environmental Protection
H-3694	S.F.	396	Committee on Energy and Environmental Protection
H-3695	H.F.	589	Schneklath of Scott Bennett of Ida Maulsby of Calhoun Hanson of Delaware Plasier of Sioux

Stueland of Clinton  
Petersen of Muscatine  
De Groot of Lyon

On motion by Arnould of Scott, the House adjourned at 11:22 a.m., until 9:00 a.m., Friday, April 10, 1987.

# JOURNAL OF THE HOUSE

Eighty-ninth Calendar Day — Sixty-first Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Friday, April 10, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Reverend Gilbert Kamps, pastor of the Covenant Christian Reformed Church, Sioux Center.

The Journal of Thursday, April 9, 1987, was approved.

## PETITIONS FILED

The following petitions were received and placed on file:

By Branstad of Winnebago, from fifty-eight residents of District 16, opposing House Study Bill 67 and Senate File 219, relating to teenage pregnancy.

By Hermann of Scott, from ninety-two health professional constituents favoring a reasonable cap on liability reform.

By Schneklath of Scott, from one hundred six constituents of District 39 favoring liability and malpractice reform.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Stueland of Clinton on request of Pellett of Cass; Petersen of Muscatine on request of Platt of Muscatine.

## OBJECTION TO SUSPENSION OF RULES

Arnould of Scott asked for unanimous consent to suspend the rules to include House Files 484 and 317 on the daily debate calendar.

Objection was raised.

## CONSIDERATION OF BILLS

### Regular Calendar

**House File 384**, a bill for an act relating to the condition of a building as a basis for the filing of a petition or hearing procedure for abatement, deferred on March 23, 1987, with report of committee recommending passage was taken up for consideration.

## SENATE FILE 319 SUBSTITUTED FOR HOUSE FILE 384

Bisignano of Polk asked and received unanimous consent to substitute Senate File 319 for House File 384.

**Senate File 319**, a bill for an act relating to the condition of a building as a basis for the filing of a petition or hearing procedures, was taken up for consideration.

Skow of Guthrie offered the following amendment H—3673 filed by him and Hummel of Benton and moved its adoption:

H—3673

- 1 Amend Senate File 319, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 19 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 657A.2, Code 1987, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 6. For the purpose of abatement
- 8 in connection with property in a city with a
- 9 population of less than one hundred thousand a
- 10 petition for abatement must include the allegation
- 11 that a building is abandoned and is in a dangerous or
- 12 unsafe condition."
- 13 2. By renumbering as necessary.

Amendment H—3673 was adopted.

Bisignano 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. 319)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard

Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Branstad	Connors	Johnson	Petersen, D. F.
Royer	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 417**, a bill for an act relating to the merger and consolidation of cooperative associations, by defining the fair market value of assets held by an association and providing for determining the fair value of an equity interest held by a dissenting member, with report of committee recommending passage was taken up for consideration.

#### SENATE FILE 303 SUBSTITUTED FOR HOUSE FILE 417

Fogarty of Palo Alto asked and received unanimous consent to substitute Senate File 303 for House File 417.

**Senate File 303**, a bill for an act relating to the merger and consolidation of cooperative associations, by defining the fair market value of assets held by an association and providing for determining the fair value of an equity interest held by a dissenting member, was taken up for consideration.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 303)

The ayes were, 81:

Adams	Arnould	Beamah	Beatty
Bennett	Black	Blanshan	Brammer
Buhr	Chapman	Cohoon	Connolly
Cooper	Coery	Daggett	De Groot
Diemer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.

Harbor	Harper	Hatch	Haverland
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	May	McKean	McKinney
Miller	Millins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 10:

Carpenter	Corbett	Garman	Hanson, D. R.
Hummel	Lundby	Maulsby	Metcalf
Parker	Renken		

Absent or not voting, 9:

Bisignano	Branstad	Clark	Connors
Doderer	Hermann	Muhlbauer	Petersen, D. F.
Stueland			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 543**, a bill for an act relating to the duties of the state board of tax review, was taken up for consideration.

#### SENATE FILE 195 SUBSTITUTED FOR HOUSE FILE 543

Royer of Page asked and received unanimous consent to substitute Senate File 195 for House File 543.

**Senate File 195**, a bill for an act relating to the duties of the state board of tax review, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 195 be deferred and that the bill be placed on the unfinished business calendar.

**House File 577**, a bill for an act relating to movement of vehicles of excess size, weight, and load and movement of implements, was taken up for consideration.

Koenigs of Mitchell offered the following amendment H-3465 filed by him and moved its adoption:

H-3465

1 Amend House File 577 as follows:

2 1. Page 1, by striking lines 1 through 25 and

3 inserting the following:

4 "Section 1. Section 321.1, subsection 16,  
5 paragraph b, subparagraph 3, Code 1987, is amended to  
6 read as follows:

7 (3) From one farm site to another farm site. For  
8 the purpose of this subsection the term "farm site"  
9 means a place or location at which vehicles  
10 principally designed for agricultural purposes are  
11 used or intended to be used in agricultural operations  
12 or for the purpose of exhibiting, demonstrating,  
13 testing, or experimenting with the same, provided,  
14 however, that said place or location shall not be  
15 deemed a "farm site" if the movement of said vehicle,  
16 from or to the place at which vehicles principally  
17 designed for agricultural purposes are manufactured,  
18 fabricated, repaired, or sold at retail, exceeds a  
19 distance of fifty one hundred miles."

20 2. Page 2, line 16, by striking the words "site,  
21 or to implements moved" and inserting the words "site  
22 or".

23 3. Page 2, by inserting after line 26 the  
24 following:

25 "Sec. \_\_\_\_\_. Section 321E.14, unnumbered paragraph  
26 3, Code 1987, is amended to read as follows:

27 The annual fee for an all-system permit is two one  
28 hundred fifty twenty dollars which shall be deposited  
29 in the road use tax fund."

Amendment H-3465 was adopted.

### SENATE FILE 359 SUBSTITUTED FOR HOUSE FILE 577

Cohon of Des Moines asked and received unanimous consent to substitute Senate File 359 for House File 577.

**Senate File 359**, a bill for an act relating to movement of vehicles of excess size, weight, and load, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 359 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 137**, a bill for an act relating to the pricing of the Code of Iowa and related publications, with report of committee recommending passage was taken up for consideration.

Fuller of Hardin moved that the bill be read a last time 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. 137)

The ayes were, 89:

Adams	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise

Mr. Speaker

The nays were, 4:

Hammond	Holveck	Neuhauser	Renken
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Absent or not voting, 7:

Arnould	Branstad	Cohoon	Connors
Petersen, D. F.	Stromer	Stueland	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 266**, a bill for an act relating to the affirmation of certain provisions of law concerning judicial procedures and court enforced orders, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Siegrist of Pottawattamie offered the following amendment H—3198 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3198

1 Amend Senate File 266 as follows:

- 2 1. Title page, line 1, by inserting after the  
3 word "affirmation" the following: "and reenactment".

The committee amendment H—3198 was adopted.

Siegrist 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. 266)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Haverland	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Platt	Poney
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Branstad	Connors	Fuller	Hatch
Hermann	Miller	Petersen, D. F.	Stromer
Stueland			

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### SENATE FILE 219 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 219 be deferred and that the bill retain its place on the calendar.

**Senate File 268**, a bill for an act relating to the affirmation and reenactment of certain provisions of law concerning public employees, including provisions relating to state employee discipline and grievances, the public employment relations board, reprisals against state employees, and the public employees' retirement system, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Clark 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. 268)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Branstad	Connors	Ollie	Petersen, D. F.
Shoultz	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**MOTION TO RECONSIDER LOST  
(House File 589)**

Groninga of Cerro Gordo called up for consideration the motion to reconsider House File 589, a bill for an act to strike the repeal of the tax for equipment replacement at the area schools, deferred April 9, 1987, and moved to reconsider House File 589.

Roll call was requested by Schnekloth of Scott and Hummel of Benton.

On the question "Shall the motion to reconsider prevail?" (H.F. 589)

The ayes were, 39:

Adams	Beaman	Bennett	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Eddie	Garman	Halvorson, R. A.
Hammond	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lageschulte
Lundby	Maulsby	McKean	Metcalf
Mullins	Paulin	Pellett	Plasier
Platt	Renken	Royer	Schnekloth
Shoning	→ Siegrist	Stromer	Swearingen
Tyrrell	Van Camp	Van Maanen	

The nays were, 56:

Arnould	Beatty	Bisignano	Black
Blanshan	Brammer	Buhr	Chapman
Cohoon	Connolly	Cooper	Diemer
Doderer	Dvorsky	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hansen, S. D.	Harper	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Miller
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poney	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 5:

Branstad	Connors	Hatch	Petersen, D. F.
Stueland			

The motion to reconsider lost, placing out of order the motion to reconsider filed by Schnekloth of Scott on April 9, 1987 and amendments H-3691 and H-3695 filed by Schnekloth, et al., on April 9, 1987.

**Senate File 271**, a bill for an act affirming and reenacting certain provisions of law concerning the powers and procedures of public bodies and providing an effective date, with report of committee recommending passage was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 271)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cohon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalfe
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Paulin
Pavich	Pellet	Peters	Peterson, M. K.
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Swearingen	Tabor
Teaford	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Branstad	Connors	Parker	Petersen, D. F.
Plasier	Stueland	Tyrrell	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

The House stood at ease at 10:25 a.m., until the fall of the gavel.

The House resumed session at 11:06 a.m., Speaker Avenson in the chair.

### RULES SUSPENDED

Arnould of Scott moved that the rules be suspended to place House File 317 on today's daily debate calendar for immediate consideration.

Roll call was requested by Peterson of Carroll and Sherzan of Polk.

Rule 75 was invoked.

On the question "Shall the rules be suspended to consider House File 317?"

The ayes were, 51:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Cooper
Dvorsky	Fey	Fogarty	Fuller
Groninga	Gruhn	Halvorson, R. N.	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Muhlbauer
Norrgard	Ollie	Osterberg	Pavich
Peters	Peterson, M. K.	Renaud	Running
Schrader	Sherzan	Shoultz	Skow
Spear	Svoboda	Swartz	Tabor
Teaford	Wise	Mr. Speaker	

The nays were, 44:

Beaman	Bennett	Carpenter	Clark
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Eddie	Garman
Halvorson, R. A.	Hammond	Hanson, D. R.	Harbor
Hermann	Hester	Hummel	Kremer
Lageschulte	Lundby	Maulsby	McKean
Metcalf	Miller	Mullins	Neuhauser
Paulin	Pellett	Plasier	Platt
Poncy	Renken	Rosenberg	Royer
Schneklath	Shoning	Siegrist	Stromer
Swearingen	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 5:

Branstad	Connors	Parker	Petersen, D. F.
Stueland			

The motion prevailed and House File 317, a bill for an act allowing therapeutically certified optometrists to employ and supply certain pharmaceutical agents and to treat certain conditions, was taken up for consideration.

The House stood at ease at 11:17 a.m., until the fall of the gavel.

The House resumed session and consideration of House File 317 at 11:25 a.m., Speaker Avenson in the chair.

Peterson of Carroll asked for unanimous consent to substitute Senate File 216 for House File 317.

Objection was raised.

Arnould of Scott asked and received unanimous consent that House File 317 be deferred and that the bill retain its place on the calendar.

### SENATE FILE 148 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 148 be deferred and that the bill retain its place on the calendar.

Groninga of Cerro Gordo in the chair at 11:28 a.m.

**Senate File 270**, a bill for an act affirming and reenacting certain provisions affecting the tax laws, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Sherzan 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. 270)

The ayes were, 91:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Black	Blanshan
Brammer	Buhr	Carpenter	Chapman
Clark	Cphoon	Connolly	Cooper
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Paulin	Pavich	Pellett
Peters	Peterson, M. K.	Plasier	Platt
Poney	Renaud	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan

Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Wise	Mr. Speaker (Groninga)	

The nays were, 2:

Renken	Van Maanen
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Absent or not voting, 7:

Bisignano	Branstad	Connors	Corbett
Parker	Petersen, D. F.	Stueland	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILE 638 WITHDRAWN

Rosenberg of Story asked and received unanimous consent to withdraw House File 638 from further consideration by the House.

#### HOUSE FILE 417 WITHDRAWN

Fogarty of Palo Alto asked and received unanimous consent to withdraw House File 417 from further consideration by the House.

#### HOUSE FILE 384 WITHDRAWN

Sherzan of Polk asked and received unanimous consent to withdraw House File 384 from further consideration by the House.

**Senate File 434**, a bill for an act relating to issuance of certificates of inspection for boilers used on tourist railroads or tourist trains and providing an effective date, was taken up for consideration.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 434)

The ayes were, 94:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor

Harper	Hatch	Haverland	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker (Groninga)		

The nays were, none.

Absent or not voting, 6:

Branstad	Connors	Hermann	Parker
Petersen, D. F.	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Tabor of Jackson in the chair at 11:35 a.m.

### Ways and Means Calendar

**Senate File 264**, a bill for an act relating to revocation of a property tax exemption, with report of committee recommending passage was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H-3219 filed by him and moved its adoption:

H-3219

- 1 Amend Senate File 264, as passed by the Senate, as
- 2 follows:
- 3 1. Amend the title, line 1, by inserting after
- 4 the word "exemption" the following: "and making the
- 5 Act retroactive".

Amendment H-3219 was adopted.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 264)

The ayes were, 92:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schrader
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Stromer	Svoboda
Swartz	Swearingen	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker (Tabor)

The nays were, none.

Absent or not voting, 8:

Branstad	Connors	Corbett	Kremer
Parker	Petersen, D. F.	Schnekloth	Stueland

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**House File 605**, a bill for an act relating to the state sales, services, and use tax and the local option hotel-motel tax on the rental of the mobile homes and the spaces within them, was taken up for consideration.

Fey of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 605)

The ayes were, 91:

Adams	Arnould	Avenson	Beaman
Beatty	Bennett	Bisignano	Black
Blanshan	Brammer	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly

Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen; S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schnekloth
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Swearingen	Teaford
Van Camp	Wise	Mr. Speaker (Tabor)	

The nays were, 4:

Eddie	Maulsby	Tyrrell	Van Maanen
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Absent or not voting, 5:

Branstad	Connors	Parker	Petersen, D. F.
Stueland			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Speaker Avenson in the chair at 11:45 a.m.

**House File 317**, a bill for an act allowing therapeutically certified optometrists to employ and supply certain pharmaceutical agents and to treat certain conditions, previously deferred, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that House File 317 be deferred and that the bill be placed on the unfinished business calendar.

**House File 665**, a bill for an act authorizing a tax levy for city libraries by petition and referendum, was taken up for consideration.

Chapman of Linn offered the following amendment H—3660 filed by her and moved its adoption:

H—3660

1 Amend House File 665 as follows:

- 2 1. Page 1, line 6, by inserting after the figure  
 3 "1" the following: ", except that if a majority  
 4 approves the levy, it shall be imposed".

Amendment H—3660 was adopted.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (H.F. 665)

The ayes were, 73:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Clark
Cohoon	Connolly	Cooper	Corbett
Daggett	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Koenigs	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Pavich	Peters	Peterson, M. K.	Platt
Poncy	Renaud	Rosenberg	Running
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Svoboda
Swartz	Tabor	Teaford	Wise
Mr. Speaker			

The nays were, 21:

Bennett	Corey	De Groot	Diemer
Eddie	Knapp	Lageschulte	Lundby
Maulsby	Miller	Paulin	Pellett
Plasier	Renken	Royer	Schneklath
Stromer	Swearingen	Tyrrell	Van Camp
Van Maanen			

Absent or not voting, 6:

Branstad	Connors	Kremer	Parker
Petersen, D. F.	Stueland		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

Twenty students from Clith Row Grammar School, Lancaster, England, accompanied by students from North Fayette Community School District and Mr. Peterson. By Avenson of Fayette.

Seven F.F.A. members from Graettinger Community School, Graettinger, accompanied by Mr. Hoffman. By Fogarty of Palo Alto.

Eleven F.F.A. members from Cascade, accompanied by Allen Carlson and Ralph Johnson. By Knapp of Dubuque.

F.F.A. members from Lytton Community School, Lytton, accompanied by Brian Lantz. By Maulsby of Calhoun.

Forty sixth grade students from College Springs Elementary School, College Springs, accompanied by Deb Christensen. By Royer of Page.

Fifty fourth grade students from Bailey Park Elementary School, Grinnell, accompanied by Mary Ann Kiter. By Torrell of Iowa and Black of Jasper.

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 669

Human Resources: Haverland, Chair; Adams, Corey, Eddie and Spear.

##### Senate File 312

Transportation: Renaud, Chair; Fogarty and Lageschulte.

##### Senate File 340

Judiciary and Law Enforcement: Jay, Chair; Halvorson of Clayton and Hansen of Woodbury.

##### Senate File 458

Local Government: Bisignano, Chair; Petersen of Muscatine and Beatty.

#### COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

#### COMMITTEE ON AGRICULTURE

**Senate File 274**, a bill for an act relating to the exporting of Iowa grain, by providing for the establishment of an Iowa agricultural export trading company; establishing a certified Iowa grain program; a new division of agriquality inspection within the department of agriculture and land stewardship; a state grain terminal and shippers

program; a foreign sale facilitation system; and a sealed carrier receptacle program; and imposing penalties.

Fiscal Note is not required.

Committee Action: **Failed to Pass** April 9, 1987.

**Senate File 463**, a bill for an act relating to the development and implementation by the agricultural development authority of programs to provide economic assistance on behalf of agricultural producers within the state and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

**Senate File 474**, a bill for an act relating to the waiver of homestead exemptions, and providing dates for the effectiveness and applicability of the Act.

Fiscal Note is required.

Recommended **Do Pass** April 9, 1987.

#### COMMITTEE ON ECONOMIC DEVELOPMENT

**Senate File 139**, a bill for an act relating to economic development, by declaring economic development as a public purpose and by allowing money received from the county government assistance fund or the municipal assistance fund to be used for economic development projects.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3697** April 9, 1987.

#### COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

**Senate File 338**, a bill for an act relating to environmental protection performance standards for coal mining and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

**Senate File 479**, a bill for an act relating to the use and application of pesticides and making penalties applicable.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3696** April 9, 1987.

#### COMMITTEE ON ETHICS

**Senate File 480**, a bill for an act relating to things of value given to and received by public employees, officials, members of the general assembly, other persons serving in a public capacity, and candidates, mandating reporting of certain things of value, subjecting violators to penalties, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

## COMMITTEE ON HUMAN RESOURCES

**Senate File 76**, a bill for an act relating to third-party payor reimbursements for patient charges at a mental health institute.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

**Senate File 273**, a bill for an act relating to the definition of foster care.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

**Senate File 290**, a bill for an act relating to the requirement for foster parent training, confidentiality requirements for foster care review boards, and incorporating a penalty.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3699** April 9, 1987.

## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**House File 434**, a bill for an act relating to exemptions from tort liability for political subdivisions by adding an exemption for damages resulting from the use of certain recreational property, and providing for the applicability of the Act.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3722** April 10, 1987.

**Senate File 17**, a bill for an act relating to the penalty for cruelty to animals.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3711** April 9, 1987.

**Senate File 267**, a bill for an act relating to the affirmation and reenactment of certain provisions of law concerning the regulation of certain businesses and occupations, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

**Senate File 282**, a bill for an act to revise provisions relating to dangerous weapons and the carrying of dangerous weapons and knives, and providing penalties.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3704** April 9, 1987.

**Senate File 373**, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—3724 April 9, 1987.**

**Senate File 374**, a bill for an act relating to statutory corrections of a noncontroversial and nonsubstantive nature.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—3725 April 9, 1987.**

**Senate File 423**, a bill for an act relating to the subcontractor's right to file a mechanic's lien against the property for which labor is performed or material is furnished.

Fiscal Note is not required.

**Recommended Do Pass April 9, 1987.**

**Senate File 469**, a bill for an act relating to the confinement and treatment of persons convicted of a violation of operating a motor vehicle while intoxicated by requiring counties to provide temporary confinement for offenders under the supervision of the department of corrections who violate the conditions of treatment programs, by providing that a work release program may include out-of-state work or treatment placement, by specifying that an offender committing a third offense shall serve the minimum thirty-day term in the county jail, and may be sentenced to up to one year in the county jail, by providing that a person convicted of a second or subsequent offense shall be ordered to undergo a substance abuse evaluation, by providing that a person convicted of a third or subsequent offense or an offender whose substance abuse evaluation recommended treatment may be sentenced to the custody of the department of corrections who shall assign the person to a facility pursuant to section 246.513 or to treatment in the community under supervision of the department, by requiring judicial district departments of correctional services to provide programs for offenders under chapter 321J, by providing that a requirement for a mandatory minimum sentence for repeat offenders shall not apply to offenders under chapter 321J, and by providing that an offender under chapter 321J who is under the supervision of the department of corrections shall receive a clothing allowance and expense money allotted to inmates when the offender is assigned to a community-based corrections program.

Fiscal Note is not required.

**Recommended Do Pass April 9, 1987.**

**Senate File 471**, a bill for an act relating to indemnification and limitation on liability of directors and officers and to liability of persons who volunteer services to the state or a municipality or a nonprofit organization.

Fiscal Note is not required.

**Recommended Amend and Do Pass with amendment H—3701 April 9, 1987.**

**Senate File 482**, a bill for an act relating to the civil process and procedure for awarding interest on civil judgments and decrees, determining whether a sufficient burden of proof has been met for the awarding of punitive damages, and for allowing the consideration for previous payments for medical damages, and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

**Senate File 484**, a bill for an act relating to health care providers and patients and providing for the creation of an excess liability fund for health care providers, establishing a surcharge to be deposited in the fund, establishing a special surcharge, establishing qualifications for a health care provider or a patient to be protected by the fund, establishing a maximum limitation on the liability of the fund, creation of a compensation review board, authorization of the fund to procure reinsurance to protect the fund, authorization of the fund to provide primary insurance coverage to health care providers and providing for structured settlements.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3700** April 9, 1987.

#### COMMITTEE ON LOCAL GOVERNMENT

**Senate File 56**, a bill for an act relating to the regulation of firearms by a political subdivision.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

**Senate File 198**, a bill for an act relating to the payment of special assessments on property acquired by eminent domain and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

**Senate File 342**, a bill for an act relating to the assessment of costs to the owner of real estate subject to tax sale.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H-3698** April 9, 1987.

**Senate File 387**, a bill for an act directing certain political subdivisions of the state to consider joint purchases of equipment.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

**Senate File 451**, a bill for an act relating to the acquisition of legal settlement in a county.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

**Senate File 458**, a bill for an act relating to the abatement of taxes by the county.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

#### COMMITTEE ON NATURAL RESOURCES AND OUTDOOR RECREATION

**Senate File 38**, a bill for an act relating to conservation easements.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

#### COMMITTEE ON SMALL BUSINESS AND COMMERCE

**Senate File 69**, a bill for an act relating to the investment of idle public funds by authorizing investment in drainage district warrants or improvement certificates and by correcting an error.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3716** April 9, 1987.

**Senate File 276**, a bill for an act relating to the regulation of long-term care insurance.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3718** April 9, 1987.

**Senate File 428**, a bill for an act relating to the protection of buyers of fine art and providing a penalty.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

**Senate File 461**, a bill for an act relating to electronic funds transfers by providing for limiting liability of financial institutions for unauthorized electronic funds transfers involving the customer's account, altering restrictions on the establishment, location, and use of satellite terminals, adding definitions, and requiring that all satellite terminals in this state or their data processing centers be directly connected to a central routing unit.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3715** April 9, 1987.

**Senate File 470**, a bill for an act relating to corporate takeovers.

Fiscal Note is not required.

Recommended **Do Pass** April 9, 1987.

#### COMMITTEE ON STATE GOVERNMENT

**Senate File 496**, a bill for an act relating to the retirement benefits received by certain members of the Iowa public employees' retirement system.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H—3723** April 10, 1987.

#### COMMITTEE ON TRANSPORTATION

**Senate File 208**, a bill for an act pertaining to aircraft registration fees for aircraft owned and operated by nonprofit hospitals.

Fiscal Note is not required.

Committee Action: **Failed to Pass** April 10, 1987.

**Senate File 312**, a bill for an act requiring the state and its political subdivisions, under certain circumstances, to pay compensation to owners of off-premises advertising devices.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3712** April 10, 1987.

**Senate File 399**, a bill for an act establishing a motorcycle rider education fund, increasing fees for certain operator's licenses, crediting moneys to the fund, and appropriating moneys from the fund to the department of education to reimburse sponsors of motorcycle rider education courses for the costs of the courses.

Fiscal Note is not required.

Recommended **Amend and Do Pass with amendment H—3710** April 10, 1987.

**Senate File 459**, a bill for an act relating to handicapped parking spaces, making penalties applicable and providing an effective date.

Fiscal Note is not required.

Recommended **Do Pass** April 10, 1987.

#### AMENDMENTS FILED

H—3696	S.F.	479	Committee on Energy and Environmental Protection
H—3697	S.F.	139	Committee on Economic Development
H—3698	S.F.	342	Committee on Local Government
H—3699	S.F.	290	Committee on Human Resources
H—3700	S.F.	484	Committee on Judiciary and Law Enforcement
H—3701	S.F.	471	Committee on Judiciary and Law Enforcement
H—3702	S.F.	219	Plasier of Sioux
H—3703	S.F.	195	Royer of Page
H—3704	S.F.	282	Committee on Judiciary and Law Enforcement

H-3705	H.F.	317	Jochum of Dubuque Swartz of Marshall Hanson of Delaware
H-3706	S.F.	216	Jochum of Dubuque Swartz of Marshall Hanson of Delaware
H-3707	H.F.	39	Spear of Lee
H-3708	S.F.	38	Dvorsky of Johnson
H-3709	S.F.	219	Corbett of Linn
H-3710	S.F.	399	Committee on Transportation
H-3711	S.F.	17	Committee on Judiciary and Law Enforcement
H-3712	S.F.	312	Committee on Transportation
H-3713	S.F.	219	Teaford of Black Hawk Clark of Cerro Gordo Hammond of Story Mullins of Kossuth
H-3714	H.F.	317	Peterson of Carroll
H-3715	S.F.	461	Committee on Small Business and Commerce
H-3716	S.F.	69	Committee on Small Business and Commerce
H-3717	S.F.	493	Metcalf of Polk
H-3718	S.F.	276	Committee on Small Business and Commerce
H-3719	S.F.	493	Metcalf of Polk Hansen of Woodbury
H-3720	S.F.	493	Brammer of Linn
H-3721	H.F.	592	Brammer of Linn
H-3722	H.F.	434	Committee on Judiciary and Law Enforcement
H-3723	S.F.	496	Committee on State Government
H-3724	S.F.	373	Committee on Judiciary and Law Enforcement

H—3725

S.F. 374

**Committee on  
Judiciary and Law  
Enforcement**

On motion by Arnould of Scott, the House adjourned at 12:05 p.m., until 10:00 a.m., Monday, April 13, 1987.

# JOURNAL OF THE HOUSE

Ninety-second Calendar Day — Sixty-second Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Monday, April 13, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Roger Halvorson, state representative from Clayton County.

The Journal of Friday, April 10, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Clark of Cerro Gordo, for April 13 and 14, 1987, on request of Stromer of Hancock; Fuller of Hardin, until his arrival, on request of Bisignano of Polk.

## INTRODUCTION OF BILL

**House File 670**, by Schnekloth, a bill for an act relating to the state's income, franchise, and death taxes by updating references to the Internal Revenue Code, rewriting the state minimum taxes to conform with the federal alternative minimum taxes, rewriting the state generation skipping transfer tax to conform with the federal provisions, rewriting the state individual income tax to impose a flat rate, striking obsolete and repealed items, clarifying the taxation of regulated investment company dividends and shares, extending the statute of limitations for certain refund claims, providing for waiver of penalty for underpayment of estimated tax, and providing effective dates.

Read first time and referred to committee on **ways and means**.

## ADOPTION OF HOUSE RESOLUTION '10

Hammond of Story called up for consideration House Resolution 10, honoring the Ames High School academic decathlon team, and moved its adoption.

The motion prevailed and the resolution was adopted.

## ADOPTION OF HOUSE CONCURRENT RESOLUTION 26

Pavich of Pottawattamie called up for consideration House Concurrent Resolution 26, recognizing C. Joseph Giangreco for service to the Iowa School for the Deaf, and moved its adoption.

The motion prevailed and the resolution was adopted.

**CONSIDERATION OF BILLS**  
Unfinished Business Calendar

The House resumed consideration of **Senate File 195**, a bill for an act relating to the duties of the state board of tax review, deferred and placed on the unfinished business calendar on April 10, 1987.

Royer of Page offered the following amendment H — 3703 filed by him and moved its adoption:

H—3703

- 1 Amend Senate File 195, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by striking lines 12 through 17 and
- 4 inserting the following: "remand the same them within
- 5 sixty days from the date the case is submitted to the
- 6 board for decision. In order".

Amendment H — 3703 was adopted.

Royer of Page moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 195)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohon	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Holveck	Hummel	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKeán	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poney
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 9:

Clark	Connolly	Connors	Fey
Fuller	Hatch	Jay	Schrader
Svoboda			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE FILES 359 AND 148 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate Files 359 and 148 be deferred and that the bills retain their place on the calendar.

### Regular Calendar

**Senate File 265**, a bill for an act relating to the publication of notices of public hearings, bond sales, adopted regulations, and elections, with report of committee recommending passage was taken up for consideration.

Spear of Lee moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 265)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stueland	Swartz

Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 1:

Lundby

Absent or not voting, 7:

Clark	Connors	Fey	Fuller
Jay	Stromer	Svoboda	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 272**, a bill for an act repealing a pilot program regarding second opinions on elective surgery for medical assistance recipients, with report of committee recommending passage was taken up for consideration.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 272)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrsgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Clark	Connors	Fuller	Jay
Svoboda			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 70**, a bill for an act relating to motor vehicle fuel pumps and public scales by revising provisions governing licensing, inspection, calibration, and sealing by the department of agriculture and land stewardship and providing a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Hatch of Polk offered the following amendment H—3676 filed by the committee on agriculture and moved its adoption:

H—3676

- 1 Amend Senate File 70, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, lines 17 and 18, by striking the words
- 4 "service stations and gas stations" and inserting the
- 5 following: "service motor vehicle fuel stations".
- 6 2. Page 3, line 4, by striking the word
- 7 "immediately" and inserting the following: "within
- 8 forty-eight hours".

The committee amendment H—3676 was adopted.

Hatch of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 70)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer

Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklloth	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Clark	Connors	Fuller	Jay
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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 129**, a bill for an act relating to the sale of unused high-way right of way by the county board of supervisors, with report of committee recommending passage was taken up for consideration.

Muhlbauer 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. 129)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklloth	Schrader	Sherzan	Shoning
Shoultz	Skow	Spear	Stromer

Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Clark	Connors	Fuller	Jay
Siegrist			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 231**, a bill for an act relating to the date on which a pleading is considered filed, with report of committee recommending passage was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 231)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Clark	Connors	Fuller	Jay
Petersen, D. F.	Schrader	Teaford	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE FILE 219 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 219 be deferred and that the bill retain its place on the calendar.

**Senate File 148**, a bill for an act relating to gender balance in the appointment and election of judicial nominating commissioners, previously deferred, with report of committee recommending amendment and passage was taken up for consideration.

Blanshan of Greene offered the following amendment H—3574 filed by the committee on state government and moved its adoption:

H—3574

1 Amend Senate File 148, as amended and passed by the  
 2 Senate, as follows:  
 3 1. Page 1, line 10, by striking the word "Not"  
 4 and inserting the word "No".  
 5 2. Page 1, line 28, by striking the word "female"  
 6 and inserting the following: "a woman".  
 7 3. Page 1, line 29, by striking the word "male"  
 8 and inserting the following: "a man".  
 9 4. Page 1, line 30, by striking the word "female"  
 10 and inserting the word "women".  
 11 5. Page 1, line 31, by striking the word "male"  
 12 and inserting the word "men".  
 13 6. Page 2, by striking lines 1 through 9 and  
 14 inserting the following:  
 15 "In January 1972 the The governor shall appoint  
 16 five eligible electors of each judicial election  
 17 district to the district judicial nominating  
 18 commission. Appointments shall be to staggered terms  
 19 of six years each and shall be made in the month of  
 20 January for terms commencing February 1, 1972 of even-  
 21 numbered years. The governor shall appoint two such  
 22 commissioners to serve until January 31, 1974, two to  
 23 serve until January 31, 1976, and one to serve until  
 24 January 31, 1978. In the month of January when each  
 25 of those terms expires and every six years thereafter  
 26 the governor shall appoint district judicial  
 27 nominating commissioners for six-year terms. No more  
 28 than a".

- 29 7. Page 2, by striking lines 16 through 26 and  
 30 inserting the following:  
 31 "In January 1972 the The resident members of the  
 32 bar of each judicial election district shall elect  
 33 five eligible electors of the district to the district  
 34 judicial nominating commission for terms commencing  
 35 February 1, 1972. One of such commissioners shall  
 36 serve until January 31, 1974, two until January 31,  
 37 1976, and two until January 31, 1978, as determined by  
 38 lot by such commissioners. In the month of January  
 39 when each of those terms expires and every six years  
 40 thereafter such members of the bar of the respective  
 41 judicial election districts shall elect district  
 42 nominating commissioners for six-year terms.  
 43 Commissioners shall be elected to staggered terms of  
 44 six years each. The elections shall be held in the  
 45 month of January for terms commencing February 1 of  
 46 even-numbered years."
- 47 8. Page 2, line 29, by striking the words "female  
 48 and one shall be male" and inserting the following:  
 49 "a woman and one shall be a man".
- 50 9. Page 2, line 31, by striking the word "female"

**Page 2**

- 1 and inserting the following: "a woman".
- 2 10. Page 2, line 32, by striking the word "male"  
 3 and inserting the following: "a man".
- 4 11. Page 2, line 33, by striking the word  
 5 "female" and inserting the following: "a woman".
- 6 12. Page 2, line 35, by striking the word "male"  
 7 and inserting the following: "a man".
- 8 13. Page 3, lines 1 and 2, by striking the words  
 9 "female and male" and inserting the following: "women  
 10 and men".
- 11 14. Page 4, by striking lines 3 through 12 and  
 12 inserting the following: "shall arrange for the  
 13 publication of cause to be mailed to each member of  
 14 the bar whose name appears on the certified list  
 15 prepared pursuant to section 46.8 for the district or  
 16 districts affected, a notice stating the existence of  
 17 the vacancy, the requirements for eligibility, and the  
 18 manner in which the vacancy will be filled in those  
 19 publications which the clerk of the supreme court  
 20 deems likely to give reasonable notice to the eligible  
 21 voting members of the bar of the district in which the  
 22 vacancy occurs. Other items may be included in the  
 23 same mailing if they are on sheets separate from the  
 24 notice. The election of a district judicial  
 25 nominating commissioner or the close of nominations  
 26 for a state judicial nominating commissioner shall not  
 27 occur until thirty days after the publication mailing

28 of the notice."

29 15. Page 4, by inserting after line 12, the  
30 following:

31 "Sec. \_\_\_\_\_. NEW SECTION. 46.9A NOTICE PRECEDING  
32 NOMINATION OF ELECTIVE NOMINATING COMMISSIONERS.

33 At least sixty days prior to the expiration of the  
34 term of an elective state or district judicial  
35 nominating commissioner, the clerk of the supreme  
36 court shall cause to be mailed to each member of the  
37 bar whose name appears on the certified list prepared  
38 pursuant to section 46.8 for the district or districts  
39 affected, a notice stating the date the term of office  
40 will expire, the requirements for eligibility to the  
41 office for the succeeding term, and the procedure for  
42 filing nominating petitions, including the last date  
43 for filing. Other items may be included in the same  
44 mailing if they are on sheets separate from the  
45 notice.

46 Sec. \_\_\_\_\_. Section 69.16, unnumbered paragraph 1,  
47 Code 1987, is amended to read as follows:

48 It is declared the policy of the state of Iowa that  
49 all All appointive boards, commissions, and councils  
50 of the state established by the Code if not otherwise

**Page 3**

1 provided by law shall be bipartisan in their  
2 composition. No person shall be appointed or  
3 reappointed to any board, commission, or council  
4 established by the Code if the effect of that  
5 appointment or reappointment would cause the number of  
6 members of the board, commission, or council belonging  
7 to one political party to be greater than one-half the  
8 membership of the board, commission, or council plus  
9 one.

10 Sec. \_\_\_\_\_. Section 69.16A, Code 1987, is amended to  
11 read as follows:

12 69.16A GENDER BALANCE.

13 It is a policy of the state of Iowa that all All  
14 appointive boards, commissions, committees and  
15 councils of the state established by the Code if not  
16 otherwise provided by law shall reflect, as much as  
17 possible, a gender balance be gender balanced. No  
18 person shall be appointed or reappointed to any board,  
19 commission, committee, or council established by the  
20 Code if that appointment or reappointment would cause  
21 the number of members of the board, commission,  
22 committee, or council of one gender to be greater than  
23 one-half the membership of the board, commission,  
24 committee, or council plus one. If there are multiple  
25 appointing authorities for a board, commission,  
26 committee, or council, they shall consult each other

- 27 to avoid a violation of this section.”  
 28 16. Page 4, line 14, by inserting after the word  
 29 “member” the following: “of a judicial nominating  
 30 commission”.  
 31 17. Page 4, by striking lines 17 through 21.  
 32 18. Title page, line 2, by inserting after the  
 33 word “commissioners” the following: “and balance in  
 34 the appointment of members of state boards,  
 35 commissions, committees, and councils”.  
 36 19. By numbering and renumbering as necessary.

The committee amendment H—3574 was adopted.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question “Shall the bill pass?” (S.F. 148)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Royer	Running	Schneklath	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, 3:

Garman	Maulsby	Miller
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Absent or not voting, 3:

Clark	Connors	Fuller
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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.

**Senate File 292**, a bill for an act relating to the establishment of a building materials fire toxicity filing system, with report of committee recommending passage was taken up for consideration.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 292)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Garman	Groninga	Gruhn
Halvorson, R. A.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Brammer	Clark	Connors	Fuller
Halvorson, R. N.	Teaford		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 316**, a bill for an act to provide that a leased motor vehicle shall be registered in the county of the lessee's residence, with report of committee recommending passage was taken up for consideration.

Pavich of Pottawattamie moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 316)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Brammer	Clark	Connors	Groninga
Herrmann	Miller	Petersen, D. F.	Sherzan

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Hummel of Benton in the chair at 10:58 a.m.

**Senate File 424**, a bill for an act relating to the administration of the campaign finance disclosure laws, with report of committee recommending amendment and passage was taken up for consideration.

Speaker Avenson in the chair at 11:00 a.m.

Halvorson of Webster offered the following amendment H—3668 filed by the committee on state government and moved its adoption:

H-3668

- 1 Amend Senate File 424 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 1, by inserting after line 17 the  
4 following:  
5 "Sec. 2. Section 56.2, subsection 6, Code 1987, is  
6 amended to read as follows:  
7 6. "Political committee" means a committee, but  
8 not a candidate's committee, which accepts  
9 contributions, makes expenditures, or incurs  
10 indebtedness in the aggregate of more than two hundred  
11 fifty dollars in any one calendar year for the purpose  
12 of supporting or opposing a candidate for public  
13 office or ballot issue, or an association, lodge,  
14 society, cooperative, union, fraternity, sorority,  
15 educational institution, civic organization, labor  
16 organization, religious organization, or professional  
17 organization which makes contributions in the  
18 aggregate of more than two hundred fifty dollars in  
19 any one calendar year for the purpose of supporting or  
20 opposing a candidate for public office or a ballot  
21 issue. "Political committee" also includes a  
22 committee which accepts contributions, makes  
23 expenditures, or incurs indebtedness in the aggregate  
24 of more than two hundred fifty dollars in a calendar  
25 year to cause the publication or broadcasting of  
26 material in which the public policy positions or  
27 voting record of an identifiable candidate is  
28 discussed and in which a reasonable person could find  
29 commentary favorable or unfavorable to those public  
30 policy positions or voting record."  
31 2. Page 3, by striking lines 21 through 23 and  
32 inserting the following: "the receipt of any  
33 contribution from a political committee or from a  
34 lobbyist registered under the rules adopted by either  
35 house of the general assembly while the general  
36 assembly is in".  
37 3. Page 3, lines 29 and 30, by striking the words  
38 "political committee or registered lobbyist person"  
39 and inserting the following: "political committee or  
40 registered lobbyist".  
41 4. By renumbering as necessary.

The committee amendment H-3668 was adopted.

Halvorson of Webster moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 424)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poney	Renaud	Renken	Rosenberg
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Clark	Connors	Royer
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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 FILES 493 AND 396 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate Files 493 and 396 be deferred and that the bills retain their place on the calendar.

**Senate File 105**, a bill for an act relating to the degree of evidence required for termination or nonrenewal of a school administrator's contract, with report of committee recommending passage was taken up for consideration.

Tabor of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

## On the question "Shall the bill pass?" (S.F. 105)

The ayes were, 61:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Cooper
Corbett	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Hammond	Hansen, S. D.	Harper	Haverland
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Lageschulte	Lundby
May	McKinney	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Renaud	Rosenberg	Running
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Swartz	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 37:

Beaman	Bennett	Branstad	Carpenter
Corey	Daggett	De Groot	Diemer
Eddie	Garman	Halvorson, R. A.	Halvorson, R. N.
Hanson, D. R.	Harbor	Hatch	Hermann
Hester	Hummel	Kremer	Maulsby
McKean	Metcalf	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Poncy
Renken	Royer	Schneklloth	Schrader
Stromer	Stueland	Svoboda	Swearingen
Van Maanen			

Absent or not voting, 2:

Clark                      Connors

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 420**, a bill for an act relating to the method to be used by the department of employment services for reporting unemployment statistics, with report of committee recommending passage was taken up for consideration.

Peters 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. 420)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Pavich	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Rosenberg	Royer	Running	Schrader
Sherzan	Shoning	Shultz	Siegrist
Skow	Spear	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 12:

Bennett	De Groot	Garman	Halvorson, R. A.
Hummel	Metcalf	Miller	Paulin
Pellett	Renken	Schnekloth	Stueland

Absent or not voting, 4:

Clark	Connors	Parker	Stromer
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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 138**, a bill for an act relating to the extension of the foreclosure moratorium as provided in the governor's declaration of economic emergency made on October 1, 1985, with report of committee recommending amendment and passage was taken up for consideration.

Osterberg of Linn offered the following amendment H—3626 filed by the committee on agriculture and moved its adoption:

H—3626

- 1 Amend Senate File 138, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by inserting after line 5 the
- 4 following:
- 5 "Sec. 2. APPLICABILITY AND EFFECTIVE DATE.
- 6 1. This Act is retroactive to March 30, 1987 and

- 7 is applicable on and after that date.  
 8 2. This Act, being deemed of immediate importance,  
 9 takes effect upon enactment."  
 10 2. Title page, line 3, by inserting after the  
 11 figure "1985" the following: "and providing for the  
 12 retroactive applicability of the Act and an effective  
 13 date".

The committee amendment H—3626 was adopted.

Osterberg of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 138)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Cohoon
Connolly	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schneklath	Schrader	Sherzan
Shoning	Shultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swearingen	Taber	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 4:

Carpenter	Chapman	Neuhauser	Platt
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Absent or not voting, 4:

Clark	Connors	Hanson, D. R.	Swartz
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

**Senate File 90**, a bill for an act relating to the county responsible for payment of costs for commitment or admission to a state hospital for the mentally ill, with report of committee recommending passage was taken up for consideration.

Peters 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. 90)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Clark	Connors	Gruhn	Lundby
Wise			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 341**, a bill for an act relating to the standard of proof required under forfeiture of property law, with report of committee recommending passage was taken up for consideration.

Rosenberg 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. 341)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Buhr	Carpenter	Chapman	Cohoon
Connolly	Cooper	Corbett	Corey
Daggett	Diemer	Doderer	Dvorsky
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	May
McKean	McKinney	Metcalf	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Running	Schnekloth	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 10:

Bennett	Branstad	De Groot	Eddie
Maulsby	Miller	Pellett	Renken
Royer	Van Maanen		

Absent or not voting, 2:

Clark	Connors
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

On motion by Arnould of Scott, the House was recessed at 11:32 a.m., until 1:15 p.m.

#### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

#### MESSAGE FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has

on April 13, 1987, adopted the conference committee report and passed House File 355, a bill for an act relating to and making supplemental appropriations for the fiscal year beginning July 1, 1986 and ending June 30, 1987.

JOHN F. DWYER, Secretary

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 219**, a bill for an act providing for public grants and public education relating to adolescent pregnancy prevention and services by establishing a task force on adolescent pregnancy prevention and services, providing for pilot project grants relating to adolescent pregnancy prevention and services, and establishing a local advisory committee to public school boards regarding the inclusion or exclusion of human growth and development instruction in the school curriculum, previously deferred, with report of committee recommending amendment and passage was taken up for consideration.

Tyrrell of Iowa offered the following amendment H—3635 filed by him and moved its adoption:

H—3635

- 1 Amend Senate File 219, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Title page, by striking line 9.

Amendment H—3635 lost.

Teaford of Black Hawk offered the following amendment H—3422 filed by the committee on human resources:

H—3422

- 1 Amend Senate File 219, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 30 and 31 and
- 4 inserting the following:
- 5 "(4) Appropriate public school professional
- 6 staff."
- 7 2. Page 2, by striking lines 32 through 35 and
- 8 inserting the following:
- 9 "The commission on children, youth, and families
- 10 shall designate, award, and administer".
- 11 3. Page 4, by striking lines 5 and 6 and
- 12 inserting the following: "the commission on children,
- 13 youth, and families."
- 14 4. Page 4, by striking lines 15 and 16 and
- 15 inserting the following: "the provision of
- 16 instruction to pupils in grades kindergarten through
- 17 twelve appropriate to the pupils' grade level."

- 18 5. Page 5, by inserting after line 12 the  
19 following:  
20 "\_\_\_\_\_. The school board may designate the advisory  
21 committee appointed pursuant to section 280.12,  
22 subsection 2, as the advisory committee to perform the  
23 duties required by this section, provided the advisory  
24 committee appointed under section 280.12, subsection 2  
25 meets the advisory committee composition requirements  
26 in subsection 1."  
27 6. Page 5, by striking lines 13 through 16 and  
28 inserting the following:  
29 "3. Each school board shall provide an  
30 instructional program in human growth and development  
31 in grades kindergarten through twelve. Each school  
32 board shall annually provide".  
33 7. By renumbering as necessary.

Teaford of Black Hawk offered the following amendment H—3713, to the committee amendment H—3422, filed by Teaford, et al., and moved its adoption:

H—3713

- 1 Amend amendment, H—3422, to Senate File 219, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, by striking lines 7 through 13 and  
5 inserting the following:  
6 "\_\_\_\_\_. Page 2, by striking line 35 and inserting  
7 the following: "designees, shall jointly designate  
8 and award, and the department of human services shall  
9 administer"."  
10 2. By renumbering as necessary.

Amendment H—3713 was adopted.

Tyrrell of Iowa offered the following amendment H—3640, to the committee amendment H—3422, filed by him and moved its adoption:

H—3640

- 1 Amend the amendment, H—3422, to Senate File 219, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:  
4 1. Page 1, line 29, by striking the word "shall"  
5 and inserting the following: "may".

A non-record roll call was requested.

The ayes were 27, nays 46.

Amendment H—3640 lost.

On motion by Teaford of Black Hawk, the committee amendment H—3422, as amended, was adopted.

Van Camp of Scott asked and received unanimous consent to temporarily defer action on amendment H—3642.

Plasier of Sioux asked and received unanimous consent to withdraw amendment H—3568 filed by Plasier, et al., on April 1, 1987.

Tyrrell of Iowa offered the following amendment H—3632 filed by him and moved its adoption:

H—3632

- 1 Amend Senate File 219, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking line 9 and inserting the
- 4 following:
- 5 "a. The governor or the governor's".
- 6 2. Page 2, by striking lines 5 and 6 and
- 7 inserting the following: "section 2.12. The
- 8 legislative".

A non-record roll call was requested.

The ayes were 34, nays 46.

Amendment H—3632 lost.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3637 filed by him on April 3, 1987.

Stromer of Hancock offered the following amendment H—3551 filed by him and moved its adoption:

H—3551

- 1 Amend Senate File 219, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 11 through 16 and
- 4 inserting the following:
- 5 "b. One member of the senate of the majority party
- 6 and one member of the senate of the minority party,
- 7 both appointed by the governor.
- 8 c. One member of the house of representatives of
- 9 the majority party and one member of the house of
- 10 representatives of the minority party, both appointed
- 11 by the governor."

Amendment H—3551 lost.

Tyrrell of Iowa offered the following amendment H—3636 filed by him and moved its adoption:

H-3636

1 Amend Senate File 219, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 24 through 26 and  
4 inserting the following: "governor:".

A non-record roll call was requested.

The ayes were 32, nays 46.

Amendment H-3636 lost.

Plasier of Sioux offered the following amendment H-3665 filed  
by him:

H-3665

1 Amend Senate File 219, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 1, by striking lines 22 through 26 and  
4 inserting the following:

5 "2. The task force shall call upon persons with  
6 expertise in the area of adolescent pregnancy  
7 prevention or the provision of services to pregnant  
8 adolescents or adolescent parents. The persons to be  
9 consulted shall include, but not be limited to:"

10 2. Page 1, by inserting after line 34 the  
11 following:

12 "It is the intent of the general assembly that the  
13 task force solicit and consider ideas and information  
14 from government agencies and citizens representing the  
15 full range of opinion in Iowa relating to pregnancy  
16 prevention and prenatal and postnatal care needs."

17 3. By striking page 1, line 35 through page 2,  
18 line 8, and inserting the following:

19 "3. A chairperson shall be selected from and by  
20 the persons named in subsection 1. The task force  
21 shall meet at the call of the chairperson or three  
22 task force members. The task force members shall be  
23 reimbursed for actual and necessary expenses incurred  
24 in the performance of their duties, and shall receive  
25 a per diem of eighty dollars per each day in which  
26 engaged in the performance of such duties. However,  
27 such per diem compensation and expenses shall not be  
28 paid when the general assembly is actually in session  
29 at the seat of government. Such expenses and per diem  
30 shall be paid in the manner provided for in section  
31 2.12."

32 4. Page 2, by inserting after line 9 the  
33 following:

34 "\_\_\_\_\_. Identify and recommend a means of gathering  
35 and reporting the annual incidence in Iowa of

36 pregnancies, abortions, and births involving teenage  
37 females, which means will protect the confidentiality  
38 of the individuals involved."

39 5. Page 2, line 10, by striking the words "Assess  
40 the need for" and inserting the following: "Identify  
41 and quantify specific".

42 6. Page 2, line 11, by striking the word  
43 "programs" and inserting the word "needs".

44 7. Page 2, line 12, by striking the words  
45 "Inventory existing" and inserting the following:  
46 "Identify and develop a comprehensive inventory of".

47 8. Page 2, line 14, by striking the words  
48 "Investigate alternative" and inserting the following:  
49 "Identify and inventory existing and needed".

50 9. Page 2, line 16, by striking the word

#### Page 2

1 "Investigate" and inserting the following: "Identify  
2 and inventory".

3 10. Page 2, line 31, by striking the word  
4 "GRANTS" and inserting the following: "FUNDS".

5 11. Page 3, by striking lines 1 through 9 and  
6 inserting the following: "funds for purposes outlined  
7 in this section. Funds available pursuant to this  
8 section shall be allocated to areas of the state in a  
9 manner proportional to the incidence of adolescent  
10 pregnancy in those areas. Definitions of the areas  
11 shall be established by the task force established in  
12 section 234A.1. Funds shall not be awarded until the  
13 incidence of adolescent pregnancy, within each area,  
14 is established to the satisfaction of the task force.  
15 Funds shall not be used for the purchase of products  
16 which will prevent a pregnancy or for the purchase of  
17 services and products which will terminate a  
18 pregnancy. As used in this section, "services"  
19 includes but is not limited to nutritional counseling,  
20 health care, child development, education, adoption  
21 counseling, psychological counseling, living  
22 alternatives, child day care, job training, and  
23 transportation.

24 Funds may be awarded to:

25 1. A parent or guardian of adolescents in need of  
26 services. Such funds shall be disbursed in such a  
27 manner as to be payable jointly to the parent or  
28 guardian and the service provider. It is the intent  
29 of the general assembly that the term "service  
30 provider" be broadly construed so as to include any  
31 organization or individual providing services  
32 appropriate to the needs of the adolescent and the  
33 adolescent's child.

34 2. Programs for parents of adolescents, designed

35 to improve parent-child communications regarding human  
36 sexuality.

37 3. Pregnant adolescents and adolescent parents in  
38 need of services. Funds shall be payable jointly to  
39 the adolescent and the service provider."

40 12. Page 3, by striking lines 14 and 15.

41 13. Page 4, by striking lines 1 through 4 and  
42 inserting the following: "school diploma, or its  
43 equivalent. Funding to an adolescent under eighteen  
44 years of age may continue beyond the adolescent's  
45 eighteenth birthday in accordance with guidelines  
46 adopted by".

47 14. Page 5, by inserting after line 28 the fol-  
48 lowing:

49 "\_\_\_\_\_. Each public school board shall ensure,  
50 through specific instruction to and training of

### Page 3

1 appropriate public school professional staff, that  
2 adolescents are encouraged to delay sexual activity  
3 and discuss with their parents or guardians which  
4 method or methods of pregnancy prevention are  
5 appropriate.

6 \_\_\_\_\_. Each public school board shall ensure the  
7 following:

8 a. That the human growth and development  
9 curriculum employed in its jurisdiction encourages  
10 adolescents to delay sexual activity.

11 b. That the curriculum advises students to discuss  
12 with their parents or guardians which method or  
13 methods of pregnancy prevention are appropriate."

14 15. Page 6, line 2, by inserting after the word  
15 "curricula." the following: "The department of educa-  
16 tion shall ensure that the model human growth and de-  
17 velopment curricula it makes available encourage  
18 adolescents to delay sexual activity and encourage  
19 them to discuss with their parents which method or  
20 methods of pregnancy prevention are appropriate."

21 16. By renumbering and relettering as necessary.

Running of Linn offered amendment H-3731, to amendment  
H-3665, filed by him from the floor. Division was requested as follows:

### H-3731

1 Amend the amendment, H-3665, to Senate File 219, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

### H-3731A

4 1. Page 1, by striking lines 3 through 9 and  
5 inserting the following:

H-3731A

6 "\_\_\_\_\_. Page 1, by striking line 22 and inserting  
7 the following:  
8 "2. The task force is also composed of seven to  
9 fourteen nonvoting public members, with one or two  
10 from"."

H-3731B

11 2. Page 1, line 28, by inserting after the word  
12 "paid" the following: "to task force members who are  
13 also members of the general assembly".

H-3731C

14 3. Page 2, by striking lines 15 and 16 and  
15 inserting the following: "Funds shall not be used for  
16 the purchase of".

H-3731B

17 4. Page 2, by striking lines 18 through 23 and  
18 inserting the following: "pregnancy."

19 5. Page 2, by inserting after line 40 the  
20 following:

21 "\_\_\_\_\_. Page 3, by inserting after line 32 the  
22 following:

23 "As used in this section, unless the context  
24 otherwise requires, "services" includes but is not  
25 limited to nutritional counseling, health care, child  
26 development, education, adoption counseling,  
27 psychological counseling, shelter, living  
28 alternatives, child day care, job training, and  
29 transportation." "

30 5. By renumbering as necessary.

On motion by Running of Linn, amendment H-3731A, to amendment H-3665, was adopted.

Plasier of Sioux offered the following amendment H-3702, to amendment H-3665, filed by him and moved its adoption:

H-3702

1 Amend the amendment, H-3665, to Senate File 219, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 21, by striking the word "three"  
5 and inserting the following: "five".

6 2. Page 1, line 22, by inserting before the word  
7 "shall" the following: "and those persons the task  
8 force calls upon".

9 3. Page 1, line 28, by inserting after the word  
10 "paid" the following: "to task force members who are

- 11 also members of the general assembly".  
12 4. Page 2, by striking lines 18 through 23 and  
13 inserting the following: "pregnancy."  
14 5. Page 2, by inserting after line 40 the  
15 following:  
16 "\_\_\_\_\_ Page 3, by inserting after line 32 the  
17 following:  
18 "As used in this section, unless the context  
19 otherwise requires, "services" includes but is not  
20 limited to nutritional counseling, health care, child  
21 development, education, adoption counseling,  
22 psychological counseling, living alternatives, child  
23 day care, job training, and transportation." "  
24 6. By renumbering as necessary.

Amendment H—3702 was adopted, placing out of order amendment H—3731B, found on page 1296 of the House Journal.

The House resumed consideration of amendment H—3731C, to amendment H—3665.

On motion by Running of Linn, amendment H—3731C lost.

Division of amendment H—3665 was requested as follows:

- H—3665A — Page 1, lines 3 through 16.  
H—3665B — Page 1, lines 17 through 31.  
H—3665C — Page 1, lines 32 through 50 and page 2, lines 1 and 2.  
H—3665D — Page 2, lines 3 through 46.  
H—3665E — Page 2, lines 47 through 50 and page 3, lines 1 through 21.

Plasier of Sioux moved the adoption of amendment H—3665A, as amended.

A non-record roll call was requested.

The ayes were 37, nays 46.

Amendment H—3665A, as amended, lost.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3633 filed by him on April 3, 1987.

The House resumed consideration of amendment H—3665B.

Plasier of Sioux asked and received unanimous consent to withdraw amendment H—3665B.

The House resumed consideration of amendment H—3665C.

Plasier of Sioux moved the adoption of amendment H—3665C.

A non-record roll call was requested.

The ayes were 33, nays 41.

Amendment H—3665C lost.

Tyrrell of Iowa offered the following amendment H—3634 filed by him and moved its adoption:

H—3634

- 1 Amend Senate File 219, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 2, by striking lines 18 and 19 and in-
- 4 serting the following:
- 5 "e. Issue a final report to the general assembly
- 6 by".

Amendment H—3634 lost.

Tyrrell of Iowa offered the following amendment H—3647 filed by him and moved its adoption:

H—3647

- 1 Amend Senate File 219, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 21 the
- 4 following:
- 5 "f. Be held legally liable for any damages for
- 6 which the recommendations adopted by the task force
- 7 are the proximate cause."

Amendment H—3647 lost.

Tyrrell of Iowa offered the following amendment H—3638 filed by him and moved its adoption:

H—3638

- 1 Amend Senate File 219, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 2, by striking lines 22 through 26 and
- 4 inserting the following:
- 5 "4. The governor shall provide assistance to the
- 6 task force and may authorize the use of available
- 7 funds to pay the expenses of the task force."

Amendment H—3638 lost.

Arnould of Scott asked and received unanimous consent that Senate File 219 be deferred and that the bill retain its place on the calendar.

**MOTION TO RECONSIDER**  
(Senate File 341)

I move to reconsider the vote by which Senate File 341 passed the House on April 13, 1987.

SHERZAN of Polk

**EXPLANATION OF VOTE**

I was necessarily absent from the House chamber on Friday, April 10, 1987. Had I been present, I would have voted "aye" on Senate File 268.

OLLIE of Clinton

**PRESENTATION OF VISITORS**

The Speaker announced that the following visitors were present in the House chamber:

Twenty-five senior students from Murray High School, Murray, accompanied by Paul Skinner. By Beaman of Clarke.

Twenty-seven fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Mary Huggins. By Carpenter of Polk.

Eighty fifth grade students from Black Hawk Elementary School, Waterloo, accompanied by Mrs. Martin, Miss Tonn, Mr. Barck and Mr. Murtinger. By Harper, Teaford and Shultz, all of Black Hawk.

Twenty-eight members of the National Honor Society from Iowa Falls High School, Iowa Falls, accompanied by Carmen Hammerberg. By Fuller of Hardin.

Fifty sixth grade students from Washington Elementary School, Atlantic, accompanied by Kathy Larsen. By Pellett of Cass.

**CERTIFICATES OF RECOGNITION**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows:

- |         |  |
|---------|--|
| 1987-22 | Marshall High School Mock Trial Team, Marshalltown — For winning the Iowa State High School Mock Trial Championship for 1987.                                |
| 1987-23 | Coach Richard Bangs and the Garnavillo High School Girls Basketball Team, Garnavillo — For participating in the 1987 Iowa Girls State Basketball Tournament. |

- 1987-24 Coach Mike Billings and the Elkader Central High School Boys Basketball Team, Elkader — For finishing as runner-up in the 1987 Class 1-A Boys State Basketball Tournament.
- 1987-25 Coach Don Hicks and the Stanton High School Boys Basketball Team, Stanton — For participating in the 1987 Iowa Boys State Basketball Tournament.

**JOSEPH O'HERN**  
Chief Clerk of the House

#### SUBCOMMITTEE ASSIGNMENTS

##### House File 657

Appropriations: McKinney, Chair; Mullins and Peterson of Carroll.

##### House File 667

Appropriations: Swartz, Chair; Hummel and Schrader.

##### Senate File 122

Education: Cohoon, Chair; Adams, Hester, Lageschulte and Spear.

#### COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**  
Chief Clerk of the House

#### COMMITTEE ON AGRICULTURE

**Senate File 91**, a bill for an act relating to the appointment of the secretary of the state fair board.

Fiscal Note is not required.

Recommended Amend and Do Pass with amendment H—3728 April 10, 1987.

**Pursuant to Rule 31.7, Senate File 91 was referred to the committee on state government.**

**Senate File 274**, a bill for an act relating to the exporting of Iowa grain, by providing for the establishment of an Iowa agricultural export trading company; establishing a certified Iowa grain program; a new division of agricultural inspection within the department of agriculture and land stewardship; a state grain terminal and shippers program; a foreign sale facilitation system; and a sealed carrier receptacle program; and imposing penalties.

Fiscal Note is required.

Reconsidered and Recommended Amend and Do Pass with amendment H—3735 April 10, 1987.

## COMMITTEE ON JUDICIARY AND LAW ENFORCEMENT

**Senate File 340**, a bill for an act relating to the testing of blood or other bodily specimens of persons committed to an institution under the control of the Iowa department of corrections or a jail under the charge of a sheriff or other person, and providing penalties.

Fiscal Note is required.

Recommended **Do Pass** April 10, 1987.

## COMMITTEE ON WAYS AND MEANS

**Senate File 481**, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing for refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates.

Fiscal Note is required.

Recommended **Amend and Do Pass with amendment H-3736** April 13, 1987.

## RESOLUTION FILED

**HCR 30**, by Arnould and Stromer, a concurrent resolution to exempt bills sponsored by the appropriations committees of the House and Senate from subsection 3 of Joint Rule 20.

Laid over under **Rule 25**.

## AMENDMENTS FILED

H-3726	S.F.	219	Hammond of Story Rosenberg of Story
H-3727	S.F.	496	Tyrrell of Iowa
H-3728	S.F.	91	Committee on Agriculture
H-3729	S.F.	219	Van Camp of Scott
H-3730	S.F.	311	Koenigs of Mitchell
H-3732	S.F.	222	Shoning of Woodbury Harbor of Mills
H-3733	S.F.	216	Peterson of Carroll
H-3734	S.F.	214	Diemer of Black Hawk
H-3735	S.F.	274	Committee on Agriculture
H-3736	S.F.	481	Committee on Ways and Means

On motion by Arnould of Scott, the House adjourned at 3:07 p.m., until 9:00 a.m., Tuesday, April 14, 1987.

# JOURNAL OF THE HOUSE

Ninety-third Calendar Day — Sixty-third Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Tuesday, April 14, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable David Osterberg, state representative from Linn County.

The Journal of Monday, April 13, 1987 was approved.

## CONSIDERATION OF BILLS Regular Calendar

**Senate File 493**, a bill for an act relating to the creation of a statewide regional network of small business economic development corporations to assist in providing financing for small businesses in the state, with report of committee recommending amendment and passage was taken up for consideration.

Swartz of Marshall offered the following amendment H—3675 filed by the committee on small business and commerce:

H—3675

- 1 Amend Senate File 493 as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 2, by striking lines 24 through 29 and
- 4 inserting the following:
- 5 "3. Establish regions that have the same area
- 6 boundaries as that of the regional coordinating
- 7 councils established pursuant to section 28.101,
- 8 subsection 2. A corporation designated for a region
- 9 may enter into an agreement under chapter 28E with
- 10 other such corporations for the purpose of this part
- 11 for their regions. These corporations shall be
- 12 considered public agencies for purposes of chapter
- 13 28E."
- 14 2. Page 3, line 12, by striking the words
- 15 "Coordinate the adoption of uniform" and inserting the
- 16 following: "Adopt".
- 17 3. Page 3, by striking line 14 and inserting the
- 18 following: "and the direction of the corporations for
- 19 the uniform implementation of this part. These
- 20 rules".
- 21 4. Page 4, line 10, by inserting after the word
- 22 "of" the following: "moneys allocated to it from".
- 23 5. Page 4, by striking lines 11 through 26.

- 24 6. Page 4, line 27, by striking the figure "4."  
 25 and inserting the following: "b."  
 26 7. Page 4, line 29, by striking the figure "5."  
 27 and inserting the following: "c."  
 28 8. Page 4, line 32, by striking the figure "6."  
 29 and inserting the following: "d."  
 30 9. Page 5, line 2, by striking the figure "7."  
 31 and inserting the following: "e."  
 32 10. Page 5, line 4, by striking the figure "8."  
 33 and inserting the following: "f."  
 34 11. Page 5, by inserting after line 5 the  
 35 following:  
 36 "g. Coordinate its activities with the small  
 37 business development centers, institutions under the  
 38 control of the boards of regents, private colleges and  
 39 universities and other public entities located within  
 40 its area that are interested in economic development."  
 41 12. Page 5, by inserting after line 27 the  
 42 following:  
 43 "Sec. \_\_\_\_\_. NEW SECTION. 15.268 NO RESTRICTION.  
 44 Nothing in this part shall be construed so as to  
 45 restrict any corporation from fulfilling the purpose  
 46 of this part if that corporation has not received  
 47 state moneys under this part."

Neuhauser of Johnson offered the following amendment H—3689, to the committee amendment H—3675, filed by her and moved its adoption:

H—3689

- 1 Amend the amendment, H—3675, to Senate File 493 as  
 2 follows:  
 3 1. Page 1, by striking lines 8 through 13 and in-  
 4 serting the following: "subsection 2." "

Amendment H—3689 was adopted.

Metcalf of Polk offered amendment H—3717, to the committee amendment H—3675, filed by her and requested division as follows:

H—3717

- 1 Amend the amendment, H—3675, to Senate File 493, as  
 2 amended, passed, and reprinted by the Senate, as  
 3 follows:

H—3717A

- 4 1. Page 1, lines 8 through 13, by striking the  
 5 words "A corporation designated for a region may enter  
 6 into an agreement under chapter 28E with other such  
 7 corporations for the purpose of this part for their

H—3717A

- 8 regions. These corporations shall be considered  
9 public agencies for purposes of chapter 28E.”

H—3717B

- 10 2. Page 1, lines 39 and 40, by striking the words  
11 “located within its area”.

The Speaker announced that amendment H—3717A was out of order.

On motion by Metcalf of Polk, amendment H—3717B was adopted.

On motion by Swartz of Marshall, the committee amendment H—3675, as amended, was adopted.

Metcalf of Polk offered the following amendment H—3719 filed by her and Hansen of Woodbury and moved its adoption:

H—3719

- 1 Amend Senate File 493, as amended, passed, and re-  
2 printed by the Senate, as follows:  
3 1. Page 2, by inserting after line 12 the follow-  
4 ing:  
5 “Interest accrued by the fund shall be credited to  
6 and deposited in the fund.”

Amendment H—3719 was adopted.

Brammer of Linn offered the following amendment H—3720 filed by him and moved its adoption:

H—3720

- 1 Amend Senate File 493, as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 3, by striking lines 8 through 11 and  
4 inserting the following:  
5 “8. a. Ensure that all operations of the board  
6 and corporations authorized under this part comply  
7 with the affirmative action requirements of chapter  
8 19B.  
9 b. Ensure that all loans guaranteed under this  
10 part are disbursed and collected without  
11 discrimination and in accordance with section 601A.10,  
12 subsection 2.  
13 c. Ensure that the loans guaranteed under this  
14 part are disbursed and utilized in accordance with the  
15 targeted small business set-aside requirements of  
16 sections 73.15 through 73.21.”

Amendment H—3720 was adopted.

Hansen 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. 493)

The ayes were, 86:

Arnould	Beaman	Beatty	Bennett
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Cooper	Corey
Daggett	De Groot	Diemer	Eddie
Fey	Fogarty	Fuller	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Poncy
Renaud	Renken	Rosenberg	Royer
Schnekloth	Schrader	Shoning	Shoultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Mr. Speaker		

The nays were, 10:

Adams	Corbett	Doderer	Dvorsky
Garman	Groninga	Neuhauser	Platt
Running	Wise		

Absent or not voting, 4:

Clark	Connors	Jochum	Sherzan
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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 FILES 396 AND 219 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate Files 396 and 219 be deferred and that the bills retain their place on the calendar.

**Senate File 13**, a bill for an act relating to the protection of buyers of farm products against the enforcement of liens by secured parties and providing dates for the effectiveness and applicability of the Act, with report of committee recommending passage was taken up for consideration.

Fogarty of Palo Alto moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 13)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 6:

Hummel	Maulsby	Petersen, D. F.	Schnekloth
Stueland	Van Maanen		

Absent or not voting, 5:

Clark	Connors	Jochem	Mullins
Shoultz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 282**, a bill for an act to revise provisions relating to dangerous weapons and the carrying of dangerous weapons and knives, and providing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Rosenberg of Story offered the following amendment H—3704 filed by the committee on judiciary and law enforcement and moved its adoption:

H-3704

1 Amend Senate File 282 as amended, passed, and  
2 reprinted by the Senate as follows:

3 1. Page 1, by inserting after line 16 the  
4 following:

5 "Sec. 2. Section 708.2, Code 1987, is amended by  
6 adding the following new subsection after subsection 1  
7 and renumbering the subsequent subsections:

8 NEW SUBSECTION. 2. A person who commits an  
9 assault, as defined in section 708.1, and uses or  
10 displays a firearm in connection with the assault, is  
11 guilty of an aggravated misdemeanor. A person may not  
12 be convicted and sentenced for a violation of both  
13 this subsection and section 708.6 or 708.8 as a result  
14 of the same incident.

15 Sec. 3. NEW SECTION. 718.7 TRAINING IN THE USE  
16 OF WEAPONS OR EXPLOSIVES FOR USE IN CIVIL DISORDER  
17 PROHIBITED.

18 1. As used in this section:

19 a. "Civil disorder" means any public disturbance  
20 involving acts of violence which causes an immediate  
21 danger of or results in damage or injury to any real  
22 or personal property or person.

23 b. "Dangerous weapon" means a dangerous weapon as  
24 defined in section 702.7.

25 c. "Explosive" means an explosive as defined in  
26 section 101A.1.

27 d. "Offensive weapon" means an offensive weapon as  
28 defined in section 724.1.

29 2. A person shall not:

30 a. Teach or demonstrate to any other person the  
31 use, application, or manufacture of any dangerous  
32 weapon, offensive weapon, explosive, or technique  
33 capable of causing injury or death to persons, knowing  
34 or having reasonable cause to know and intending that  
35 the weapon, explosive, or technique will be unlawfully  
36 employed for use in or in furtherance of a civil  
37 disorder.

38 b. Assemble with one or more persons for the  
39 purpose of training with, practicing with, or being  
40 instructed in the use of any dangerous weapon,  
41 offensive weapon, explosive, or technique capable of  
42 causing injury or death to persons, intending to  
43 employ the weapon, explosive, or technique unlawfully  
44 for use in or in furtherance of a civil disorder.

45 3. A person convicted of a violation of this  
46 section is guilty of a class "D" felony.

47 4. This section shall not apply to:

48 a. A peace officer of this or any other state in  
49 the lawful performance of the officer's official  
50 duties.

## Page 2

1 b. A federal official required to carry firearms  
2 while engaged in the lawful performance of the  
3 official's official duties.

4 c. A member of the armed forces of the United  
5 States or of the national guard while engaged in the  
6 lawful performance of the member's official duties.

7 d. The conservation commission or any law  
8 enforcement agency, hunting club, gun club, shooting  
9 range, or any other organization or entity whose  
10 primary purpose is to teach the safe handling or use  
11 of firearms, archery equipment, or other weapons or  
12 techniques employed in connection with lawful sporting  
13 or other lawful activity."

14 2. Page 3, line 6, by striking the word  
15 "container" and inserting the following:  
16 "container".

17 3. Title page, line 1, by striking the words "to  
18 revise" and inserting the following: "relating to  
19 dangerous weapons, offensive weapons, and explosives,  
20 by providing an enhanced penalty for assault when a  
21 firearm is used or displayed, by prohibiting  
22 instruction in the use of weapons or explosives for  
23 use in civil disorder, and by revising".

24 4. By renumbering as required.

The committee amendment H—3704 was adopted.

Rosenberg 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. 282)

The ayes were, 96:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Patlin

Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Clark	Connors	Jochum	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.

**Senate File 267**, a bill for an act relating to the affirmation and reenactment of certain provisions of law concerning the regulation of certain businesses and occupations, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Peterson of Carroll moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 267)

The ayes were, 90:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Norrgrund	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Rosenberg
Royer	Running	Schnekloth	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Swearingen

Tabor	Teaford	Tyrrell	Van Camp
Wise	Mr. Speaker		

The nays were, 2:

Renken	Van Maanen
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Absent or not voting, 8:

Bennett	Clark	Connors	Jochum
Miller	Schrader	Shoultz	Svoboda

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 449**, a bill for an act relating to the operation and administration of the department of employment services by correcting statutory omissions, inaccuracies, and inconsistencies to reflect or alter current practices, by limiting certain penalties, by continuing the reimbursable status of certain enterprises and businesses sold or transferred by reimbursable employers, and by authorizing the release of certain job service information to certain public or quasi-public officials and entities and certain business and labor organizations, with report of committee recommending amendment and passage was taken up for consideration.

Hansen of Woodbury offered the following amendment H—3683 filed by the committee on labor and industrial relations and moved its adoption:

H—3683

- 1 Amend Senate File 449 as passed by the Senate as
- 2 follows:
- 3 1. Page 7, line 22, by striking the words "An
- 4 employee" and inserting the following: "A designated
- 5 representative".

The committee amendment H—3683 was adopted.

Hansen 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. 449)

The ayes were, 93:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot

Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Holveck
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 7:

Clark	Connors	Eddie	Haverland
Jochum	Shoultz	Svoboda	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE FILE 276 DEFERRED

Groninga of Cerro Gordo asked and received unanimous consent that Senate File 276 be deferred and that the bill retain its place on the calendar.

**Senate File 338**, a bill for an act relating to environmental protection performance standards for coal mining and providing an effective date, with report of committee recommending passage was taken up for consideration.

Norrgard of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 338)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper

Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schneklath	Schrader	Sherzan	Shoning
Siegrist	Skow	Spear	Stromer
Stueland	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Clark	Connors	Fey	Jochum
Shoultz	Svoboda		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE FILE 327 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 327 be deferred and that the bill retain its place on the calendar.

**Senate File 69**, a bill for an act relating to the investment of idle public funds by authorizing investment in drainage district warrants or improvement certificates and by correcting an error, with report of committee recommending amendment and passage was taken up for consideration.

Parker of Jasper offered the following amendment H—3716 filed by the committee on small business and commerce and moved its adoption:

H—3716

- 1 Amend Senate File 69, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 10 through 15 and
- 4 inserting the following: "expenses in notes,

- 5 certificates, bonds, prime eligible bankers  
 6 acceptances, commercial paper rated within the two  
 7 highest classifications of prime as established by at  
 8 least one of the standard rating services approved by  
 9 the superintendent of banking pursuant to chapter 17A,  
 10 perfected repurchase agreements, or other evidences of  
 11 indebtedness which are".  
 12 2. Page 1, by striking lines 17 through 22 and  
 13 inserting the following: "or any of its agencies; or  
 14 in time deposits in".  
 15 3. Title page, line 3 by striking the words "and  
 16 by correcting an error".

The committee amendment H—3716 was adopted.

Arnould of Scott asked and received unanimous consent that Senate File 69 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 399**, a bill for an act establishing a motorcycle rider education fund, increasing fees for certain operator's licenses, crediting moneys to the fund, and appropriating moneys from the fund to the department of education to reimburse sponsors of motorcycle rider education courses for the costs of the courses, with report of committee recommending amendment and passage was taken up for consideration.

Jay of Appanoose offered the following amendment H—3710 filed by the committee on transportation and moved its adoption:

H—3710

- 1 Amend Senate File 399 as amended, passed and  
 2 reprinted by the Senate as follows:  
 3 1. Page 1, line 7, by inserting after the word  
 4 "dollar" the following: "per year of license  
 5 validity".  
 6 2. Page 2, line 10, by inserting after the word  
 7 "dollar" the following: "per year of license  
 8 validity".

The committee amendment H—3710 was adopted.

Jay of Appanoose moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 399)

The ayes were, 81:

Adams

Arnould

Beaman

Beatty

Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Cooper	Daggett
Diemer	Doderer	Dvorsky	Fey
Fogarty	Fuller	Garman	Groninga
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Jay	Johnson	Koenigs	Kremer
Lageschulte	Lundby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Rosenberg	Royer	Running	Schrader
Sherzan	Shoning	Siegrist	Skow
Spear	Stromer	Swartz	Swearingen
Tabor	Teaford	Van Camp	Wise
Mr. Speaker			

The nays were, 13:

Bisignano	Corbett	Corey	De Groot
Eddie	Hummel	Knapp	Maulsby
Renken	Schneklath	Stueland	Tyrrrell
Van Maanen			

Absent or not voting, 6:

Clark	Connors	Gruhn	Jochum
Shoultz	Svoboda		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 257**, a bill for an act relating to the payment for crop damages within the right-of-way of drainage improvements, with report of committee recommending passage was taken up for consideration.

Gruhn of Dickinson moved that the bill be read a last time 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. 257)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Daggett	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller

Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hester	Holveck
Jay	Johnson	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Royer	Running
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stueland	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 9:

Corbett	Corey	De Groot	Garman
Hermann	Hummel	Knapp	Schneklath
Stromer			

Absent or not voting, 7:

Clark	Connors	Harbor	Jochum
Muhlbauer	Shoultz	Svoboda	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 423**, a bill for an act relating to the subcontractor's right to file a mechanic's lien against the property for which labor is performed or material is furnished, with report of committee recommending passage was taken up for consideration.

Tabor of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 423)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann

Hester	Holveck	Hummel	Jay
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrsgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Clark	Connors	Jochum	Shoultz
Svoboda			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 428**, a bill for an act relating to the protection of buyers of fine art and providing a penalty, with report of committee recommending passage was taken up for consideration.

Chapman of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 428)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Muhlbauer	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters

Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 2:

Hanson, D. R.      Renken

Absent or not voting, 7:

Bisignano	Clark	Connors	Jochum
Miller	Shoultz	Svoboda	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE FILE 373 DEFERRED

Halvorson of Clayton asked and received unanimous consent that Senate File 373 be deferred and that the bill retain its place on the calendar.

**Senate File 198**, a bill for an act relating to the payment of special assessments on property acquired by eminent domain and providing an effective date, with report of committee recommending passage was taken up for consideration.

Bisignano 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. 198)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Mullins	Neuhauser

Norrgard	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poney
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 1:

Hummel

Absent or not voting, 7:

Clark	Connors	Fey	Jochum
Muhlbauer	Ollie	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE FILE 397 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 397 be deferred and that the bill retain its place on the calendar.

**Senate File 451**, a bill for an act relating to the acquisition of legal settlement in a county, with report of committee recommending passage was taken up for consideration.

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. 451)

The ayes were, 91:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Johnson	Knapp
Koenigs	Kremer	Lageschulte	Lundby
Maulsby	May	McKean	McKinney
Metcalf	Miller	Mullins	Neuhauser

Norrgard	Ollie	Osterberg	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poney
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 2:

Harper	Teaford
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Absent or not voting, 7:

Clark	Connors	Fey	Jochum
Muhlbauer	Parker	Shoultz	

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### SENATE FILE 469 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 469 be deferred and that the bill retain its place on the calendar.

**Senate File 458**, a bill for an act relating to the abatement of taxes by the county, with report of committee recommending passage was taken up for consideration.

Bisignano 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. 458)

The ayes were, 84:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Buhr	Carpenter	Cphoon	Connolly
Cooper	Corey	Daggett	Diemer
Doderer	Dvorsky	Eddie	Fogarty
Fuller	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hatch	Haverland
Hermann	Hester	Holveck	Hummel
Jay	Johnson	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich

Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Poncy	Renaud	Renken
Rosenberg	Royer	Running	Schneklath
Schrader	Sherzan	Shoning	Siegrist
Skow	Spear	Stromer	Stueland
Swartz	Swearingen	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, 11:

Brammer	Branstad	Chapman	Corbett
De Groot	Garman	Knapp	Mullins
Platt	Svoboda	Tabor	

Absent or not voting, 5:

Clark	Connors	Fey	Jochum
Shoultz			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 470**, a bill for an act relating to corporate takeovers, with report of committee recommending passage was taken up for consideration.

Blanshan of Greene moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 470)

The ayes were, 68:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Cohoon	Cooper
Corbett	Diemer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Harbor	Harper	Hatch
Holveck	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lundby
May	McKean	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

The nays were, 27:

Beaman	Bennett	Branstad	Corey
Daggett	De Groot	Garman	Hanson, D. R.
Hermann	Hester	Hummel	Lageschulte
Maulsby	Metcalf	Miller	Paulin
Pellett	Petersen, D. F.	Plasier	Renken
Royer	Schnekloth	Stueland	Swearingen
Tyrrell	Van Camp	Van Maanen	

Absent or not voting, 5:

Clark	Connolly	Connors	Doderer
Haverland			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 461**, a bill for an act relating to electronic funds transfers by providing for limiting liability of financial institutions for unauthorized electronic funds transfers involving the customer's account, altering restrictions on the establishment, location, and use of satellite terminals, adding definitions, and requiring that all satellite terminals in this state or their data processing centers be directly connected to a central routing unit, with report of committee recommending amendment and passage was taken up for consideration.

Parker of Jasper offered the following amendment H—3715 filed by the committee on small business and commerce:

H—3715

- 1 Amend Senate File 461 as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, by striking lines 1 through 6.
- 4 2. Page 6, by striking lines 1 through 4 and
- 5 inserting the following: "However, if a satellite
- 6 terminal is located inside or consolidated into the
- 7 wall of the principal place of business or any other
- 8 authorized office of the financial institution which
- 9 has established the terminal, the satellite terminal
- 10 may bear a sign or other advertisement of the
- 11 establishing institution. The administrator is
- 12 empowered to may authorize".
- 13 3. Page 7, line 29 by inserting after the word
- 14 "compromise" the following: "except that the
- 15 financial institution shall have no liability if the
- 16 losses are a result of the customer's fraudulent acts
- 17 or omissions".
- 18 4. Page 9, by striking lines 15 through 26 and
- 19 inserting the following:
- 20 "Sec. \_\_\_\_\_. Section 527.10, Code 1987, is amended
- 21 by adding the following new unnumbered paragraph:
- 22 **NEW UNNUMBERED PARAGRAPH.** A financial institution,

23 data processing center, central routing unit, or other  
 24 person shall not disseminate any information relating  
 25 to the use of a multiple use terminal without the  
 26 written authorization of the owner or operator of the  
 27 terminal or the financial institution controlling the  
 28 terminal. This section shall not, however, prohibit  
 29 or restrict the use of information received in the  
 30 processing, authorization, or rejection of a requested  
 31 electronic funds transfer transaction, where such use  
 32 is necessary or incidental to the processing,  
 33 authorization, or rejection, or to reconciling  
 34 disputes or resolving questions raised by a retailer,  
 35 financial institution, consumer, or any other person  
 36 regarding the transaction."  
 37 5. By renumbering as necessary.

Schneklath of Scott asked and received unanimous consent that Senate File 461 be deferred and that the bill retain its place on the calendar.

(The committee amendment H—3715 pending.)

**Senate File 463**, a bill for an act relating to the development and implementation by the agricultural development authority of programs to provide economic assistance on behalf of agricultural producers within the state and providing an effective date, with report of committee recommending passage was taken up for consideration.

Norrgard of Des Moines moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 463)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Cohoon	Connolly	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Haverland
Hermann	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Paulin
Pavich	Pellett	Peters	Petersen, D. F.

Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Royer
Running	Schnekloth	Schrader	Sherzan
Shoning	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 8:

Chapman	Clark	Connors	Cooper
Hatch	Hester	Parker	Shoultz

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 373**, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, and remove ambiguities, with report of committee recommending amendment and passage was taken up for consideration.

Halvorson of Clayton offered amendment H—3724 filed by the committee on judiciary and law enforcement.

Division of the amendment was requested as follows:

H—3724A

1 Amend Senate File 373, as amended, passed, and  
 2 reprinted by the Senate, as follows:  
 3 1. Page 1, by inserting before line 1 the  
 4 following:  
 5 "Sec. \_\_\_\_\_. Section 15.106, subsection 2, Code  
 6 1987, is amended to read as follows:  
 7 2. Employ personnel as necessary to carry out the  
 8 duties and responsibilities of the department,  
 9 consistent with the merit system provisions of chapter  
 10 19A for nonprofessional employees. Professional staff  
 11 of the department are exempt from the merit system  
 12 provisions of chapter 19A.  
 13 Sec. \_\_\_\_\_. Section 18.8, unnumbered paragraph 6,  
 14 Code 1987, is amended to read as follows:  
 15 The director shall appoint a superintendent of  
 16 buildings and grounds, who shall serve at the pleasure  
 17 of the director and shall not be governed by the merit  
 18 system provisions of chapter 19A.  
 19 Sec. \_\_\_\_\_. Section 18.74, Code 1987, is amended to  
 20 read as follows:

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## 21 18.74 APPOINTMENT.

22 The director of the department of general services  
23 shall appoint a person to administer the provisions of  
24 this division. This person shall be known as the  
25 superintendent of printing and shall serve at the  
26 pleasure of the director without being subject to the  
27 merit system provisions of chapter 19A.

28 Sec. \_\_\_\_\_. Section 18.115, unnumbered paragraph 1,  
29 Code 1987, is amended to read as follows:

30 In order to carry out the powers vested in the  
31 director by this chapter, the director of the  
32 department of general services shall appoint a state  
33 vehicle dispatcher and such other employees as may be  
34 necessary to carry out the provisions of this chapter.  
35 The state vehicle dispatcher shall serve at the  
36 pleasure of the director and shall not be governed by  
37 the merit system provisions of chapter 19A. Subject  
38 to the approval of the director, the state vehicle  
39 dispatcher shall have the following duties:

40 Sec. \_\_\_\_\_. Section 18.163, Code 1987, is amended to  
41 read as follows:

## 42 18.163 PERSONNEL.

43 The director of the department shall employ a risk  
44 manager and such other permanent full-time personnel  
45 as shall be necessary to administer this chapter. All  
46 permanent full-time personnel other than the risk  
47 manager shall be subject to the merit system  
48 provisions of chapter 19A. The director is authorized  
49 to hire as independent contractors such other persons  
50 as may be necessary to assist the risk manager in

## Page 2

1 establishing standards and procedures under sections  
2 18.160 to 18.169."

3 2. Page 1, by inserting after line 19 the  
4 following:

5 "Sec. \_\_\_\_\_. Section 56.9, subsection 4, Code 1987,  
6 is amended to read as follows:

7 4. The commission shall employ a full-time  
8 executive secretary who shall be the chief  
9 administrative officer and such personnel as are  
10 necessary to carry out the duties of the commission.  
11 Notwithstanding the provisions of section 19A.3, all  
12 of its employees, except the executive secretary,  
13 shall be employed subject to the merit system  
14 provisions of chapter 19A.

15 Sec. \_\_\_\_\_. Section 80B.5, Code 1987, is amended to  
16 read as follows:

## 17 80B.5 ADMINISTRATION.

18 The administration of the Iowa law enforcement  
19 academy and council Act shall be is vested in the

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20 office of the governor. A director of the academy and  
21 such staff as may be necessary for it to function  
22 shall be employed pursuant to the Iowa merit system  
23 appointed by and serve at the pleasure of the  
24 governor, at an annual salary fixed by the general  
25 assembly."

26 3. Page 3, by inserting after line 26 the  
27 following:

28 "Sec. \_\_\_\_\_. Section 99E.3, subsection 3, Code 1987,  
29 is amended to read as follows:

30 3. The commissioner may employ, with the approval  
31 of the director, clerks, stenographers, inspectors,  
32 agents, and other employees pursuant to the merit  
33 system provisions of chapter 19A as necessary to carry  
34 out this chapter, except as provided in section  
35 99E.14, subsection 2.

36 Sec. \_\_\_\_\_. Section 99E.14, unnumbered paragraph 1,  
37 Code 1987, is amended to read as follows:

38 The commissioner shall designate three  
39 administrative positions within the division which  
40 require specific areas of expertise relating to the  
41 operation of the lottery. These three administrative  
42 positions are exempt from the merit system provisions  
43 of chapter 19A. The commissioner shall designate one  
44 of these three administrators to serve as acting  
45 commissioner in the commissioner's absence.

46 Sec. \_\_\_\_\_. Section 103A.6, Code 1987, is amended to  
47 read as follows:

48 103A.6 MERIT SYSTEM.

49 Employees of the commissioner shall, where required  
50 by federal statutes, be covered by the merit system

Page 3

1 provisions of chapter 19A.

2 Sec. \_\_\_\_\_. Section 118.2, Code 1987, is amended to  
3 read as follows:

4 118.2 OFFICERS.

5 During the month of July of each year the board  
6 shall elect from its members a president and vice  
7 president. The duties of the officers shall be such  
8 as are usually performed by such officers. At least  
9 one meeting of the board, except as provided in  
10 section 118.13, shall be held at the seat of  
11 government. The board may employ a secretary whose  
12 salary shall be established by the governor with the  
13 approval of the executive council pursuant to section  
14 19A.9, subsection 2, under the pay plan for exempt  
15 positions in the executive branch of government.

16 Sec. \_\_\_\_\_. Section 123.20, subsection 4, Code 1987,  
17 is amended to read as follows:

18 4. To appoint clerks, agents, or other employees

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19 required for carrying out the provisions of this  
20 chapter; to dismiss employees for cause; to assign  
21 employees to bureaus as created by the administrator  
22 within the division; and to designate their title,  
23 duties, and powers. All employees of the division are  
24 subject to the merit system provisions of chapter 19A  
25 unless exempt under section 19A.3.

26 Sec. \_\_\_\_\_. Section 135.2, unnumbered paragraph 1,  
27 Code 1987, is amended to read as follows:

28 The governor shall appoint the director of the  
29 department, subject to confirmation by the senate.

30 The director shall serve at the pleasure of the  
31 governor. The director is exempt from the merit  
32 system provisions of chapter 19A. The governor shall  
33 set the salary of the director within the range  
34 established by the general assembly.

35 Sec. \_\_\_\_\_. Section 135B.5, unnumbered paragraph 1,  
36 Code 1987, is amended to read as follows:

37 Upon receipt of an application for license and the  
38 license fee, the department of inspections and appeals  
39 shall issue a license if the applicant and hospital  
40 facilities comply with the provisions of this chapter  
41 and the regulations of rules adopted for  
42 administration of this chapter by the said department  
43 of inspections and appeals. Each such license, unless  
44 sooner suspended or revoked, shall be is renewable  
45 annually upon payment of ten dollars and upon filing  
46 by the licensee, and approval by the department of  
47 inspections and appeals, of an annual report upon such  
48 uniform dates and containing such information in such  
49 a form as the state department of health inspections  
50 and appeals, with the advice of the hospital licensing

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1 board, shall prescribe prescribes by regulation rule.  
2 Licenses issued hereunder shall be either general or  
3 restricted in form. In those instances where If an  
4 applicant for a hospital license was licensed as a  
5 hospital on December 31, 1960, or had an application  
6 for a hospital license pending on April 1, 1961, and  
7 the facilities of such the applicant are suitable or  
8 adequate for only certain types of hospital care or  
9 treatment, the specific types of care or treatment for  
10 which such the hospital is properly equipped shall be  
11 set forth on the face of the license and the lawful  
12 operation of the hospital shall be thereby is  
13 restricted to the types of care and treatment so  
14 specified. Each license shall be issued only for the  
15 premises and persons or governmental units named in  
16 the application and shall is not be transferable or  
17 assignable except with the written approval of the

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18 department of inspections and appeals. Licenses shall  
19 be posted in a conspicuous place on the licensed  
20 premises as prescribed by regulation rules of the said  
21 department.

22 Sec. \_\_\_\_\_. Section 135B.6, unnumbered paragraph 3,  
23 Code 1987, is amended to read as follows:

24 The procedure governing hearings authorized by this  
25 section shall be in accordance with rules ~~promulgated~~  
26 adopted by said the department with the advice of the  
27 hospital licensing board of inspections and appeals.

28 A full and complete record shall be kept of all  
29 proceedings, and all testimony shall be reported but  
30 need not be transcribed unless judicial review is  
31 sought pursuant to section 135B.14. A copy or One or  
32 more copies of the transcript may be obtained by an  
33 interested party on payment of the cost of preparing  
34 such copy or the copies. Witnesses may be subpoenaed  
35 by either party and shall be allowed fees at a rate  
36 prescribed by the aforsaid rules.

37 Sec. \_\_\_\_\_. Section 135B.7, unnumbered paragraph 1,  
38 Code 1987, is amended to read as follows:

39 The state department of health inspections and  
40 appeals, with the advice of the hospital licensing  
41 board, shall adopt and enforce rules and containing  
42 standards for the different types of hospitals to be  
43 licensed under this chapter, to further the purposes  
44 of the chapter. Rules or standards shall not be  
45 adopted or enforced which would have the effect of  
46 denying a license to a hospital or other institution  
47 required to be licensed, solely by reason of the  
48 school or system of practice employed or permitted to  
49 be employed by physicians in the hospital if the  
50 school or system of practice is recognized by the laws

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1 of this state.

2 Sec. \_\_\_\_\_. Section 135B.9, Code 1987, is amended to  
3 read as follows:

4 135B.9 INSPECTIONS AND CONSULTATIONS.

5 The department of inspections and appeals shall  
6 make or cause to be made such inspections as it may  
7 deem deems necessary. The state department of health  
8 shall inspections and appeals, with the advice of the  
9 hospital licensing board, shall prescribe by  
10 regulations rule that any a licensee or applicant for  
11 license desiring to make specified types of alteration  
12 or addition to its facilities new or to construct new  
13 facilities shall, before commencing such the  
14 alteration, addition, or new construction, submit  
15 plans and specifications therefor for it to the  
16 department of inspections and appeals for preliminary

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17 inspection and approval or recommendations with  
18 respect to compliance with the regulations rules and  
19 standards herein authorized.

20 Sec. \_\_\_\_\_. Section 135B.11, subsection 1, Code  
21 1987, is amended to read as follows:

22 1. To consult and advise with the department of  
23 health inspections and appeals in matters of policy  
24 affecting administration of this chapter, and in the  
25 development of rules, regulations and standards  
26 provided for hereunder pursuant to this chapter.

27 Sec. \_\_\_\_\_. Section 135C.16, subsection 1, Code  
28 1987, is amended to read as follows:

29 1. In addition to the inspections required by  
30 sections 135C.9 and 135C.38 the department shall make  
31 or cause to be made such further unannounced  
32 inspections as it may deem necessary to adequately  
33 enforce this chapter, including at least one general  
34 inspection in each calendar year of every licensed  
35 health care facility in the state made without  
36 providing advance notice of any kind to the facility  
37 being inspected. The inspector shall show  
38 identification to the person in charge of the facility  
39 and state that an inspection is to be made before  
40 beginning the inspection. Any employee of the  
41 department who gives unauthorized advance notice of an  
42 inspection made or planned to be made under this  
43 subsection or section 135C.38 shall be disciplined as  
44 determined by the director, except that if the  
45 employee is employed pursuant to the merit system  
46 provisions of chapter 19A the discipline shall not  
47 exceed that authorized pursuant to that chapter.

48 Sec. \_\_\_\_\_. Section 135C.19, subsection 3,  
49 unnumbered paragraph 2, Code 1987, is amended to read  
50 as follows:

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1 If the facility cited subsequently advises the  
2 department of human services that the violation has  
3 been corrected to the satisfaction of the department  
4 of health inspections and appeals, the department of  
5 human services must maintain this advisory in the same  
6 file with the copy of the citation. The department of  
7 human services shall not disseminate to the public any  
8 information regarding citations issued by the  
9 department of health inspections and appeals, but  
10 shall forward or refer such inquiries to the  
11 department of health inspections and appeals.

12 Sec. \_\_\_\_\_. Section 144.5, subsections 3 and 6, Code  
13 1987, are amended to read as follows:

14 3. Direct, supervise, and control the activities  
15 of local registrars and deputy local registrars, and

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16 the activities of clerks of the district court related  
17 to the operation of the vital statistics system and  
18 provide registrars with necessary postage.

19 6. Delegate functions and duties vested in the  
20 state registrar to officers, employees of the  
21 department, and to the local county registrars as the  
22 state registrar deems necessary or expedient.

23 Sec. \_\_\_\_\_. Section 144.9, unnumbered paragraph 1  
24 and subsection 1, Code 1987, are amended to read as  
25 follows:

26 The clerk of the district court shall be is the  
27 county registrar and with respect to the county  
28 registrar's registration district shall:

29 1. Administer and enforce the provisions of this  
30 chapter and the rules issued by the department, and  
31 exercise general supervision over the local and deputy  
32 local registrars in the county registrar's district.

33 Sec. \_\_\_\_\_. Section 144.12, Code 1987, is amended to  
34 read as follows:

35 144.12 FORMS UNIFORM.

36 In order to promote and maintain uniformity in the  
37 system of vital statistics, the forms of certificates,  
38 reports, and other returns, shall include as a minimum  
39 the items recommended by the federal agency  
40 responsible for national vital statistics subject to  
41 approval and modification by the department. Forms  
42 shall be furnished by the department. The forms or  
43 other recording methods used by county and local  
44 registrars to record copies of records made under this  
45 chapter shall be prescribed by the department.

46 Sec. \_\_\_\_\_. Section 144.13, subsections 1 and 2,  
47 Code 1987, are amended to read as follows:

48 1. A certificate of birth for each live birth  
49 which occurs in this state shall be filed with the  
50 local county registrar of the district county in which

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1 the birth occurs within five days after the birth and  
2 shall be registered by the registrar if it has been  
3 completed and filed in accordance with this chapter;  
4 provided that, However, when a birth occurs in a  
5 moving conveyance, a birth certificate shall be filed  
6 in the district county in which the child was first  
7 removed from the conveyance.

8 2. When a birth occurs in an institution, the  
9 person in charge of the institution or the person's  
10 designated representative shall obtain the personal  
11 data, prepare the certificate, secure the signatures  
12 required by the certificate and file the certificate  
13 with the local county registrar. The physician in  
14 attendance shall certify to the facts of birth and

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15 provide the medical information required by the  
16 certificate within three days after the birth.  
17 Sec. \_\_\_\_\_. Section 144.13A, Code 1987, is amended  
18 to read as follows:

19 **144.13A REGISTRATION FEE.**

20 The local county registrar and state registrar  
21 shall charge the parent a ten dollar fee for the  
22 registration of a certificate of birth. If the person  
23 responsible for the filing of the certificate of birth  
24 under section 144.13 is not the parent, the person  
25 shall collect the fee from the parent. The fee shall  
26 be remitted to the appropriate registrar. If the  
27 expenses of the birth are reimbursed under the medical  
28 assistance program established by chapter 249A or paid  
29 for under the statewide indigent patient care program  
30 established by chapter 255, or if the parent is  
31 indigent and unable to pay the expenses of the birth  
32 and no other means of payment is available to the  
33 parent, the registration fee is waived. If the person  
34 responsible for the filing of the certificate is not  
35 the parent, the person is discharged from the duty to  
36 collect and remit the fee under this section if the  
37 person has made a good faith effort to collect the fee  
38 from the parent. The fees collected by the local  
39 county registrar and state registrar shall be remitted  
40 to the treasurer of state for deposit in the general  
41 fund of the state. It is the intent of the general  
42 assembly that the funds generated from the  
43 registration fees be appropriated and used for primary  
44 and secondary child abuse prevention programs.

45 Sec. \_\_\_\_\_. Section 144.14, unnumbered paragraph 1,  
46 Code 1987, is amended to read as follows:

47 Whoever assumes the custody of a living infant of  
48 unknown parentage shall report on a form and in the  
49 manner prescribed by the state registrar within five  
50 days to the local county registrar of the district

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1 county in which the child was found, the following  
2 information:

3 Sec. \_\_\_\_\_. Section 144.17, subsection 2, Code 1987,  
4 is amended to read as follows:

5 2. That no record of birth of such person can be  
6 found in the office of the state or local county  
7 custodian of birth records.

8 Sec. \_\_\_\_\_. Section 144.26, unnumbered paragraphs 1  
9 and 2, Code 1987, are amended to read as follows:

10 A death certificate for each death which occurs in  
11 this state shall be filed with the local county  
12 registrar of the district county in which the death  
13 occurred within three days after the death and prior

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14 to final disposition, and shall be registered by the  
15 registrar if it has been completed and filed in  
16 accordance with this chapter. All information  
17 including the certifying physician's name shall be  
18 typewritten.

19 If the place of death is unknown, a death  
20 certificate shall be filed in the registration  
21 district county in which a dead body is found within  
22 three days after the body is found. If death occurs  
23 in a moving conveyance, a death certificate shall be  
24 filed in the registration district county in which the  
25 dead body was first removed from the conveyance.

26 Sec. \_\_\_\_\_. Section 144.29, Code 1987, is amended to  
27 read as follows:

28 144.29 FETAL DEATHS.

29 A fetal death certificate for each fetal death  
30 which occurs in this state after a gestation period of  
31 twenty completed weeks or more shall be filed with the  
32 local county registrar of the district county in which  
33 the delivery of the dead fetus occurred within three  
34 days after delivery and prior to final disposition of  
35 the fetus and . The certificate shall be registered  
36 if it has been completed and filed in accordance with  
37 this chapter.

38 If the place of delivery of a dead fetus is  
39 unknown, a fetal death certificate shall be filed in  
40 the registration district county in which a dead fetus  
41 was found within three days after the fetus is found.  
42 If a fetal death occurs in a moving conveyance, a  
43 fetal death certificate shall be filed in the  
44 registration district county in which the fetus was  
45 first removed from the conveyance.

46 Sec. \_\_\_\_\_. Section 144.32, Code 1987, is amended to  
47 read as follows:

48 144.32 BURIAL-TRANSIT PERMIT.

49 The funeral director who first assumes custody of a  
50 dead body or fetus shall obtain a burial-transit

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1 permit prior to final disposition of the body or fetus  
2 and within seventy-two hours after death. When a  
3 person other than a funeral director assumes custody  
4 of a dead body or fetus, the person shall be is  
5 responsible for securing the permit required in this  
6 section. A burial-transit permit shall be issued by  
7 the local county registrar of the district county  
8 where the certificate of death or fetal death was  
9 filed in accordance with the requirements of sections  
10 144.26 to 144.31.

11 Sec. \_\_\_\_\_. Section 144.43, unnumbered paragraph 2,  
12 Code 1987, is amended to read as follows:

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13 However, the following vital statistics may be  
14 inspected and copied as of right under chapter 22 when  
15 they are in the custody of a county or of a local  
16 registrar:

17 Sec. \_\_\_\_\_. Section 147.102, Code 1987, is amended  
18 to read as follows:

19 147.102 PHYSICIANS AND SURGEONS, PSYCHOLOGISTS,  
20 CHIROPRACTORS, DENTISTS, AND OSTEOPATHS.

21 Notwithstanding the provisions of this title, every  
22 application for a license to practice medicine and  
23 surgery, psychology, chiropractic, dentistry,  
24 osteopathy, or osteopathic medicine and surgery, shall  
25 be made directly to the secretary of the examining  
26 board of such profession, and every reciprocal  
27 agreement for the recognition of any such license  
28 issued in another state shall be negotiated by the  
29 examining board for such profession, and all  
30 examination, license, and renewal fees received from  
31 such persons licensed to practice any of such  
32 professions shall be paid to and collected by the  
33 secretary of the examining board of such profession,  
34 who shall transmit the fees to the treasurer of state  
35 who shall deposit the fees in the general fund of the  
36 state. The secretary is exempt from the merit system  
37 provisions of chapter 19A and the salary of the  
38 secretary shall be established by the governor with  
39 the approval of the executive council pursuant to  
40 section 19A.9, subsection 2, under the pay plan for  
41 exempt positions in the executive branch of  
42 government.

43 Sec. \_\_\_\_\_. Section 152.2, Code 1987, is amended to  
44 read as follows:

45 152.2 EXECUTIVE DIRECTOR -- ASSISTANTS.

46 The board shall appoint a full-time executive  
47 director. The executive director shall be a  
48 registered nurse and shall not be a member of the  
49 board. The governor, with the approval of the  
50 executive council executive director is exempt from

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1 the merit system provisions of chapter 19A and the  
2 salary of the executive director shall be established  
3 pursuant to section 19A.9, subsection 2, under the pay  
4 plan for exempt positions in the executive branch of  
5 government, shall set the salary of the executive  
6 director.

7 Sec. \_\_\_\_\_. Section 152.3, subsection 6, Code 1987,  
8 is amended to read as follows:

9 6. To appoint such assistants to the director and  
10 persons as may be necessary to administer the  
11 provisions of this Act. Any appointments shall be

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12 merit appointments made pursuant to chapter 19 19A.  
13 Sec. \_\_\_\_\_. Section 159.6, subsections 7, 11, and  
14 12, Code 1987, are amended by striking the  
15 subsections.

16 Sec. \_\_\_\_\_. Section 169.5, subsection 9, paragraph  
17 d, Code 1987, is amended by striking the paragraph.  
18 Sec. \_\_\_\_\_. Section 170.5, unnumbered paragraph 1,  
19 Code 1987, is amended to read as follows:

20 The department of inspections and appeals, or a  
21 municipal corporation pursuant to section 170.55,  
22 shall collect the following fees for licenses:

23 Sec. \_\_\_\_\_. Section 170.5, unnumbered paragraph 5,  
24 Code 1987, is amended to read as follows:

25 After collection, the fees collected by the  
26 department shall be deposited in the general fund of  
27 the state and the fees collected by a municipal  
28 corporation shall be retained by the corporation for  
29 its own use.

30 Sec. \_\_\_\_\_. Section 175.7, subsection 2, Code 1987,  
31 is amended to read as follows:

32 2. The executive director shall advise the  
33 authority on matters relating to agricultural land and  
34 property and agricultural finance, and carry out all  
35 directives from the authority, and shall hire and  
36 supervise the authority's staff pursuant to its  
37 directions and under the merit system provisions of  
38 chapter 19A, except that principal administrative  
39 assistants with responsibilities in beginning farm  
40 loan programs, accounting, mortgage loan processing,  
41 and investment portfolio management are exempt from  
42 that chapter the merit system.

43 Sec. \_\_\_\_\_. Section 175A.5, subsection 2, Code 1987,  
44 is amended to read as follows:

45 2. The executive director is a nonvoting ex  
46 officio member of the board, and shall advise the  
47 authority on matters relating to finance, carry out  
48 all directives from the authority, and hire and  
49 supervise the authority's staff pursuant to its  
50 directions and under the merit system provisions of

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1 chapter 19A, except that principal administrative  
2 assistants with responsibilities in operating loan  
3 programs, accounting, and processing of applications  
4 for interest reduction are exempt from that chapter  
5 the merit system.

6 Sec. \_\_\_\_\_. Section 220.2, subsection 1, unnumbered  
7 paragraph 2, Code 1987, is amended to read as follows:

8 A title guaranty division is created within the  
9 authority. The powers of the division as relating to  
10 the issuance of title guaranties shall be vested in

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11 and exercised by a division board of five members  
12 appointed by the governor subject to confirmation by  
13 the senate. The membership of the board shall include  
14 an attorney, an abstractor, a real estate broker, a  
15 representative of a mortgage-lender and a  
16 representative of the housing development industry.  
17 The executive director of the authority shall appoint  
18 a director of the title guaranty division who shall be  
19 an attorney and shall serve as an ex officio member of  
20 the board. The appointment of and compensation for  
21 the division director shall be exempt from the merit  
22 system provisions of chapter 19A.

23 Sec. \_\_\_\_\_. Section 220.6, subsection 2, Code 1987,  
24 is amended to read as follows:

25 2. The executive director shall advise the  
26 authority on matters relating to housing and housing  
27 finance, carry out all directives from the authority,  
28 and hire and supervise the authority's staff pursuant  
29 to its directions and under the merit system  
30 provisions of chapter 19A, except that principal  
31 administrative assistants with responsibilities in  
32 housing development, accounting, mortgage loan  
33 processing, and investment portfolio management shall  
34 be exempt from the merit system.

35 Sec. \_\_\_\_\_. Section 227.2, subsection 1, unnumbered  
36 paragraph 1, Code 1987, is amended to read as follows:

37 The director of the department of inspections and  
38 appeals shall make, or cause to be made, at least one  
39 licensure inspection each year of every county care  
40 facility. Either the director of the division or the  
41 director of the department of inspections and appeals,  
42 in co-operation with each other, upon receipt of a  
43 complaint or for good cause, may make, or cause to be  
44 made, a review of a county care facility or of any  
45 other private or county institution where mentally ill  
46 or mentally retarded persons reside. A licensure  
47 inspection or a review shall be made by a competent  
48 and disinterested person who is acquainted with and  
49 interested in the care of mentally ill and mentally  
50 retarded persons. The objective of a licensure

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1 inspection or a review shall be an evaluation of the  
2 programming and treatment provided by the facility.  
3 After each licensure inspection of a county care  
4 facility, the person who made the inspection shall  
5 consult with the county authorities on plans and  
6 practices that will improve the care given patients  
7 and shall make recommendations to the director of the  
8 division and the director of public health the  
9 department of inspections and appeals for co-

10 ordinating and improving the relationships between the  
11 administrators of county care facilities, the  
12 director, the director of public health the department  
13 of inspections and appeals, the superintendents of  
14 state mental health institutes and hospital-schools,  
15 community mental health centers, and other co-  
16 operating agencies, to cause improved and more  
17 satisfactory care of patients. A written report of  
18 each licensure inspection of a county care facility  
19 under this section shall be filed with the director  
20 and the director of public health the department of  
21 inspections and appeals and shall include:

22 Sec. \_\_\_\_\_. Section 227.2, subsection 1, paragraph  
23 g, Code 1987, is amended to read as follows:

24 g. Any failure to comply with standards adopted  
25 under section 227.4 for care of mentally ill and  
26 mentally retarded persons in county care facilities,  
27 which is not covered in information submitted pursuant  
28 to paragraphs "a" to "f", and any other matters which  
29 the ~~commissioner~~ director of public health the  
30 department of inspections and appeals, in consultation  
31 with the director, may require.

32 Sec. \_\_\_\_\_. Section 227.4, Code 1987, is amended to  
33 read as follows:

34 227.4 STANDARDS FOR CARE OF MENTALLY ILL AND  
35 MENTALLY RETARDED PERSONS IN COUNTY CARE FACILITIES.

36 The director, in co-operation with the state  
37 department of health inspections and appeals, shall  
38 recommend, and the mental health and mental  
39 retardation commission shall adopt standards for the  
40 care of and services to mentally ill and mentally  
41 retarded persons residing in county care facilities.  
42 The standards shall be enforced by the department of  
43 inspections and appeals as a part of the licensure  
44 inspection conducted pursuant to chapter 135C. The  
45 objective of the standards is to ensure that mentally  
46 ill and mentally retarded residents of county care  
47 facilities are not only adequately fed, clothed, and  
48 housed, but are also offered reasonable opportunities  
49 for productive work and recreational activities suited  
50 to their physical and mental abilities and offering

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1 both a constructive outlet for their energies and, if  
2 possible, therapeutic benefit. When recommending  
3 standards under this section, the director shall  
4 designate an advisory committee representing  
5 administrators of county care facilities, county co-  
6 ordinating boards, and county care facility care  
7 review committees to assist in the establishment of  
8 standards.

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9 Sec. \_\_\_\_\_. Section 256.9, subsection 4, Code 1987,  
10 is amended to read as follows:

11 4. Employ personnel and assign duties and  
12 responsibilities of the department. The director  
13 shall appoint a deputy director and division  
14 administrators deemed necessary. They shall be  
15 appointed on the basis of their professional  
16 qualifications, administration, and background.  
17 Members of the professional staff are not subject to  
18 the merit system provisions of chapter 19A and shall  
19 be employed pursuant subject to section 256.10."

20 4. Page 6, by inserting after line 27 the  
21 following:

22 "Sec. \_\_\_\_\_. Section 307.48, unnumbered paragraph 1,  
23 Code 1987, is amended to read as follows:

24 An employee under the supervision of the  
25 department's administrator of highways and subject to  
26 the merit provisions of chapter 19A who is hired on or  
27 after July 1, 1971, is not entitled to longevity pay.  
28 However, this section does not apply to an employee  
29 under the supervision of the department's  
30 administrator of highways and subject to the merit  
31 system provisions of chapter 19A who was employed  
32 prior to July 1, 1971, and whose employment continued  
33 after June 30, 1971. An employee under the  
34 supervision of the department's administrator of  
35 highways and subject to the merit system provisions of  
36 chapter 19A whose employment is terminated on or after  
37 July 1, 1971, if reemployed under the supervision of  
38 the department's administrator of highways, forfeits  
39 any right the employee may have had to longevity pay.

40 Sec. \_\_\_\_\_. Section 313.4, subsection 3, Code 1987,  
41 is amended by striking the subsection."

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42 5. Page 7, by inserting after line 17 the  
43 following:

44 "Sec. \_\_\_\_\_. Section 321.34, subsection 1, Code  
45 1987, is amended to read as follows:

46 1. Plates issued. The county treasurer upon  
47 receiving application, accompanied by proper fee, for  
48 registration of a vehicle shall issue to the owner one  
49 registration plate for a motorcycle, motorized  
50 bicycle, truck tractor, trailer, or semitrailer and

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1 one or two registration plates for every other motor  
2 vehicle, as determined by the department. The  
3 registration plates, including special registration  
4 plates, shall be assigned to the owner of a vehicle.  
5 When the owner of a registered vehicle transfers or

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6 assigns ownership of the vehicle to another person,  
7 the owner shall remove the registration plates from  
8 the vehicle. The owner shall forward the plates to  
9 the county treasurer where the vehicle is registered  
10 or the owner may have the plates assigned to another  
11 vehicle within thirty days after transfer, upon  
12 payment of the fees required by law. The owner shall  
13 immediately affix registration plates retained by the  
14 owner to another vehicle owned or acquired by the  
15 owner, providing the owner complies with section  
16 321.46. The department shall adopt rules providing  
17 for the assignment of registration plates to the  
18 transferee of a vehicle for which a credit is allowed  
19 under section 321.46, subsection 6.  
20 Sec. \_\_\_\_\_. Section 321.37, unnumbered paragraph 1,  
21 Code 1987, is amended to read as follows:  
22 Registration If two registration plates are issued  
23 for a motor vehicle, other than a motorcycle,  
24 motorized bicycle, or a truck tractor, the  
25 registration plates shall be attached to the motor  
26 vehicle, one in the front and the other in the rear.  
27 The registration plate issued for a motorcycle or  
28 other vehicle required to be registered hereunder  
29 shall be attached to the rear of the vehicle. The  
30 registration plate issued for a truck tractor shall be  
31 attached to the front of the truck tractor. The  
32 special plate issued to a dealer shall be attached on  
33 the rear of the vehicle when operated on the highways  
34 of this state."

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35 6. Page 7, by inserting before line 18 the  
36 following:  
37 "Sec. \_\_\_\_\_. Section 322A.6, unnumbered paragraph 2,  
38 Code 1987, is amended to read as follows:  
39 An applicant seeking permission to enter into a  
40 franchise for additional representation of the same  
41 line-make in a community shall deposit with the  
42 department at the time the application is filed, an  
43 amount of money to be determined by the department of  
44 inspections and appeals to secure the payment of pay  
45 the costs and expenses of the hearing. The applicant  
46 shall pay the costs of the hearing.  
47 Sec. \_\_\_\_\_. Section 325.11, Code 1987, is amended to  
48 read as follows:  
49 325.11 RULES OF PROCEDURE.  
50 The department shall adopt rules governing for the

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1 procedure to be followed in the filing of applications  
2 and in the department of inspections and appeals shall

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3 adopt rules for the conduct of hearings.

4 Sec. \_\_\_\_\_. Section 325.13, subsection 5, Code 1987,

5 is amended to read as follows:

6 5. Upon receipt of any protests complying with

7 subsection 3, the department shall request the

8 department of inspections and appeals to set the

9 matter for hearing not less than ten days following

10 the expiration of the time in which protests may be

11 made and. The department of inspections and appeals

12 shall give notice to all persons who have filed

13 protests of the time and place of the hearing.

14 Sec. \_\_\_\_\_. Section 325.17, Code 1987, is amended to

15 read as follows:

16 325.17 TESTIMONY RECEIVABLE UNCONTESTED CASE

17 PROCEDURE.

18 The If no protest is filed, the department shall

19 consider the application and any objections filed

20 thereto and may hear testimony to aid it relevant

21 evidence in determining the propriety of granting the

22 application.

23 Sec. \_\_\_\_\_. Section 325.19, Code 1987, is amended to

24 read as follows:

25 325.19 EXPENSE OF HEARING.

26 The applicant shall pay all the costs and expenses

27 of the hearing and necessary preliminary investigation

28 in connection therewith before the application shall

29 be granted. The department of inspections and

30 appeals shall establish appropriate fees which shall

31 be paid to the department at the time the application

32 is filed of inspections and appeals.

33 Sec. \_\_\_\_\_. Section 325.21, Code 1987, is amended to

34 read as follows:

35 325.21 JUDICIAL REVIEW.

36 Decisions of the department of inspections and

37 appeals are subject to review by the department of

38 transportation. Judicial review of the decisions and

39 actions of the department of transportation may be

40 sought in accordance with the terms of the Iowa

41 administrative procedure Act chapter 17A. Such The

42 petitioners must file with the clerk of the district

43 court a bond for costs in the sum of not less than

44 five hundred dollars.

45 Sec. \_\_\_\_\_. Section 325.25, unnumbered paragraph 1,

46 Code 1987, is amended to read as follows:

47 A certificate of convenience and necessity shall

48 not be sold, transferred, leased, or assigned, nor

49 shall any contract or agreement with reference to or

50 affecting any certificate be made without the written

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1 approval of the department. The department may

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2 request the department of inspections and appeals to  
3 hold a hearing at its discretion and. The department  
4 of transportation shall approve the sale, transfer,  
5 lease, or assignment upon a finding that there has  
6 been continuous service under the certificate for at  
7 least ninety days prior to the transfer, and that the  
8 transferee is fit, willing, and able to perform the  
9 operations authorized by the certificate, and that the  
10 transfer is consistent with the public interest.  
11 Pending determination of an application filed with the  
12 department for approval of a sale, transfer, lease, or  
13 assignment, the department may grant temporary  
14 approval of the proposed operation upon a finding of  
15 good cause.

16 Sec. \_\_\_\_\_. Section 325.26, subsection 2, paragraphs  
17 a and b, Code 1987, is amended to read as follows:

18 a. To cover the assured's legal liability as a  
19 motor carrier for bodily injury or death resulting  
20 therefrom, as a result of any one accident or other  
21 cause, one hundred thousand dollars for any recovery  
22 by one person and, subject to the limit for one  
23 person, three hundred thousand dollars for more than  
24 one person. However, the minimum limits of liability  
25 for motor carriers of hazardous materials subject to  
26 federal minimum limits of liability are those  
27 specified in rules adopted by the department pursuant  
28 to chapter 17A. The rules must be consistent with the  
29 coverage specified in 49 C.F.R. sec. 387.3 and sec.  
30 387.9 as published in the federal register on June 11,  
31 1981, part 387.

32 b. To cover the assured's legal liability as a  
33 motor carrier for damage to or destruction of any  
34 property other than that of or in charge of the  
35 assured, as a result of any one accident or other  
36 cause, ten thousand dollars. However, the minimum  
37 limits of liability for motor carriers of hazardous  
38 materials subject to federal minimum limits of  
39 liability are those specified in rules adopted by the  
40 department pursuant to chapter 17A. The rules must be  
41 consistent with the coverage specified in 49 C.F.R.  
42 sec. 387.3 and sec. 387.9 as published in the federal  
43 register on June 11, 1981, part 387.

44 Sec. \_\_\_\_\_. Section 325.31, Code 1987, is amended to  
45 read as follows:

46 325.31 DISTINCTIVE MARKINGS ON VEHICLE.

47 There shall be attached to each. Each motor vehicle  
48 must display distinctive markings or tags as  
49 prescribed by the department.

50 Sec. \_\_\_\_\_. Section 327.15, subsection 1 and 2, Code

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1 1987, is amended to read as follows:

2 1. To cover the assured's legal liability as a  
3 truck operator or contract carrier for bodily injury  
4 or death resulting therefrom as a result of any one  
5 accident or other cause, one hundred thousand dollars  
6 for any recovery by one person, and subject to the  
7 limit for one person, three hundred thousand dollars  
8 for more than one person. However, the minimum limits  
9 of liability for truck operators and contract carriers  
10 of hazardous materials subject to federal minimum  
11 limits of liability are those specified in rules  
12 adopted by the department pursuant to chapter 17A.  
13 The rules must be consistent with the coverage  
14 specified in 49 C.F.R. sec. 387.3 and sec. 387.9 as  
15 published in the federal register on June 11, 1981,  
16 part 387.

17 2. To cover the assured's legal liability as a  
18 truck operator or contract carrier for damage to or  
19 destruction of any property other than that of or in  
20 charge of the assured, as a result of any one accident  
21 or other cause, ten thousand dollars. However, the  
22 minimum limits of liability for truck operators and  
23 contract carriers of hazardous materials subject to  
24 federal minimum limits of liability are those  
25 specified in rules adopted by the department pursuant  
26 to chapter 17A. The rules must be consistent with the  
27 coverage specified in 49 C.F.R. sec. 387.3 and sec.  
28 387.9 as published in the federal register on June 11,  
29 1981, part 387.

30 Sec. \_\_\_\_\_. Section 327.16, Code 1987, is amended to  
31 read as follows:

32 327.16 REVOCATION OF PERMIT.

33 For just cause, after due hearing conducted by the  
34 department of inspections and appeals, the department  
35 of transportation may at any time alter, amend, or  
36 revoke any permit issued. If the holder of the permit  
37 or the holder's agent persists in a violation of any  
38 prescribed safety regulation prescribed by the  
39 department rule, the department may recommend  
40 revocation of said revoke the permit and such  
41 violation shall be grounds for such revocation.

42 Sec. \_\_\_\_\_. Section 327.19, Code 1987, is amended to  
43 read as follows:

44 327.19 REQUIRED MARKING.

45 There shall be attached to each Each motor truck  
46 such must display distinctive markings or tags as  
47 shall be prescribed by the department.

48 Sec. \_\_\_\_\_. Section 327A.4, Code 1987, is amended to  
49 read as follows:

50 327A.4 DISPOSAL OF CERTIFICATE.

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1 Whenever any If a person shall file files with the  
2 department an application for authority to sell,  
3 transfer, lease or assign a certificate of convenience  
4 and necessity issued under the provisions of this  
5 chapter, the department shall request the department  
6 of inspections and appeals to fix a date for hearing  
7 thereon and the department of transportation shall  
8 cause a notice addressed to the citizens of each  
9 county through or in which the proposed service will  
10 be rendered to be published in some a newspaper of  
11 general circulation in each such county, once each  
12 week for two consecutive weeks, and shall notify each  
13 liquid transport carrier holding a certificate, issued  
14 by the department, to transport over, in, or through  
15 the area described in the application, by mailing  
16 notice of the hearing to each such carrier at least  
17 ten days before the date fixed for hearing, and the  
18 provisions of chapter 325, inclusive of and this  
19 chapter shall, insofar as appropriate be, are  
20 applicable to the said hearing.

21 Sec. \_\_\_\_\_. Section 327A.5, subsections 1 and 2,  
22 Code 1987, are amended to read as follows:

23 1. To cover the assured's legal liability as a  
24 liquid transport carrier for bodily injury or death  
25 resulting therefrom as a result of any one accident or  
26 other cause, one hundred thousand dollars for any  
27 recovery by one person, and subject to the limit for  
28 one person, three hundred thousand dollars, for more  
29 than one person. However, the minimum limits of  
30 liability for liquid transport carriers of hazardous  
31 materials subject to federal minimum limits of  
32 liability are those specified in rules adopted by the  
33 department pursuant to chapter 17A. The rules must be  
34 consistent with the coverage specified in 49 C.F.R.  
35 sec. 387.3 and sec. 387.9 as published in the federal  
36 register on June 11, 1981, part 387.

37 2. To cover the assured's legal liability as a  
38 liquid transport carrier for damages to or destruction  
39 of any property other than that of or in charge of the  
40 assured, as a result of any one accident or other  
41 cause, one hundred thousand dollars. However, the  
42 minimum limits of liability for liquid transport  
43 carriers of hazardous materials subject to federal  
44 minimum limits of liability are those specified in  
45 rules adopted by the department pursuant to chapter  
46 17A. The rules must be consistent with the coverage  
47 specified in 49 C.F.R. sec. 387.3 and sec. 387.9 as  
48 published in the federal register on June 11, 1981,  
49 part 387.

50 Sec. \_\_\_\_\_. Section 327A.8, unnumbered paragraphs 1

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1 and 2, Code 1987, are amended to read as follows:

2 ~~There shall be attached to each~~ Each tank vehicle  
3 used for the intrastate transportation of liquid, must  
4 display distinctive markings or tags as prescribed by  
5 the department.

6 ~~There shall be attached to each~~ Each tank vehicle  
7 used for the intrastate transportation of any  
8 flammable liquid must display distinctive markings or  
9 tags on each side and rear in letters a minimum of  
10 four inches high and a minimum width of five-eighths  
11 of an inch.

12 Sec. \_\_\_\_\_. Section 327A.14, Code 1987, is amended  
13 to read as follows:

14 327A.14 PRIOR SERVICE — RIGHTS TRANSFERRED OR  
15 ASSIGNED.

16 Any A liquid transport carrier actively and  
17 continuously engaged in business as such between the  
18 first day of December, 1956, and the ~~fourteenth~~ day of  
19 January, 1957, shall be issued a certificate of  
20 convenience and necessity covering all points in this  
21 state to all other points in this state, and all  
22 routes and areas in this state, provided that  
23 application ~~therefor shall be~~ is made within sixty  
24 days after May 17, 1957. No rights so granted may be  
25 sold, leased, transferred or assigned to any person  
26 engaged directly or indirectly in the transportation  
27 for hire of liquid products in bulk or freight in  
28 interstate commerce or in intrastate commerce, in this  
29 or any other state, or the District of Columbia, or to  
30 any person engaged in the leasing of equipment for  
31 such purposes, except ~~such rights as which are~~  
32 actively being exercised at the time of the sale,  
33 lease, transfer or assignment; provided, however,  
34 rights so granted may be sold, leased, transferred or  
35 assigned to any person who has not engaged directly or  
36 indirectly in the transportation for hire of liquid  
37 products in bulk or freight in interstate or  
38 intrastate commerce prior to the date of such  
39 transfer, or to any person who has not prior to such  
40 date engaged in the leasing of equipment for such  
41 purpose, and on hearing it shall not be necessary for  
42 the department of inspections and appeals to find that  
43 such sale, lease, transfer or assignment is necessary  
44 in the public interest. Before any rights may be  
45 sold, leased, transferred or assigned, application  
46 therefor shall be filed with the department of  
47 transportation, which shall fix request the department  
48 of inspections and appeals to set a date for hearing  
49 thereon on the application, and the provisions of  
50 section 327A.4 shall be is applicable thereto. Rights

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1 actively being exercised may be sold, leased,  
2 transferred or assigned to any person engaged in the  
3 transportation for hire of liquid products in bulk or  
4 freight under the conditions hereinafter set forth in  
5 this section:

6 1. Whenever When an application for a sale, lease,  
7 transfer, assignment, consolidation, merger, or  
8 acquisition of control is filed with the department,  
9 ~~if on~~ after a hearing by the department of inspections  
10 and appeals, the department of transportation finds  
11 that (a) the proposed purchaser, lessee, transferee or  
12 assignee is fit, willing and able, and (b) that the  
13 proposed seller, lessor, transferor or assignor has  
14 not abandoned, suspended or discontinued operations,  
15 and (c) that the transaction proposed will be  
16 consistent with the public interest, and that the  
17 conditions of this section have been or will be  
18 fulfilled, the department of transportation may enter  
19 an order approving and authorizing ~~such~~ the sale,  
20 lease, transfer, assignment, consolidation, merger or  
21 acquisition of control, upon ~~such~~ terms and conditions  
22 as it ~~shall find~~ finds to be just and reasonable and  
23 with such modifications as it may prescribe.

24 2. Except as otherwise provided in subsection 1,  
25 it ~~shall be~~ is unlawful for any a person to accomplish  
26 or effectuate, or to participate in accomplishing or  
27 effectuating, the control or management in a common  
28 interest of any two or more persons engaged in the  
29 transportation for hire of liquid products in bulk or  
30 freight or of one or more persons so engaged, however  
31 such result is attained, whether directly or  
32 indirectly, by use of common directors, officers or  
33 stockholders, a holding or investment company or  
34 companies, a voting trust or trusts, or in any other  
35 manner whatsoever.

36 3. The department is hereby authorized may, upon  
37 complaint, or upon its own initiative without  
38 complaint, but after notice, and hearing, to  
39 investigate and determine whether any a person is  
40 violating the provisions of this section. If the  
41 department finds upon investigation that any a person  
42 is violating the provisions of this section, it shall,  
43 ~~by order after a hearing conducted by the department~~  
44 of inspections and appeals, require ~~such~~ the person to  
45 take ~~such~~ action consistent with the provisions of  
46 this chapter as may be necessary, in the opinion of  
47 the department, to prevent continued violation of ~~such~~  
48 provisions this section.

49 Sec. \_\_\_\_\_. Section 327C.8, Code 1987, is amended to  
50 read as follows:

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## 1 327C.8 OBJECTIONS - HEARING.

2 Any A person directly affected by the proposed  
3 discontinuance of any an agency, may file written  
4 objections with the department, stating the grounds  
5 for ~~such~~ the objections, within fifteen days from the  
6 time of the publication of the notice as provided in  
7 section 327C.7. Upon the filing of ~~such~~ objections  
8 the department shall request the department of  
9 inspections and appeals shall fix the time and place  
10 for to hold a hearing, which shall be held within  
11 sixty days from the filing of ~~such~~ the objections.  
12 Written notice of the time and place of ~~such~~ the  
13 hearing shall be mailed by the department of  
14 inspections and appeals to the railroad corporation  
15 and the person filing objections at least ten days  
16 prior to the date fixed for ~~such~~ the hearing.

17 Sec. \_\_\_\_\_. Section 327C.12, Code 1987, is amended  
18 to read as follows:

## 19 327C.12 AID FROM COURTS.

20 The department or the department of inspections and  
21 appeals may invoke the aid of any court of record in  
22 the state in requiring the attendance and testimony of  
23 witnesses and the production of books, papers, tariff  
24 schedules, agreements, and other documents. Any A  
25 court having jurisdiction of the inquiry shall, in  
26 ease of the refusal of any if a person refuses to obey  
27 a subpoena or other process, shall issue an order  
28 requiring any of the officers, agents, or employees of  
29 any a carrier or other person to appear before the  
30 either department and produce all books and papers  
31 required by ~~such~~ the order and testify in relation to  
32 any matter under investigation.

33 Sec. \_\_\_\_\_. Section 327C.17, Code 1987, is amended  
34 to read as follows:

## 35 327C.17 WHEN ORDER EFFECTIVE - VIOLATION.

36 If any a railroad fails, neglects, or refuses to  
37 comply with any a rule or order made by the department  
38 of transportation or the department of inspections and  
39 appeals within the time specified, it shall is, for  
40 each day of ~~such~~ failure, be subject to a schedule  
41 "two" penalty.

42 Sec. \_\_\_\_\_. Section 327C.19, Code 1987, is amended  
43 to read as follows:

## 44 327C.19 JUDICIAL REVIEW.

45 Decisions of the department of inspections and  
46 appeals are subject to review by the department of  
47 transportation. Judicial review of the actions of the  
48 department may be sought in accordance with the terms  
49 of the Iowa administrative procedure Act chapter 17A.

50 Sec. \_\_\_\_\_. Section 327C.20, Code 1987, is amended

1 to read as follows:

2 327C.20 REMITTING PENALTY.

3 If a common carrier fails in a judicial review  
4 proceeding to secure a vacation of the order objected  
5 to, it may apply to the court in which the review  
6 proceeding is finally adjudicated for an order  
7 remitting the penalty which has accrued during the  
8 review proceeding. Upon a satisfactory showing that  
9 the petition for judicial review was filed in good  
10 faith and not for the purpose of delay, and that there  
11 were reasonable grounds to believe that the order was  
12 unreasonable or unjust or that the power of the  
13 department of transportation or the department of  
14 inspections and appeals to make the same order was  
15 doubtful, such the court may remit the penalty that  
16 has accrued during the review proceeding.

17 Sec. \_\_\_\_\_. Section 327C.25, Code 1987, is amended  
18 to read as follows:

19 327C.25 COMPLAINTS.

20 Any person, city or county may file with the  
21 department a petition setting forth any particular in  
22 which any a common carrier has violated the law to  
23 which it is subject and the amount of damages  
24 sustained by reason thereof of the violation. The  
25 department shall furnish a copy of the complaint to  
26 the carrier against which a complaint is filed, a copy  
27 thereof, and a reasonable time. The department shall  
28 be fixed by request the department of inspections and  
29 appeals within to schedule a hearing in which such the  
30 carrier shall answer the petition or satisfy the  
31 demand therein made demands of the complaint. If such  
32 the carrier fails to satisfy the complaint within the  
33 time fixed or there appears appear to be reasonable  
34 grounds for investigating the matters set forth in  
35 said the petition, the department of inspections and  
36 appeals shall hear and determine the questions  
37 involved and make such orders as it shall find to be  
38 finds proper. When If the department has reason to  
39 believe that any a carrier is violating any of the  
40 laws to which it is subject, it the department may  
41 institute an investigation and cause request the  
42 department of inspections and appeals to conduct a  
43 hearing to be held before the department of  
44 inspections and appeals in relation to such the  
45 matters in all respects as fully as if a petition had  
46 been filed.

47 Sec. \_\_\_\_\_. Section 327C.26, Code 1987, is amended  
48 to read as follows:

49 327C.26 INVESTIGATION -- REPORT.

50 When a hearing has been held before the department

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1 of inspections and appeals after notice, it shall make  
2 a report in writing setting forth the findings of fact  
3 and its conclusions together with its recommendations  
4 or orders as to what reparation, if any, the offending  
5 carrier shall should make to any party who has  
6 suffered damage. Such The finding of fact shall  
7 thereafter in all legal proceedings be is prima-facie  
8 evidence in all legal proceedings thereafter of every  
9 fact found. All reports of hearings and  
10 investigations made by the department of  
11 transportation and the department of inspections and  
12 appeals shall be entered of record and a copy  
13 furnished to the carrier against which the complaint  
14 was filed, to the party complaining, and to any other  
15 person having a direct interest in the matter. A  
16 reasonable fee not to exceed the actual duplication  
17 costs may be charged for the copies.

18 Sec. \_\_\_\_\_. Section 327C.28, Code 1987, is amended  
19 to read as follows:

20 327C.28 VIOLATION OF ORDER - 10600 PETITION -  
21 NOTICE.

22 When any person violates or fails to obey any a  
23 lawful order or requirement of the department of  
24 transportation or the department of inspections and  
25 appeals, the department of transportation or the  
26 department of inspections and appeals shall apply by  
27 petition in the name of the state, against such the  
28 person, to the district court, alleging such the  
29 violation or failure to obey; the. The court shall  
30 hear and determine the matter set forth in the  
31 petition on reasonable notice to the person, to be  
32 fixed by the court and to be served in the same manner  
33 as original notices for the commencement of action  
34 actions.

35 Sec. \_\_\_\_\_. Section 327C.29, Code 1987, is amended  
36 to read as follows:

37 327C.29 INTERESTED PARTY MAY BEGIN PROCEEDINGS.

38 Any A person or city or county interested in the  
39 matter of enforcing any an order or requirement of the  
40 department of transportation or the department of  
41 inspections and appeals, may file a petition against  
42 such the person, alleging the failure to comply with  
43 such the order or requirement and praying summary  
44 relief to the same extent and in the same manner as  
45 the department of transportation or the department of  
46 inspections and appeals may do under section 327C.28,  
47 and the proceedings after the filing of such the  
48 petition shall be the same as in section 327C.28.

49 Sec. \_\_\_\_\_. Section 327D.53, Code 1987, is amended  
50 to read as follows:

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## 1 327D.53 DIVISION OF JOINT RATES.

2 Before the promulgation of such rates, the  
3 department shall notify the railroad corporations  
4 interested in the schedule of joint rates fixed, and  
5 give them a reasonable time to agree upon a division  
6 of the charges provided. If ~~such~~ the corporations  
7 fail to agree upon a division, and to notify the  
8 department ~~thereof of their agreement~~, the department  
9 shall, after a hearing of the ~~corporations interested~~  
10 conducted by the department of inspections and  
11 appeals, decide the same rates, taking into  
12 consideration the value of terminal facilities and all  
13 the circumstances of the haul, and the division so  
14 determined by it ~~shall is~~, in all controversies or  
15 actions between the railroad corporations interested,  
16 be prima-facie evidence of a just and reasonable  
17 division thereof.

18 Sec. \_\_\_\_\_. Section 327D.83, Code 1987, is amended  
19 to read as follows:

## 20 327D.83 POWER TO REVISE RATES.

21 ~~Whenever~~ When there shall be is filed with the  
22 department any a schedule stating a rate, the  
23 department may, either upon complaint or upon its own  
24 motion, ~~immediately, and, if it so orders, without~~  
25 ~~answer or formal pleadings by the interested common~~  
26 ~~carrier, enter upon request the department of~~  
27 inspections and appeals to conduct a hearing  
28 concerning the propriety of such the rate.

29 Sec. \_\_\_\_\_. Section 327D.85, Code 1987, is amended  
30 to read as follows:

## 31 327D.85 DECISION.

32 ~~On such~~ At the hearing the department of  
33 inspections and appeals shall establish propose the  
34 rates, in whole or in part, or others in lieu thereof,  
35 which it shall find to be just and reasonable. The  
36 action of the department of inspections and appeals is  
37 subject to review by the department of transportation.  
38 The department's decision is the final agency action.

39 Sec. \_\_\_\_\_. Section 327D.89, Code 1987, is amended  
40 to read as follows:

## 41 327D.89 COMPLAINT OF VIOLATION.

42 ~~When any a person, city or county shall make~~  
43 complaint complains to the department that the rate  
44 charged or published by any a railway corporation, or  
45 the maximum rate fixed by law, is ~~unreasonably high or~~  
46 ~~discriminating~~, the department may investigate the  
47 matter, and, ~~hold request~~ the department of  
48 inspections and appeals to conduct a hearing, giving.  
49 The department of inspections and appeals shall give  
50 the parties notice of the time and place of the

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1 hearing.

2 Sec. \_\_\_\_\_. Section 327G.12, Code 1987, is amended  
3 to read as follows:

4 327G.12 OVERHEAD, UNDERGROUND, OR MORE THAN ONE  
5 CROSSING.

6 ~~Such~~ The owner of land may serve upon ~~such~~ the  
7 railroad corporation a request in writing for more  
8 than one such private crossing, or for an overhead or  
9 underground crossing, accompanied by a plat of the  
10 owner's land designating ~~thereon~~ the location and  
11 character of crossing desired. If the railroad  
12 corporation refuses or neglects to comply within  
13 thirty days of ~~such~~ the written request, the owner of  
14 the land may make written application to the  
15 department to ~~hear and~~ determine the owner's rights ~~in~~  
16 ~~said~~ respect. The department of inspections and  
17 appeals, after notice to the railroad corporation,  
18 shall hear ~~said~~ the application and all objections  
19 ~~thereto to the application~~, and make ~~such~~ an order as  
20 shall be which is reasonable and just, and if it  
21 requires the railroad company to construct any  
22 crossing or roadway, fix the time for compliance with  
23 the order and apportion the costs as appropriate. The  
24 matter of costs shall be in the discretion of the  
25 department of inspections and appeals. The order of the  
26 department of inspections and appeals is subject to  
27 the review of the department of transportation. The  
28 department's decision is the final agency action.

29 Sec. \_\_\_\_\_. Section 327G.16, Code 1987, is amended  
30 to read as follows:

31 327G.16 DISAGREEMENT — APPLICATION — NOTICE.

32 If the persons specified in section 327G.15 cannot  
33 reach an agreement, either party may make written  
34 application to the authority department requesting  
35 resolution of the disagreement. The authority  
36 department shall fix request the department of  
37 inspections and appeals to set a date for hearing and.  
38 The department of inspections and appeals shall give  
39 the other party ten days' written notice by mail of  
40 the hearing date. The authority shall promulgate  
41 rules subject to department approval for processing  
42 applications which are filed with the authority prior  
43 to a written disagreement. The authority may set a  
44 hearing date after the disagreement has been filed.

45 Sec. \_\_\_\_\_. Section 327G.17, Code 1987, is amended  
46 to read as follows:

47 327G.17 HEARING — ORDER.

48 The department of inspections and appeals shall  
49 hear the evidence of each party to the controversy and  
50 shall make an order, which may include, pursuant to

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1 the provisions of chapters 471 and 472, authority to  
2 condemn, resolving the controversy including what  
3 portion of the expense shall be paid by each party to  
4 such the controversy. In determining what portion of  
5 the expense shall be paid by each party the department  
6 of inspections and appeals may consider the ratio of  
7 the benefits accruing to the railroad or the  
8 governmental unit or both as it bears to the general  
9 public use and benefit and such benefits may in the  
10 case of construction be consistent with the standards  
11 adopted for similar purposes by the federal highway  
12 administration under the federal aid highway Act of  
13 1973 as amended to July 1, 1976, [23 U.S.C. § 101 et  
14 seq.].

15 The order of the department of inspections and  
16 appeals is subject to review by the department of  
17 transportation. The department's decision is the  
18 final agency action.

19 Sec. \_\_\_\_\_. Section 327G.62, Code 1987, is amended  
20 to read as follows:

21 327G.62 CONTROVERSIES.

22 When a disagreement arises between a railroad  
23 corporation, its grantee, or its successor in  
24 interest, and the owner, lessee, or licensee of a  
25 building or other improvement, including trackage,  
26 used for receiving, storing, transporting, or  
27 manufacturing an article of commerce transported or to  
28 be transported, situated on a present or former  
29 railroad right-of-way or any land owned or controlled  
30 by the railroad corporation, its grantee, or its  
31 successor in interest, as to the terms and conditions  
32 on which the article is to be continued or removed,  
33 the railway corporation, its grantee, or its successor  
34 in interest, or the owner, lessee, or licensee may  
35 make written application to the department and the  
36 department shall notify the department of inspections  
37 and appeals which shall hear and determine the  
38 controversy and make an order as which is just and  
39 equitable between the parties, which order shall be  
40 enforced in the same manner as other orders of is  
41 subject to review by the department of transportation.  
42 The department's decision is the final agency action.

43 Sec. \_\_\_\_\_. Section 331.502, subsection 12, Code  
44 1987, is amended by striking the subsection."

45 7. Page 9, by inserting after line 34 the  
46 following:

47 "Sec. \_\_\_\_\_. Section 455A.4, subsection 1, paragraph  
48 e, Code 1987, is amended to read as follows:

49 e. Employ personnel as necessary to carry out the  
50 functions vested in the department consistent with

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1 chapter 19A unless the positions are exempt from that  
2 chapter.

3 Sec. \_\_\_\_\_. Section 474.1, unnumbered paragraph 2,  
4 Code 1987, is amended to read as follows:

5 The utilities board shall organize by appointing an  
6 executive secretary, who shall take the same oath as  
7 the members. The executive secretary is exempt from  
8 the merit system provisions of chapter 19A and the  
9 board shall set the salary of the executive secretary  
10 within the limits of the pay plan for exempt positions  
11 provided for in section 19A.9, subsection 2, unless  
12 otherwise provided by the general assembly. The board  
13 may employ additional personnel as it finds necessary.  
14 Subject to confirmation by the senate, the governor  
15 shall appoint a member as the chairperson of the  
16 board. The chairperson shall be the administrator of  
17 the utilities division. The appointment as  
18 chairperson shall be for a two-year term which begins  
19 and ends as provided in section 69.19.

20 Sec. \_\_\_\_\_. Section 474.10, Code 1987, is amended to  
21 read as follows:

22 474.10 GENERAL COUNSEL.

23 The board shall employ a competent attorney to  
24 serve as its general counsel, and assistants to the  
25 general counsel as it finds necessary for the full and  
26 efficient discharge of its duties. The general  
27 counsel is the attorney for, and legal advisor of, the  
28 board and is exempt from the merit system provisions  
29 of chapter 19A. Assistants to the general counsel are  
30 subject to the merit system provisions of chapter 19A.  
31 The general counsel or an assistant to the general  
32 counsel shall provide the necessary legal advice to  
33 the board in all matters and represent the board in  
34 all actions instituted in a state or federal court  
35 challenging the validity of any rule or order of the  
36 board. The existence of a fact which disqualifies a  
37 person from election or from acting as utilities board  
38 member disqualifies the person from employment as  
39 general counsel or assistant general counsel. The  
40 general counsel shall devote full time to the duties  
41 of the office. During employment the counsel shall  
42 not be a member of a political committee, contribute  
43 to a political campaign fund other than through the  
44 income tax checkoff for contributions to the Iowa  
45 election campaign fund and the presidential election  
46 campaign fund, participate in a political campaign, or  
47 be a candidate for a political office.

48 Sec. \_\_\_\_\_. Section 535A.5, subsections 1 and 2,  
49 Code 1987, are amended to read as follows:

50 1. The superintendent of banking or the

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1 superintendent's designee shall be responsible for  
2 enforcing those enforce the sections in regard to all  
3 banks, persons licensed under chapter 536A, and  
4 mortgage banking companies.

5 2. The superintendent of savings and loan  
6 associations shall be responsible for enforcing those  
7 enforce the sections in regard to all savings and loan  
8 associations pursuant to chapter 534 and all persons  
9 licensed under chapter 536A."

10 8. Page 10, by inserting after line 13 the  
11 following:

12 "Sec. \_\_\_\_\_. Section 601K.2, unnumbered paragraph 2,  
13 Code 1987, is amended to read as follows:

14 The governor shall appoint the administrators of  
15 each of the divisions subject to confirmation by the  
16 senate. Each administrator shall serve at the  
17 pleasure of the governor and is exempt from the merit  
18 system provisions of chapter 19A. The governor shall  
19 set the salary of the division directors within the  
20 ranges set by the general assembly.

21 Sec. \_\_\_\_\_. Section 601K.36, Code 1987, is amended  
22 to read as follows:

23 601K.36 ADMINISTRATOR.

24 The administrator shall serve as executive officer  
25 of the commission and be exempt from the merit system  
26 provisions of chapter 19A. The administrator shall be  
27 responsible to the commission and, pursuant to section  
28 601K.2, with the approval of the commission shall  
29 employ and supervise the commission's staff and be  
30 responsible for implementing policy set by the  
31 commission. The administrator shall carry out  
32 programs and policies as determined by the  
33 commission."

34 9. Page 10, by inserting after line 29 the  
35 following:

36 "Sec. \_\_\_\_\_. Section 622B.1, subsection 2, Code  
37 1987, is amended to read as follows:

38 2. The supreme court, after consultation with the  
39 Iowa department of public health human rights, shall  
40 adopt rules governing the qualifications and  
41 compensation of interpreters appearing in a proceeding  
42 before a court, grand jury or administrative agency  
43 under this chapter. However, an administrative agency  
44 which is subject to chapter 17A may adopt rules  
45 differing from those of the supreme court governing  
46 the qualifications and compensation of interpreters  
47 appearing in proceedings before that agency.

48 Sec. \_\_\_\_\_. Section 622B.4, Code 1987, is amended to  
49 read as follows:

50 622B.4 LIST.

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1 The service program for the division of deaf  
2 services of the Iowa department of public health human  
3 rights shall prepare and continually update a listing  
4 of qualified and available interpreters. The courts  
5 and administrative agencies shall maintain a directory  
6 of qualified interpreters for hearing impaired persons  
7 as furnished by the Iowa department of public health  
8 human rights. The service program for the division of  
9 deaf services shall maintain information on the  
10 qualifications of interpreters, which information is  
11 confidential except to a court, administrative agency,  
12 or interested parties to an action using the services  
13 of such an interpreter.

14 Sec. \_\_\_\_\_. Section 625.29, subsection 1, paragraph  
15 g, Code 1987, is amended to read as follows:

16 g. The proceeding involved the Iowa merit  
17 employment commission department of personnel under  
18 chapter 19A."

19 10. Page 11, by inserting after line 5 the  
20 following:

21 "Sec. \_\_\_\_\_. Section 804.31, unnumbered paragraph 1,  
22 Code 1987, is amended to read as follows:

23 When a person is detained for questioning or  
24 arrested for an alleged violation of a law or  
25 ordinance and there is reason to believe that the  
26 person is hearing impaired, the peace officer making  
27 the arrest or taking the person into custody or any  
28 other officer detaining the person shall determine if  
29 the person is a hearing impaired person as defined in  
30 section 622B.1. If the officer so determines, the  
31 officer, at the earliest possible time and prior to  
32 commencing any custodial interrogation of the person,  
33 shall procure a qualified interpreter in accordance  
34 with section 622B.2 and the rules adopted by the  
35 supreme court under section 622B.1 unless the hearing  
36 impaired person knowingly, voluntarily, and  
37 intelligently waives the right to an interpreter in  
38 writing by executing a form prescribed by the Iowa  
39 department of public health human rights and the Iowa  
40 county attorneys association. The interpreter shall  
41 interpret the officer's warnings of constitutional  
42 rights and protections and all other warnings,  
43 statements, and questions spoken or written by any  
44 officer, attorney, or other person present and all  
45 statements and questions communicated in sign language  
46 by the hearing impaired person.

47 Sec. \_\_\_\_\_. Sections 144.6 through 144.8, 144.10,  
48 and 144.11, Code 1987, are repealed."

49 11. By numbering and renumbering sections as  
50 necessary.

Harbor of Mills asked and received unanimous consent to defer action on the committee amendment H—3724A.

Harbor of Mills rose on a point of order that the committee amendment H—3724B was not in order pursuant to Joint Rule 11.

The Speaker ruled the point well taken and the committee amendment H—3724B out of order.

On motion by Halvorson of Clayton the committee amendment H—3724A 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. 373)

The ayes were, 85:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Buhr	Carpenter	Cohoon
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Gruhn	Halvorson, R. A.
Halvorson, R. N.	Hammond	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Haverland	Hermann
Hester	Holveck	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Peters
Petersea, D. F.	Peterson, M. K.	Plasier	Platt
Renaud	Renken	Rosenberg	Royer
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Wise
Mr. Speaker			

The nays were, 10:

Branstad	Hummel	Kremer	Maulsby
Pellett	Poncy	Schnekloth	Stromer
Stueland	Van Maanen		

Absent or not voting, 5:

Chapman	Clark	Connolly	Connors
Hatch			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 396**, a bill for an act relating to the creation of a waste management authority within the environmental protection division of the department of natural resources, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 396 be deferred and that the bill be placed on the unfinished business calendar.

The House stood at ease at 11:25 a.m., until the fall of the gavel.

The House resumed session at 12:25 p.m., Speaker Avenson in the chair.

### INTRODUCTION OF BILL

**House File 671**, by committee on appropriations, a bill for an act relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice, the department of corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates.

Read first time and placed on the **appropriations calendar**.

On motion by Arnould of Scott the House was recessed at 12:26 p.m., until 1:30 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules for the consideration of the following bills listed on the addendum to the daily debate calendar:

Senate Files 17, 38, 214, 177, 471, 161, 480, 482, 484, 106, 162, 146, 381, 333, 130, 55, 311, 187, 179, 29, 49, 201, 455, 496, 387, 342, 479 and House File 317.

Also: Senate Files 76, 273, 374, 459, 388, 290 and 222.

## RULE 31.8 SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, on those bills (found on page 1354 of the House Journal) listed on the addendum to the daily debate calendar.

## SENATE FILES 17 AND 38 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate Files 17 and 38 be deferred and that the bills retain their place on the calendar.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Royer of Page, for the remainder of the week, on request of Corey of Louisa.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 214**, a bill for an act authorizing a city with a population of five thousand or less to reduce council membership to three by referendum, with report of committee recommending passage was taken up for consideration.

Diemer of Black Hawk offered the following amendment H—3734 filed by him and moved its adoption:

H—3734

- 1 Amend Senate File 214, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, line 7, by inserting after the word
- 4 "regular" the following: "or special".
- 5 2. Page 1, line 10, by inserting after the word
- 6 "regular" the following: "or special".

Amendment H—3734 was adopted.

Diemer 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. 214)

The ayes were, 72:

Arnould	Beatty	Bennett	Branstad
Buhr	Chapman	Cohoon	Connolly
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky

Eddie	Fey	Fogarty	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hansen, S. D.	Harper	Hatch	Haverland
Hermann	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Poncy	Rosenberg	Running	Schnekloth
Sherzan	Shoning	Siegrist	Spear
Stromer	Stueland	Swartz	Swearingen
Tyrrell	Van Camp	Van Maanen	Mr. Speaker

The nays were, 23:

Adams	Beaman	Bisignano	Black
Blanshan	Brammer	Carpenter	Fuller
Hammond	Hanson, D. R.	Harbor	Hester
Lundby	Paulin	Platt	Renaud
Renken	Schrader	Skow	Svoboda
Tabor	Teaford	Wise	

Absent or not voting, 5:

Clark	Connors	Plasier	Royer
Shoultz			

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 30

Arnould of Scott asked and received unanimous consent to suspend Rule 25 for the immediate consideration of House Concurrent Resolution 30 as follows and moved its adoption:

- 1 HOUSE CONCURRENT RESOLUTION 30
- 2 By Arnould and Stromer
- 3 A House Concurrent Resolution to exempt bills sponsored by the
- 4 appropriations committees of the House and the Senate from
- 5 subsection 3 of Joint Rule 20.
- 6 *Whereas, the schedule provided in subsection 3 of*
- 7 *Joint Rule 20, does not authorize appropriations bills*
- 8 *to be considered in the house of origin during the*
- 9 *fourteenth week of the first session; Now Therefore,*
- 10 *Be It Resolved by the House of Representatives, the*
- 11 *Senate Concurring, That bills sponsored by a Committee*
- 12 *on Appropriations of the House of Representatives or*
- 13 *the Senate shall be exempt from subsection 3 of Joint*
- 14 *Rule 20 during the 1987 Session of the General*
- 15 *Assembly; and*

- 16 *Be It Further Resolved*, That this concurrent  
17 resolution takes effect upon enactment.

The motion prevailed and the resolution was adopted.

**IMMEDIATE MESSAGE**  
(House Concurrent Resolution 30)

Arnould of Scott asked and received unanimous consent to immediately message House Concurrent Resolution 30 to the Senate.

**Senate File 17**, a bill for an act relating to the penalty for cruelty to animals, with report of committee recommending amendment and passage was taken up for consideration.

Tabor of Jackson offered the following amendment H—3711 filed by the committee on judiciary and law enforcement:

H—3711

- 1 Amend Senate File 17 as amended, passed, and  
2 reprinted by the Senate as follows:  
3 1. Page 1, by striking lines 14 through 21 and  
4 inserting the following:  
5 "A person who commits the offense of cruelty to  
6 animals is guilty of a simple misdemeanor. A person  
7 who intentionally commits the offense of cruelty to  
8 animals which results in serious injury to or the  
9 death of an animal is guilty of a serious misdemeanor.  
10 A person who intentionally commits the offense of  
11 cruelty to animals which results in the death of two  
12 or more animals is guilty of an aggravated  
13 misdemeanor."

Arnould of Scott asked and received unanimous consent that Senate File 17 be deferred and that the bill be placed on the unfinished business calendar.

(The committee amendment H—3711 pending.)

**Senate File 38**, a bill for an act relating to conservation easements, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 38 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 177**, a bill for an act relating to the disposal of dead animals, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 177 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 471**, a bill for an act relating to indemnification and limitation on liability of directors and officers and to liability of persons who volunteer services to the state or a municipality or a non-profit organization, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 471 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 161**, a bill for an act relating to the sentence to be served by a person convicted as an habitual offender of the motor vehicle laws, with report of committee recommending passage was taken up for consideration.

Rosenberg 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. 161)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellet	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, 1:

Tyrrell

Absent or not voting, 4:

Clark

Connors

Lagesehulte

Royer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 480**, a bill for an act relating to things of value given to and received by public employees, officials, members of the general assembly, other persons serving in a public capacity, and candidates, mandating reporting of certain things of value, subjecting violators to penalties, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 480 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 482**, a bill for an act relating to the civil process and procedure for awarding interest on civil judgments and decrees, determining whether a sufficient burden of proof has been met for the awarding of punitive damages, and for allowing the consideration for previous payments for medical damages, and providing an effective date, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 482 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 484**, a bill for an act relating to health care providers and patients and providing for the creation of an excess liability fund for health care providers, establishing a surcharge to be deposited in the fund, establishing a special surcharge, establishing qualifications for a health care provider or a patient to be protected by the fund, establishing a maximum limitation on the liability of the fund, creation of a compensation review board, authorization of the fund to procure reinsurance to protect the fund, authorization of the fund to provide primary insurance coverage to health care providers and providing for structured settlements, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 484 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 106**, a bill for an act relating to evaluations of the performance of school administrators including requiring the adoption of job descriptions and evaluation criteria and procedures, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 106 be temporarily deferred and that the bill retain its place on the calendar.

**Senate File 162**, a bill for an act to provide for the establishment of the Iowa corporation for public telecommunications to plan, establish and operate educational radio and television facilities and other educational telecommunications systems and services including narrowcast and broadcast systems to serve the educational needs of the state and to provide an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 162 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 146**, a bill for an act relating to the agricultural loan assistance program of the Iowa agricultural development authority, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 146 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 381**, a bill for an act to legalize the payment of a sales tax refund claim to the city of Epworth, Iowa, by the department of revenue and finance, with report of committee recommending passage was taken up for consideration.

Siegrist 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. 381)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey

Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Running	Schneklath
Schrader	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Swoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Chapman	Clark	Connors	Hermann
Royer	Sherzan		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 333**, a bill for an act relating to the use of telecommunications systems and services for educational instructional purposes and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 333 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 130**, a bill for an act to provide that moneys deposited in the barrel tax fund and the gallonage tax fund shall not revert to the state general fund without a specific appropriation, and providing for retroactive applicability of the Act, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 130 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 55**, a bill for an act to remove the requirement that a gambling license cannot be issued for a period of two years for a location for which a gambling license was revoked, and removing the

prohibition against conducting games of skill, games of chance, and raffles on the premises of a liquor control licensee or beer permittee, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 55 be deferred and that the bill be placed on the unfinished business calendar.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 76.

Senate File 76, a bill for an act relating to third-party payor reimbursements for patient charges at a mental health institute, with report of committee recommending passage was taken up for consideration.

Haverland 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. 76)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrsgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellet	Peters
Petersen, D. F.	Peterson, M. K.	Plasier	Platt
Poncy	Renaud	Renken	Rosenberg
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Clark

Connors

Royer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 311**, a bill for an act increasing the speed limit to sixty-five miles per hour on fully controlled-access, divided, multilaned highways including the interstate highway system, and providing a conditional effective date, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 311 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 187**, a bill for an act relating to the purchase of sacramental wine, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 187 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 179**, a bill for an act to provide that a single person may claim a homestead exempt from judicial sale, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 179 be deferred and that the bill be placed on the unfinished business calendar.

The House resumed consideration of **Senate File 29**, a bill for an act relating to the movement of certain vehicles on the public highways of the state by authorizing the movement of motor homes with an outside width up to eight feet six inches and the movement of mobile homes by transporters, deferred and retained on the calendar February 16, 1987 and amendment H—3067, found on page 372 of the House Journal.

Arnould of Scott asked and received unanimous consent that Senate File 29 be deferred and that the bill be placed on the unfinished business calendar.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 273.

**Senate File 273**, a bill for an act relating to the definition of foster care, with report of committee recommending passage was taken up for consideration.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 273)

The ayes were, 94:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Plasier
Platt	Poncy	Renaud	Renken
Rosenberg	Running	Schnekloth	Schrader
Sherzan	Shoning	Shoultz	Siegrist
Skow	Spear	Stromer	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Tyrrell	Van Camp	Van Maanen
Wise	Mr. Speaker		

The nays were, none.

Absent or not voting, 6:

Blanshan	Clark	Connors	Parker
Peterson, M. K.	Royer		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### SENATE FILE 49 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 49 be deferred and that the bill retain its place on the calendar.

The House resumed consideration of **House File 317**, a bill for an act allowing therapeutically certified optometrists to employ and supply certain pharmaceutical agents and to treat certain conditions, deferred and placed on the unfinished business calendar on April 10, 1987.

Arnould of Scott asked and received unanimous consent to defer action on amendment H—3705.

Peterson of Carroll offered the following amendment H—3714 filed by him and moved its adoption:

H—3714

- 1 Amend House File 317 as follows:
- 2 1. Page 2, by inserting after line 16 the
- 3 following: "Upon completion of the additional forty-
- 4 four hours of education, a therapeutically certified
- 5 optometrist shall also pass an oral or written
- 6 examination prescribed by the board."

Amendment H—3714 was adopted.

#### SENATE FILE 216 SUBSTITUTED FOR HOUSE FILE 317

Peterson of Carroll asked for unanimous consent to substitute Senate File 216 for House File 317.

Objection was raised.

Peterson of Carroll moved that Senate File 216 be substituted for House File 317.

A non-record roll call was requested.

The ayes were 54, nays 16.

The motion prevailed and **Senate File 216**, a bill for an act allowing therapeutically certified optometrists to employ and supply certain pharmaceutical agents and to treat certain conditions, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 216 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 201**, a bill for an act related to the senate's review and confirmation of gubernatorial appointments, and providing an effective date, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 201 be deferred and that the bill be placed on the unfinished business calendar.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 374.

**Senate File 374**, a bill for an act relating to statutory corrections of a noncontroversial and nonsubstantive nature, with report of committee recommending amendment and passage was taken up for consideration.

McKinney of Dallas offered the following amendment H—3725 filed by the committee on judiciary and law enforcement and moved its adoption:

H—3725

- 1 Amend Senate File 374, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by inserting after line 30 the
- 4 following:
- 5 "Sec. \_\_\_\_\_. Section 99B.1, subsection 16, Code
- 6 1987, is amended to read as follows:
- 7 16. "Division" means the racing and gaming
- 8 division of the department of commerce.
- 9 Sec. \_\_\_\_\_. Section 99B.19, Code 1987, is amended to
- 10 read as follows:
- 11 99B.19 ATTORNEY GENERAL AND COUNTY ATTORNEY.
- 12 Upon request of the racing and gaming division of
- 13 the department of commerce or the division of criminal
- 14 investigation of the department of public safety, the
- 15 attorney general shall institute in the name of the
- 16 state the proper proceedings against a person charged
- 17 by either department with violating this chapter, and
- 18 a county attorney, at the request of the attorney
- 19 general, shall appear and prosecute an action when
- 20 brought in the county attorney's county.
- 21 Sec. \_\_\_\_\_. Section 99B.20, Code 1987, is amended to
- 22 read as follows:
- 23 99B.20 DIVISION OF CRIMINAL INVESTIGATION.
- 24 The division of criminal investigation of the
- 25 department of public safety may investigate to
- 26 determine licensee compliance with the requirements of
- 27 this chapter. Investigations may be conducted either
- 28 on the criminal investigation division's own
- 29 initiative or at the request of the racing and gaming
- 30 division of the department of commerce. The criminal
- 31 investigation division and the racing and gaming
- 32 division shall cooperate to the maximum extent

33 possible on an investigation.

34 Sec. \_\_\_\_\_. Section 99D.6, Code 1987, is amended to  
35 read as follows:

36 99D.6 CHAIRPERSON — ADMINISTRATOR — EMPLOYEES —  
37 DUTIES — BOND.

38 The commission shall elect in July of each year one  
39 of its members chairperson for the succeeding year.  
40 The commission shall appoint an administrator of the  
41 racing and gaming division of the department of  
42 commerce subject to confirmation by the senate. The  
43 administrator shall serve a four-year term. The term  
44 shall begin and end in the same manner as set forth in  
45 section 69.19. A vacancy shall be filled for the  
46 unexpired portion of the term in the same manner as a  
47 full-term appointment is made. The administrator may  
48 hire other assistants and employees as necessary to  
49 carry out the division's duties. Some or all of the  
50 information required of applicants in section 99D.8A,

**Page 2**

1 subsections 1 and 2, may also be required of employees  
2 of the division if the commission deems it necessary.  
3 The administrator shall keep a record of the  
4 proceedings of the commission, and preserve the books,  
5 records, and documents entrusted to the  
6 administrator's care. The commission shall require  
7 the administrator to post a bond in a sum it may fix,  
8 conditioned upon the faithful performance of the  
9 administrator's duties. Subject to the approval of  
10 the governor, the commission shall fix the  
11 compensation of the administrator within salary range  
12 five as set by the general assembly. The division  
13 shall have its headquarters in the city of Des Moines,  
14 and shall meet in July of each year and at other times  
15 and places as it finds necessary for the discharge of  
16 its duties."

17 2. Page 17, by inserting after line 15 the  
18 following:

19 "Sec. \_\_\_\_\_. Section 327A.17, Code 1987, is amended  
20 to read as follows:

21 327A.17 RULES.

22 The Pursuant to chapter 17A, the department may by  
23 general order or otherwise prescribe rules applicable  
24 to liquid transport carriers. The state department  
25 may prescribe and enforce safety rules in the  
26 operation of liquid transport carriers and require a  
27 periodic inspection of the equipment of every liquid  
28 transport carrier from the standpoint of enforcement  
29 of safety rules, and the equipment shall be at all  
30 times subject to inspection by properly authorized  
31 representatives of the department."

32 3. Page 25, by inserting after line 15 the  
33 following:

34 "Sec. \_\_\_\_\_. Section 546.6, Code 1987, is amended to  
35 read as follows:

36 546.6 RACING AND GAMING DIVISION.

37 The racing and gaming division shall combine and  
38 coordinate the supervision of pari-mutuel betting and  
39 the conducting of games of skill, games of chance, or  
40 raffles in the state. The division shall enforce and  
41 implement chapters 99B and 99D. The division is  
42 headed by the administrator of racing and gaming who  
43 shall be appointed pursuant to section 99D.6. The  
44 state racing commission shall perform duties within  
45 the division as prescribed in chapter 99D."

46 4. Page 25, by inserting after line 21 the  
47 following:

48 "Sec. \_\_\_\_\_. Section 601K.1, subsection 3, Code  
49 1987, is amended to read as follows:

50 3. Division of on the status of women."

### Page 3

1 5. Page 26, by inserting after line 3 the  
2 following:

3 "Sec. \_\_\_\_\_. Section 601K.51, subsections 2 and 3,  
4 Code 1987, are amended to read as follows:

5 2. "Division" means the division of on the status  
6 of women of the department of human rights.

7 3. "Administrator" means the administrator of the  
8 division of on the status of women of the department  
9 of human rights."

10 6. Page 26, by inserting after line 13 the  
11 following:

12 "Sec. \_\_\_\_\_. Section 601K.112, unnumbered paragraph  
13 1, Code 1987, is amended to read as follows:

14 A commission on the deaf is established, consisting  
15 of seven members appointed by the governor, subject to  
16 confirmation by the senate. Lists of nominees for  
17 appointment to membership on the commission shall be  
18 submitted by the Iowa association for of the deaf, the  
19 Iowa school for the deaf, and the commission of  
20 persons with disabilities. At least four members  
21 shall be persons who cannot hear human speech with or  
22 without use of amplification. All members shall  
23 reside in Iowa. The members of the commission shall  
24 appoint the chairperson of the commission. A majority  
25 of the members of the commission shall constitute  
26 constitutes a quorum.

27 Sec. \_\_\_\_\_. Section 601K.114, subsections 1 through  
28 3, Code 1987, are amended to read as follows:

29 1. Interpret to communities and to interested  
30 persons the needs of the deaf and how their needs may

31 be met through the use of resource workers service  
32 providers.  
33 2. Obtain without additional cost to the state  
34 available office space in public and private agencies  
35 which resource workers service providers may utilize  
36 in carrying out service projects for deaf persons.  
37 3. Establish service projects for deaf persons  
38 throughout the state. Projects shall not be  
39 undertaken by resource workers service providers for  
40 compensation which would duplicate existing services  
41 when those services are available to deaf people  
42 through paid interpreters or other persons able to  
43 communicate with deaf people.  
44 As used in this section, "service projects"  
45 includes interpretation services for persons who are  
46 deaf, referral and counseling services for deaf people  
47 in the areas of adult education, legal aid,  
48 employment, medical, finance, housing, recreation, and  
49 other personal assistance and social programs.  
50 "Resource workers Service providers" are persons

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1 who, on a volunteer basis or for compensation or on a  
2 volunteer basis, carry out service projects."  
3 7. Page 26, by inserting after line 31 the  
4 following:  
5 "Sec. \_\_\_\_\_. Section 610.1, Code 1987, is amended to  
6 read as follows:  
7 610.1 AFFIDAVIT - CONTENTS - TOLLING OF  
8 LIMITATIONS.  
9 A court of the district court, court of appeals, or  
10 supreme court shall authorize the commencement,  
11 prosecution, or defense of a suit, action, proceeding,  
12 or appeal, whether civil or criminal, without the  
13 prepayment of fees, costs, or security upon a showing  
14 that the person is unable to pay such costs or give  
15 security. The person shall submit an affidavit  
16 stating the nature of the suit, action, proceeding, or  
17 appeal and the affiant's belief that there is an  
18 entitlement to redress. Such affidavit shall also  
19 include a brief financial statement showing the  
20 person's inability to pay costs, fees, or give  
21 security. Any authorization to proceed without  
22 prepayment of fees, costs, or security under this  
23 chapter may be made by the court without hearing. The  
24 filing of an affidavit to proceed without the  
25 prepayment of fees, costs, or security tolls the  
26 applicable statute of limitations. Upon the denial of  
27 an application and affidavit to proceed without the  
28 prepayment of fees, costs, or security, the person  
29 shall have the remainder of the limitations period in

- 30 which to pay fees, costs, or give security. This  
 31 section does not allow the deferral of the cost of a  
 32 transcript."  
 33 8. By renumbering as necessary.

The committee amendment H—3725 was adopted, placing out of order amendment H—3581 filed by Jay of Appanoose on April 2, 1987.

McKinney of Dallas moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 374)

The ayes were, 77:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Cooper
Corbett	Daggett	Diemer	Doderer
Dvorsky	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Harbor	Harper
Hatch	Haverland	Holveck	Hummel
Jay	Jochum	Johnson	Knapp
Koenigs	Lageschulte	Lundby	May
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Peters
Peterson, M. K.	Platt	Poncy	Renaud
Rosenberg	Running	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Wise			

The nays were, 15:

Corey	De Groot	Hanson, D. R.	Hermann
Maulsby	McKean	Miller	Pellett
Petersen, D. F.	Renken	Schnekloth	Stueland
Svoboda	Van Maanen	Mr. Speaker	

Absent or not voting, 8:

Clark	Connors	Eddie	Gruhn
Hester	Kremer	Plasier	Royer

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 455**, a bill for an act relating to physical therapy by providing that physical therapy evaluation and treatment may be rendered without a prescription or referral, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 455 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 496**, a bill for an act relating to the retirement benefits received by certain members of the Iowa public employees' retirement system, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 496 be deferred and that the bill be placed on the unfinished business calendar.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 459.

**Senate File 459**, a bill for an act relating to handicapped parking spaces, making penalties applicable and providing an effective date, with report of committee recommending passage was taken up for consideration.

Renaud of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 459)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cphoon	Cooper	Corbett
Corey	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Muhlbauer	Mullins	Neuhauser	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Running	Schneklath
Schrader	Sherzan	Shoning	Shultz

Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Clark	Connolly	Connors	Norrgard
Royer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**Senate File 387**, a bill for an act directing certain political subdivisions of the state to consider joint purchases of equipment, with report of committee recommending passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 387 be deferred and that the bill be placed on the unfinished business calendar.

#### SENATE FILE 342 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 342 be deferred and that the bill retain its place on the calendar.

**Senate File 49**, a bill for an act relating to school finance including creating a working committee to study school finance and repealing chapter 442 on June 30, 1991, previously deferred, with report of committee recommending amendment and passage was taken up for consideration.

Stromer of Hancock moved that Senate File 49 be rereferred to the committee on education.

Stromer of Hancock asked and received unanimous consent to withdraw his motion to rerefer to committee.

Arnould of Scott asked and received unanimous consent that Senate File 49 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 479**, a bill for an act relating to the use and application of pesticides and making penalties applicable, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 479 be deferred and that the bill be placed on the unfinished business calendar.

### SENATE FILE 388 DEFERRED

Arnould of Scott asked and received unanimous consent that Senate File 388 be deferred and that the bill retain its place on the calendar.

**Senate File 290**, a bill for an act relating to the requirement for foster parent training, confidentiality requirements for foster care review boards, and incorporating a penalty, with report of committee recommending amendment and passage was taken up for consideration.

Teaford of Black Hawk offered the following amendment H — 3699 filed by the committee on human resources and moved its adoption:

H — 3699

- 1 Amend Senate File 290, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 1, line 27, by striking the words
- 4 "serious simple" and inserting the following:
- 5 "serious".
- 6 2. Page 1, by inserting after line 27, the fol-
- 7 lowing:
- 8 "Sec. \_\_\_\_\_. Section 600.16, subsection 4, Code
- 9 1987, is amended to read as follows:
- 10 4. Any person, other than the adopting parents or
- 11 the adopted person, who discloses information in
- 12 violation of the provisions of this section shall be,
- 13 upon conviction, guilty of a simple serious
- 14 misdemeanor."
- 15 3. By renumbering as necessary.

The committee amendment H — 3699 was adopted.

Teaford of Black Hawk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 290)

The ayes were, 92:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cphoon	Connolly	Connors
Cooper	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie

Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Lageschulte
Lundby	May	McKean	McKinney
Metcalf	Miller	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett
Peters	Petersen, D. F.	Peterson, M. K.	Platt
Poncy	Renaud	Renken	Rosenberg
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Wise	Mr. Speaker

The nays were, 4:

Corbett	Kremer	Maulsby	Van Maanen
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Absent or not voting, 4:

Clark	Harbor	Plasier	Royer
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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 222**, a bill for an act to prohibit the sale or gift of smokeless tobacco to a minor and providing for application of a penalty, with report of committee recommending passage was taken up for consideration.

Shoning of Woodbury offered the following amendment H—3732 filed by him and Harbor of Mills:

H—3732

- 1 Amend Senate File 222, as passed by the Senate, as
- 2 follows:
- 3 1. Page 1, by striking lines 13 through 22 and
- 4 inserting the following:
- 5 "Sec. 2. Section 98.4, Code 1987, is repealed."

Shoning of Woodbury offered the following amendment H—3745, to amendment H—3732, filed by him and Harbor of Mills from the floor and moved its adoption:

H—3745

- 1 Amend amendment H—3732 to Senate File 222, as passed
- 2 by the Senate as follows:
- 3 1. Page 1, by striking line 5 and inserting the

- 4 following:  
 5 "Sec. 2. Sections 98.4 and 98.5, Code 1987, are  
 6 repealed."

Amendment H—3745 was adopted.

On motion by Shoning of Woodbury, amendment H—3732, as amended, was adopted.

Hammond of Story moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 222)

The ayes were, 88:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Cohoon	Connolly	Connors
Cooper	Corbett	Corey	Daggett
De Groot	Diemer	Doderer	Dvorsky
Eddie	Fey	Fogarty	Fuller
Garman	Groninga	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hanson, D. R.	Harbor	Harper
Hatch	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
May	McKean	McKinney	Metcalf
Miller	Muhlbauer	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Paulin	Pavich	Pellett	Peters
Peterson, M. K.	Plasier	Poncy	Renaud
Renken	Rosenberg	Running	Schnekloth
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Skow	Spear	Stueland
Svoboda	Swartz	Swearingen	Tabor
Teaford	Van Camp	Wise	Mr. Speaker

The nays were, 8:

Gruhn	Hansen, S. D.	Lundby	Maulsby
Petersen, D. F.	Platt	Tyrrell	Van Maanen

Absent or not voting, 4:

Clark	Haverland	Royer	Stromer
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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 469**, a bill for an act relating to the confinement and treatment of persons convicted of a violation of operating a motor vehicle while intoxicated by requiring counties to provide temporary confinement for offenders under the supervision of the department of corrections who violate the conditions of treatment programs, by providing that a work release program may include out-of-state work or treatment placement, by specifying that an offender committing a third offense shall serve the minimum thirty-day term in the county jail, and may be sentenced to up to one year in the county jail, by providing that a person convicted of a second or subsequent offense shall be ordered to undergo a substance abuse evaluation, by providing that a person convicted of a third or subsequent offense or an offender whose substance abuse evaluation recommended treatment may be sentenced to the custody of the department of corrections who shall assign the person to a facility pursuant to section 246.513 or to treatment in the community under supervision of the department, by requiring judicial district departments of correctional services to provide programs for offenders under chapter 321J, by providing that a requirement for a mandatory minimum sentence for repeat offenders shall not apply to offenders under chapter 321J, and by providing that an offender under chapter 321J who is under the supervision of the department of corrections shall receive a clothing allowance and expense money allotted to inmates when the offender is assigned to a community-based corrections program, was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 469 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 388**, a bill for an act relating to the filing time for nomination petitions for a special election to elect a member of a board of directors of a school district, previously deferred, with report of committee recommending passage was taken up for consideration.

Tabor of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 388)

The ayes were, 96:

Adams	Arnould	Beatty	Bennett
Bisignano	Black	Blanshan	Branstad
Buhr	Carpenter	Chapman	Cphoon
Connolly	Connors	Cooper	Corbett

Corgy	Daggett	De Groot	Diemer
Doderer	Dvorsky	Eddie	Fey
Fogarty	Fuller	Garman	Groninga
Gruhn	Halvorson, R. A.	Halvorson, R. N.	Hammond
Hansen, S. D.	Hanson, D. R.	Harbor	Harper
Hatch	Haverland	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalfe	Miller
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Paulin
Pavich	Pellett	Peters	Petersen, D. F.
Peterson, M. K.	Plasier	Platt	Poncy
Renaud	Renken	Rosenberg	Running
Schneklath	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Stromer	Stueland	Svoboda	Swartz
Swearingen	Tabor	Teaford	Tyrrell
Van Camp	Van Maanen	Wise	Mr. Speaker

The nays were, none.

Absent or not voting, 4:

Beaman	Brammer	Clark	Royer
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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 342**, a bill for an act relating to the assessment of costs to the owner of real estate subject to tax sale, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked and received unanimous consent that Senate File 342 be deferred and that the bill be placed on the unfinished business calendar.

The House resumed consideration of **Senate File 461**, a bill for an act relating to electronic funds transfers by providing for limiting liability of financial institutions for unauthorized electronic funds transfers involving the customer's account, altering restrictions on the establishment, location, and use of satellite terminals, adding definitions, and requiring that all satellite terminals in this state or their data processing centers be directly connected to a central routing unit, and the committee amendment H—3715, found on pages 1321 and 1322 of the House Journal, previously deferred.

On motion by Parker of Jasper, the committee amendment H—3715 was adopted.

Hummel of Benton asked for unanimous consent to suspend Rule 31.8, relating to the timely filing of amendments, for consideration of amendment H-3744 filed by Schnekloth of Scott from the floor as follows:

H-3744

- 1 Amend Senate File 461, as amended, passed, and
- 2 reprinted by the Senate as follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 "Section 1. Section 476.1, Code 1987, is amended
- 6 by adding the following subsection:
- 7 NEW SUBSECTION. 4. Furnishing approved central
- 8 routing services for electronic funds transfers
- 9 pursuant to chapter 527.
- 10 Sec. 2. Section 476.4, unnumbered paragraph 1,
- 11 Code 1987, is amended to read as follows:
- 12 Every public utility shall file with the board
- 13 tariffs showing the rates and charges for its public
- 14 utility services and the rules and regulations under
- 15 which such services were furnished, on April 1, 1963,
- 16 except a central routing unit, which shall file the
- 17 same information as of July 1, 1986, which rates and
- 18 charges shall be subject to investigation by the board
- 19 as provided in section 476.3, and upon such
- 20 investigation the burden of establishing the
- 21 reasonableness of such rates and charges shall be upon
- 22 the public utility filing the same. These filings
- 23 shall be made under such rules as the board may
- 24 prescribe within such time and in such form as the
- 25 board may designate. In prescribing rules and
- 26 regulations with respect to the form of tariffs, the
- 27 board shall, in the case of public utilities subject
- 28 to regulation by any federal agency, give due regard
- 29 to any corresponding rules and regulations of such
- 30 federal agency, to the end that unnecessary
- 31 duplication of effort and expense may be avoided so
- 32 far as reasonably possible. Each public utility shall
- 33 keep copies of its tariffs open to public inspection
- 34 under such rules as the board may prescribe."
- 35 2. Page 8, line 6 by striking the word
- 36 "subsection" and inserting the following:
- 37 "subsections".
- 38 3. Page 9, by inserting after line 14 the
- 39 following:
- 40 "NEW SUBSECTION. 6. A central routing unit
- 41 authorized under this section is subject to the
- 42 regulation of the utilities board within the utilities
- 43 division of the department of commerce."
- 44 4. Renumber as necessary.

Objection was raised.

Stromer of Hancock moved that Rule 31.8 be suspended to consider amendment H—3744.

A non-record roll call was requested.

The ayes were 34, nays 52.

The motion to suspend the rules lost.

Stromer of Hancock moved that Senate File 461 be deferred and that the bill be placed on the unfinished business calendar.

A non-record roll call was requested.

The ayes were 38, nays 51.

The motion to defer lost.

The House stood at ease at 4:05 p.m., until the fall of the gavel.

The House resumed session and consideration of Senate File 461 at 5:08 p.m., Speaker Avenson in the chair.

Arnould of Scott asked and received unanimous consent that Senate File 461 be deferred and that the bill be placed on the unfinished business calendar.

**Senate File 106**, a bill for an act relating to evaluations of the performance of school administrators including requiring the adoption of job descriptions and evaluation criteria and procedures, previously deferred, with report of committee recommending passage was taken up for consideration.

Tabor of Jackson offered the following amendment H—3751 filed by him from the floor and moved its adoption:

H—3751

1 Amend Senate File 106, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 1, by striking lines 11 through 18 and  
4 inserting the following:

5 "Sec. 2. NEW SECTION. 279.23A EVALUATION  
6 CRITERIA AND PROCEDURES.

7 The board shall establish written evaluation  
8 criteria and shall establish and annually implement  
9 evaluation procedures. The board shall also establish  
10 written job descriptions for all supervisory  
11 positions."

12 2. Page 1, by striking lines 19 through 28.

Amendment H—3751 was adopted.

Tabor of Jackson moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 106)

The ayes were, 95:

Adams	Arnould	Beaman	Beatty
Bisignano	Black	Blanshan	Brammer
Branstad	Buhr	Carpenter	Chapman
Cohoon	Connolly	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Diemer	Doderer	Dvorsky	Eddie
Fey	Fogarty	Fuller	Garman
Groninga	Gruhn	Halvorson, R. A.	Halvorson, R. N.
Hammond	Hansen, S. D.	Hanson, D. R.	Harbor
Harper	Hatch	Haverland	Hermann
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Knapp	Koenigs
Kremer	Lageschulte	Lundby	Maulsby
May	McKean	McKinney	Miller
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellett	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Pony	Renaud
Renken	Rosenberg	Running	Schnekloth
Schrader	Sherzan	Shoning	Shultz
Siegrist	Skow	Spear	Stromer
Stueland	Svoboda	Swartz	Swearingen
Tabor	Teaford	Tyrrell	Van Camp
Van Maanen	Wise	Mr. Speaker	

The nays were, none.

Absent or not voting, 5:

Bennett	Clark	Metcalf	Muhlbauer
Royer			

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### HOUSE FILE 179 WITHDRAWN

Spear of Lee asked and received unanimous consent to withdraw House File 179 from further consideration by the House.

#### HOUSE FILE 428 WITHDRAWN

Blanshan of Greene asked and received unanimous consent to withdraw House File 428 from further consideration by the House.

#### HOUSE FILE 592 WITHDRAWN

Swartz of Marshall asked and received unanimous consent to withdraw House File 592 from further consideration by the House.

**HOUSE FILE 562 WITHDRAWN**

Black of Jasper asked and received unanimous consent to withdraw House File 562 from further consideration by the House.

**MOTIONS TO RECONSIDER  
(Senate File 373)**

I move to reconsider the vote by which Senate File 373 passed the House on April 14, 1987.

**DE GROOT** of Lyon  
(Senate File 458)

I move to reconsider the vote by which Senate File 458 passed the House on April 14, 1987.

**HUMMEL** of Benton

**PRESENTATION OF VISITORS**

Arnould of Scott presented to the House the Honorable Paul Simon, United States Senator from Illinois and a candidate for President of the United States, who was accompanied by his wife Jean.

The Speaker announced that the following visitors were present in the House chamber:

Thirty-six third, fourth and fifth grade students from Park Avenue Elementary School, Des Moines, accompanied by Linda Bates. By Hatch and Bisignano, both of Polk.

Fifty-two fifth grade students from Edmunds Elementary School, Des Moines, accompanied by Joyce Manning. By Hatch of Polk.

Twenty-seven fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Scott Mashek. By Carpenter of Polk.

Fifty-one fifth grade students from Union-Whitten-Beaman-Conrad-Liscomb Middle School, Union, accompanied by John Ehm and Mary Piper. By Renken of Grundy and Fuller of Hardin.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENT****H.S.B. 320 Human Resources**

Relating to the reform of the welfare system.

## HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**House Study Bill 316**

Ways and Means: Chapman, Chair; Hanson of Delaware and Tabor.

**House Study Bill 317**

Ways and Means: Metcalf, Chair; De Groot and Koenigs.

**House Study Bill 318**

Ways and Means: Connolly, Chair; Fey, Lageschulte, May and Siegrist.

## COMMITTEE RECOMMENDATIONS

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

**JOSEPH O'HERN**

Chief Clerk of the House

## COMMITTEE ON APPROPRIATIONS

**Committee Bill**, relating to and making appropriations to agencies, boards, commissions, departments, and programs of state government for health and human rights, human services, the judicial branch, the department of justice, the department of corrections, the board of parole, the auditor of state, campaign finance, employment services, inspections and appeals, employment relations, and commerce, and providing effective dates.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 13, 1987.

## COMMITTEE ON WAYS AND MEANS

**Committee Bill** (Formerly House File 376), to impose the premium tax on risk retention groups.

Fiscal Note is not required.

Recommended **Do Pass** April 13, 1987.

**Committee Bill** (Formerly House File 616), relating to the levying of property taxes for school purposes; providing for a capital projects and equipment levy and a liability levy and the execution and continuation of loan agreements for anticipating the collection of certain levies; and providing an effective date.

Fiscal Note is required.

Recommended **Amend and Do Pass** April 13, 1987.

**Committee Bill** (Formerly House Study Bill 45), relating to taxation in regard to the withholding on parimutuel winnings, application of a net operating loss, and due date of individual estimated tax payments and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** April 13, 1987.

## AMENDMENTS FILED

H-3737	S.F.	276	Groninga of Cerro Gordo
H-3738	S.F.	471	Stueland of Clinton
H-3739	S.F.	397	Van Camp of Scott
H-3740	S.F.	455	Blanshan of Greene
			Beatty of Warren
			Swearingen of Keokuk
			Knapp of Dubuque
			Lundby of Linn
			Peterson of Carroll
H-3741	S.F.	274	Kremer of Buchanan
H-3742	S.F.	397	Corey of Louisa
H-3743	S.F.	496	Running of Linn
H-3746	S.F.	480	Bennett of Ida
H-3747	S.F.	482	Halvorson of Clayton
			Jay of Appanoose
H-3748	S.F.	482	Halvorson of Clayton
			Jay of Appanoose
H-3749	S.F.	481	Schnekloth of Scott
H-3750	S.F.	274	May of Worth
H-3752	S.F.	455	Jochum of Dubuque
			Swartz of Marshall
			Hanson of Delaware
H-3753	H.F.	671	Van Maanen of Mahaska
H-3754	S.F.	482	Paulin of Plymouth
H-3755	S.F.	496	McKean of Jones
			Neuhauser of Johnson
			De Gröot of Lyon
			Tyrrell of Iowa
			Petersen of Muscatine
			Van Maanen of Mahaska
			Shoning of Woodbury
			Hammond of Story
			Branstad of Winnebago
H-3756	S.F.	481	Carpenter of Polk
			Garman of Story
H-3757	S.F.	496	Carpenter of Polk
			Garman of Story
			Lundby of Linn
			Petersen of Muscatine
			McKean of Jones
H-3758	S.F.	496	Connors of Polk
H-3759	S.F.	397	Paulin of Plymouth
H-3760	H.F.	671	Garman of Story

H-3761	S.F.	55	Shoultz of Black Hawk Pavich of Pottawattamie
H-3762	S.F.	481	Bennett of Ida
H-3763	H.F.	671	Mullins of Kossuth
H-3764	S.F.	312	Neuhauser of Johnson
H-3766	S.F.	469	Paulin of Plymouth Miller of Cherokee

On motion by Arnould of Scott, the House adjourned at 5:20 p.m., until 9:00 a.m., Wednesday, April 15, 1987.

# JOURNAL OF THE HOUSE

Ninety-fourth Calendar Day — Sixty-fourth Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, April 15, 1987

The House met pursuant to adjournment, Speaker Avenson in the chair.

Prayer was offered by the Honorable Wendell Pellett, state representative from Cass County.

The Journal of Tuesday, April 14, 1987 was approved.

## LEAVE OF ABSENCE

Leave of absence was granted as follows:

Skow of Guthrie, until his arrival, on request of Fogarty of Palo Alto.

## 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 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 47, a bill for an act relating to the appointment of township officers.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 64, a bill for an act relating to jury lists.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 90, a bill for an act relating to investigations of the cause and manner of death for patients enrolled in a hospice program.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 92, a bill for an act relating to the council-manager-ward form of city government.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 131, a bill for an act relating to transfers to minors by amending the definition of benefit plan to include an individual retirement account and by excluding compensation due a minor for services rendered from the types of property or debt eligible for transfer to the custodian of a minor.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 134, a bill for an act relating to the delegation of the authority to prevent, abate, or control air pollution.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 136, a bill for an act relating to the disclosure of information concerning the family of a health care facility resident to a care review committee member.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 169, a bill for an act creating a lead abatement program within the Iowa department of public health.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 193, a bill for an act relating to the filing of a request for a contested case proceeding with a state agency.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 207, a bill for an act relating to the approval of chemical substitutes and antagonists programs.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 251, a bill for an act relating to advocates for certain individuals involuntarily hospitalized.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 258, a bill for an act relating to program grants under the Iowa department of public health for substance abuse programs.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 315, a bill for an act relating to the indemnification of eligible special exhibit items and the limitations of indemnity coverage of these items.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 356, a bill for an act relating to the transfer of the property or assets of a cooperative association by sale, other disposition, or by merger.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 373, a bill for an act relating to the division of deaf services of the department of human rights.

Also: That the Senate has on April 13, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 398, a bill for an act relating to water districts, by providing for water service by a benefited water district or a rural water district within two miles of a city and the annexation of land within a rural water district.

Also: That the Senate has on April 13, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 410, a bill for an act relating to the interest of a city officer or employee in contracts for the purchases of goods and services by a city.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 427, a bill for an act relating to reprisals and orders with respect to certain disclosures of information by state employees, and providing a penalty.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 487, a bill for an act relating to the payment and collection of the criminal penalty surcharge.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 489, a bill for an act relating to ensuring that the title to agricultural land is not affected by the failure of a creditor to receive a mediation release, regardless of its validity.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 490, a bill for an act relating to interstate agreements for provision of medical assistance services to adoptive families who participate in the subsidized adoption or adoption assistance program.

Also: That the Senate has on April 13, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 492, a bill for an act regarding schedule I and schedule IV controlled substances.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 505, a bill for an act relating to adoption decrees for children born outside of the United States.

Also: That the Senate has on April 13, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 506, a bill for an act relating to the regulation of the insurance business conducted in the state by the insurance division of the department of commerce.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 507, a bill for an act relating to employment discrimination by employers on the basis of sex, and making a penalty applicable.

Also: That the Senate has on April 13, 1987, amended and passed the following bill in which the concurrence of the House is asked:

House File 520, a bill for an act relating to the regulation of membership campgrounds, membership camping operators, and membership camping contracts, requiring registration and disclosures, providing for cancellation of membership camping contracts, providing remedies, providing penalties, and providing properly related matters.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 527, a bill for an act relating to proportional registration by providing for credits of registration fees when changing the method of registration of vehicles and by requiring owners of vehicles subject to proportional registration to make application to either the state department of transportation or the county treasurer for registration and issuance of certificates of title, and providing an effective date.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 568, a bill for an act relating to the distribution of federal funds under Title III of the Job Training Partnership Act of 1982.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 576, a bill for an act providing for the grading and marking of Iowa seal agricultural products, and providing penalties.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 579, a bill for an act allowing issuance of personalized registration plates for travel trailers and for trailers regardless of the trailers' gross weight registrations.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 583, a bill for an act relating to the procedures for adopting or amending county zoning ordinances.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 585, a bill for an act relating to including consumer rental purchase agreements in the consumer credit code.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 607, a bill for an act relating to the maximum age for participation in an organized amateur boxing contest.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 612, a bill for an act relating to appeal of a magistrate's decision.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 614, a bill for an act relating to sales of funeral services and funeral merchandise, revising regulatory and reporting provisions, requiring disclosures, requiring permits, providing penalties, providing for the applicability of the Act, and providing an effective date.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 630, a bill for an act relating to state liability for torts committed by juveniles while performing community service assignments pursuant to an order of the juvenile court.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 639, a bill for an act relating to investments of Iowa life insurance companies.

Also: That the Senate has on April 13, 1987, passed the following bill in which the concurrence of the Senate was asked:

House File 641, a bill for an act relating to the wastewater treatment facility and making variances granted subject to the review of the environmental protection commission.

JOHN F. DWYER, Secretary

## RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 276.

## CONSIDERATION OF BILLS

### Regular Calendar

**Senate File 276**, a bill for an act relating to the regulation of long-term care insurance, with report of committee recommending amendment and passage was taken up for consideration.

Groninga of Cerro Gordo offered the following amendment H—3718 filed by the committee on small business and commerce and moved its adoption:

H—3718

- 1 Amend Senate File 276, as passed by the Senate, as
- 2 follows:
- 3 1. Page 6, line 12, by inserting after the word
- 4 "shall" the following: "not".

The committee amendment H—3718 was adopted.

Groninga of Cerro Gordo offered the following amendment H—3737 filed by him and moved its adoption:

H—3737

- 1 Amend Senate File 276, as passed by the Senate as
- 2 follows:
- 3 1. By striking page 3, line 35 through page 4,
- 4 line 1 and inserting the following: "within this
- 5 state, an association or a trust or the trustee of a
- 6 fund established, created, or maintained for the
- 7 benefit of members of one or more associations, or the
- 8 insurer".

Amendment H—3737 was adopted.

Harper of Black Hawk asked and received unanimous consent to withdraw amendment H—3662 filed by her on April 6, 1987.

Groninga of Cerro Gordo moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 276)

The ayes were, 97:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Doderer
Dvorsky	Eddie	Fey	Fogarty
Fuller	Garman	Groninga	Gruhn
Halvorson, R. A.	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harbor	Harper	Hatch
Haverland	Hermann	Hester	Holveck
Hummel	Jay	Jochum	Johnson
Knapp	Koenigs	Kremer	Lageschulte
Lundby	Maulsby	May	McKean
McKinney	Metcalf	Miller	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Paulin	Pavich
Pellet	Peters	Petersen, D. F.	Peterson, M. K.
Plasier	Platt	Poncy	Renaud
Renken	Rosenberg	Running	Schneklath
Schrader	Sherzan	Shoning	Shoultz
Siegrist	Spear	Stromer	Stueland
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, none.

Absent or not voting, 3:

Royer

Skow

Svoboda

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

### RULES SUSPENDED

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 481.

### Ways and Means Calendar

**Senate File 481**, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing for refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates, with report of committee recommending amendment and passage was taken up for consideration.

Osterberg of Linn offered the following amendment H—3736 filed by the committee on ways and means:

H—3736

- 1 Amend Senate File 481, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking everything after the enacting
- 4 clause and inserting the following:
- 5 "Section 1. Section 422.3, subsection 5, Code
- 6 1987, is amended by striking the subsection and
- 7 inserting in lieu thereof the following:
- 8 5. "Internal Revenue Code" means the Internal
- 9 Revenue Code of 1954, prior to the date of its
- 10 redesignation as the Internal Revenue Code of 1986 by
- 11 the Tax Reform Act of 1986, or means the Internal
- 12 Revenue Code of 1986 as amended to and including
- 13 January 1, 1987, whichever is applicable.
- 14 Sec. 2. Section 422.4, subsection 17, Code 1987,
- 15 is amended to read as follows:
- 16 17. a. "Annual inflation factor" means an index,
- 17 expressed as a percentage, determined by the
- 18 department each year to reflect the purchasing power
- 19 of the dollar as a result of inflation during the
- 20 preceding calendar year. For the 1981 and subsequent
- 21 calendar years, "annual inflation factor" means an
- 22 index, expressed as a percentage, determined by the

23 department by October 15 of the calendar year  
24 preceding the calendar year for which the factor is  
25 determined to reflect the purchasing power of the  
26 dollar as a result of inflation during the fiscal year  
27 ending in the calendar year preceding the calendar  
28 year for which the factor is determined. In  
29 determining the annual inflation factor, the  
30 department shall use the annual percent change, but  
31 not less than zero percent, in the implicit price  
32 deflator for the gross national product computed for  
33 the whole calendar year or for the second quarter of  
34 the calendar year; in the case of the annual inflation  
35 factor for the 1981 and subsequent calendar years, by  
36 the bureau of economic analysis of the United States  
37 department of commerce and shall add two-fourths for  
38 the 1980 and subsequent calendar years of that percent  
39 change to one hundred percent. The annual inflation  
40 factor for the 1979 calendar year is one hundred two  
41 point three percent. The annual inflation factor and  
42 the cumulative inflation factor shall each be  
43 expressed as a percentage rounded to the nearest one-  
44 tenth of one percent. The annual inflation factor  
45 shall not be less than one hundred percent.

46 b. "Cumulative inflation factor" means the product  
47 of the annual inflation factor for the 1978 1987  
48 calendar year and all annual inflation factors for  
49 subsequent calendar years as determined pursuant to  
50 this subsection. The cumulative inflation factor

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1 applies to all tax years beginning on or after January  
2 1 of the calendar year for which the latest annual  
3 inflation factor has been determined.

4 c. The annual inflation factor for the 1978 1987  
5 calendar year is one hundred percent.

6 d. Notwithstanding the computation of the annual  
7 inflation factor under paragraph "a" of this  
8 subsection, the annual inflation factor is one hundred  
9 percent for any calendar year in which the unobligated  
10 state general fund balance on June 30 as certified by  
11 the director of revenue and finance by September 10 of  
12 the fiscal year beginning in that calendar year is  
13 less than sixty million dollars. However, for the  
14 1981 and subsequent calendar years, the annual  
15 inflation factor is one hundred percent for any  
16 calendar year if the unobligated state general fund  
17 balance on June 30 of the calendar year preceding the  
18 calendar year for which the factor is determined, as  
19 certified by the director of revenue and finance by  
20 October 10, is less than sixty million dollars.

21 Sec. 3. Section 422.5, subsection 1, paragraphs a

22 through m, Code 1987, are amended by striking the  
23 paragraphs and inserting in lieu thereof the  
24 following:

25 a. On all taxable income from zero through four  
26 thousand dollars, four percent.

27 b. On all taxable income exceeding four thousand  
28 dollars but not exceeding fifteen thousand dollars,  
29 six percent.

30 c. On all taxable income exceeding fifteen  
31 thousand dollars, nine percent.

32 Sec. 4. Section 422.5, subsection 1, paragraph n,  
33 Code 1987, is amended to read as follows:

34 a d. The tax imposed upon the taxable income of a  
35 nonresident shall be computed by reducing the amount  
36 determined pursuant to paragraphs "a" through "~~m~~" "c"  
37 by the amounts of nonrefundable credits under this  
38 division and by multiplying this resulting amount by a  
39 fraction of which the nonresident's net income  
40 allocated to Iowa, as determined in section 422.8,  
41 subsection 2, is the numerator and the nonresident's  
42 total net income computed under section 422.7 is the  
43 denominator. This provision also applies to  
44 individuals who are residents of Iowa for less than  
45 the entire tax year.

46 Sec. 5. Section 422.5, subsection 1, paragraph o,  
47 unnumbered paragraph 1, Code 1987, is amended to read  
48 as follows:

49 There is imposed upon every resident and  
50 nonresident of this state, including estates and

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1 trusts, the greater of the tax determined in  
2 paragraphs "a" through "~~n~~" "d" or the state  
3 alternative minimum tax equal to nine percent of the  
4 state alternative minimum taxable income of the  
5 taxpayer as computed under this paragraph.

6 Sec. 6. Section 422.5, subsections 6 and 7, Code  
7 1987, are amended to read as follows:

8 6. A person who is disabled, is sixty-two years of  
9 age or older or is the surviving spouse of an  
10 individual or survivor having an insurable interest in  
11 an individual who would have qualified for the  
12 exemption under this paragraph for this tax year and  
13 receives one or more annuities from the United States  
14 civil service retirement and disability trust fund,  
15 and whose net income, as defined in section 422.7, is  
16 sufficient to require that the tax be imposed upon it  
17 under this section, may determine final taxable income  
18 for purposes of imposition of the tax by excluding the  
19 amount of annuities received from the United States  
20 civil service retirement and disability trust fund,

21 which are not already excluded in determining net  
22 income, as defined in section 422.7, up to a maximum  
23 each tax year of five thousand five hundred six  
24 hundred twenty-seven dollars for a person who files a  
25 separate state income tax return and eight thousand  
26 one hundred eighty-four dollars total for a husband  
27 and wife who file a joint state income tax return.  
28 However, a surviving spouse who is not disabled or  
29 sixty-two years of age or older can only exclude the  
30 amount of annuities received as a result of the death  
31 of the other spouse. The amount of the exemption  
32 shall be reduced by the amount of any social security  
33 benefits received. For the purpose of this section,  
34 the amount of annuities received from the United  
35 States civil service retirement and disability trust  
36 fund taxable under the Internal Revenue Code of 1954  
37 shall be included in net income for purposes of  
38 determining eligibility under the five thousand dollar  
39 or less exclusion.

40 7. Upon determination of the latest cumulative  
41 inflation factor, the director shall multiply each  
42 dollar amount set forth in subsection 1, paragraphs  
43 "a" through "m" "c" of this section, and each dollar  
44 amount specified in this section as the maximum amount  
45 of annuities received which may be excluded in  
46 determining final taxable income, by this cumulative  
47 inflation factor, shall round off the resulting  
48 product to the nearest one dollar, and shall  
49 incorporate the result into the income tax forms and  
50 instructions for each tax year.

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1 Sec. 7. Section 422.8, subsection 2, Code 1987, is  
2 amended to read as follows:

3 2. Nonresident's net income allocated to Iowa is  
4 the net income, or portion thereof, which is derived  
5 from a business, trade, profession, or occupation  
6 carried on within this state or income from any  
7 property, trust, estate, or other source within Iowa.  
8 If any business, trade, profession, or occupation is  
9 carried on partly within and partly without the state,  
10 only the portion of the net income which is fairly and  
11 equitably attributable to that part of the business,  
12 trade, profession, or occupation carried on within the  
13 state is allocated to Iowa for purposes of section  
14 422.5, subsection 1, paragraph "n" "d" and section  
15 422.13 and income from any property, trust, estate, or  
16 other source partly within and partly without the  
17 state is allocated to Iowa in the same manner, except  
18 that annuities, interest on bank deposits and  
19 interest-bearing obligations, and dividends are

20 allocated to Iowa only to the extent to which they are  
21 derived from a business, trade, profession, or  
22 occupation carried on within the state. However,  
23 income received by an individual who is a resident of  
24 another state is not allocated to Iowa if the income  
25 is subject to an income tax imposed by the state where  
26 the individual resides, and if the state of residence  
27 allows a similar exclusion for income received in that  
28 state by residents of Iowa. In order to implement the  
29 exclusions, the director shall designate by rule the  
30 states which allow a similar exclusion for income  
31 received by residents of Iowa, and may enter into  
32 agreements with other states to provide that similar  
33 exclusions will be allowed, and to provide suitable  
34 withholding requirements in each state.

35 Sec. 8. Section 422.9, subsection 1, unnumbered  
36 paragraph 1, Code 1987, is amended by striking the  
37 paragraph and inserting in lieu thereof the following:

38 For a single person who is not a head of household,  
39 a married couple filing jointly, a surviving spouse, a  
40 qualifying widow, a head of household, or a married  
41 person filing separately an optional standard  
42 deduction equal to the amount of the standard  
43 deduction determined under section 63(c) of the  
44 Internal Revenue Code for that filing status.

45 Sec. 9. Section 422.9, subsection 2, paragraph b,  
46 Code 1987, is amended by striking the paragraph and  
47 inserting in lieu thereof the following:

48 b. For tax years beginning on or after January 1,  
49 1987 but before January 1, 1988, add the amount of  
50 federal income tax paid during the tax year for the

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1 previous tax year, except for federal income tax paid  
2 in estimated tax payments, to the extent that the  
3 federal income tax paid was not the result of an  
4 adjustment to the return for the previous tax year.  
5 For tax years beginning on or after January 1, 1987,  
6 add the amount of federal income tax paid during the  
7 tax year which is the result of an adjustment to a  
8 federal return for a tax year beginning prior to  
9 January 1, 1987. Subtract the amount of federal  
10 income tax refund received during the tax year to the  
11 extent that the federal income tax that was refunded  
12 had been deducted on a return for a prior tax year.  
13 Married persons who have filed a joint federal income  
14 tax return and who file separately shall divide the  
15 federal income tax paid or the federal income tax  
16 refund between them in the ratio of the federal  
17 adjusted gross income of each spouse to the adjusted  
18 gross income of both spouses for the tax year which

19 resulted in the income tax payment or the income tax  
20 refund.

21 Sec. 10. Section 422.9, Code 1987, is amended by  
22 adding after subsection 2 the following new subsection  
23 and renumbering the other subsections:

24 **NEW SUBSECTION. 3.** In addition to the amount  
25 deducted under subsection 1 or 2, the taxpayer may  
26 deduct the amount of the applicable personal  
27 exemptions allowed under section 151 or 642(b) of the  
28 Internal Revenue Code. In the case of married  
29 taxpayers electing separate filing on a combined  
30 return for state income tax purposes, the married  
31 taxpayers shall equally divide amongst them the amount  
32 of the exemption for dependents allowed under section  
33 151 of the Internal Revenue Code.

34 Sec. 11. Section 422.12, subsection 1, Code 1987,  
35 is amended by striking the subsection.

36 Sec. 12. Section 422.21, unnumbered paragraph 4,  
37 Code 1987, is amended to read as follows:

38 The director shall determine for the ~~1979~~ 1988 and  
39 subsequent calendar years the annual and cumulative  
40 inflation factors for those calendar years to be  
41 applied to tax years beginning on or after January 1  
42 of that calendar year. The director shall compute the  
43 new dollar amounts as specified therein to be adjusted  
44 in section 422.5 by the latest cumulative inflation  
45 factor and round off the result to the nearest one  
46 dollar. The annual and cumulative inflation factors  
47 determined by the director are not rules as defined in  
48 section 17A.2, subsection 7.

49 Sec. 13. Section 442.7, subsection 1, paragraph a,  
50 Code 1987, is amended by adding the following new

**Page 6**

1 unnumbered paragraph:

2 **NEW UNNUMBERED PARAGRAPH.** However, the computation  
3 in determining the state percent of growth shall not  
4 include revenues generated as a result of state tax  
5 increases or increased revenues resulting from reduced  
6 federal taxes.

7 Sec. 14. Sections 1 through 12 of this Act are  
8 retroactive to January 1, 1987 for tax years beginning  
9 on or after that date.

10 Sec. 15. This Act, being deemed of immediate  
11 importance is effective upon enactment."

12 2. Title page, line 2, by striking the word  
13 "withholding."

14 3. Title page, by striking lines 4 though 6 and  
15 inserting the following: "adjusting the allowable  
16 growth under the school".

The House stood at ease at 9:37 a.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—3736 to Senate File 481 at 11:01 a.m., Speaker Avenson in the chair.

Carpenter of Polk offered the following amendment H—3756, to the committee amendment H—3736, filed by her and Garman of Story and moved its adoption:

H—3756

1 Amend the Committee on Ways and Means amendment, H—  
2 3736, to Senate File 481 as amended, passed and  
3 reprinted by the Senate, as follows:

4 1. Page 2, by striking lines 21 through 31 and  
5 inserting the following:

6 "Sec. 3. Section 422.5, subsection 1, paragraphs j  
7 through m, Code 1987, are amended by striking the  
8 paragraphs and inserting in lieu thereof the  
9 following:

10 j. On all taxable income exceeding twenty-five  
11 thousand dollars, nine and three-fourths percent."

12 2. Page 3, by inserting after line 5 the  
13 following:

14 "Sec. \_\_\_\_\_. Section 422.5, subsection 2, Code 1987,  
15 is amended to read as follows:

16 2. However, no tax shall be imposed on any  
17 resident or nonresident whose net income, as defined  
18 in section 422.7, is five seven thousand dollars or  
19 less; but in the event that the payment of tax under  
20 this division would reduce the net income to less than  
21 five seven thousand dollars, then the tax shall be  
22 reduced to that amount which would result in allowing  
23 the taxpayer to retain a net income of five seven  
24 thousand dollars. The preceding sentence does not  
25 apply to estates or trusts. For the purpose of this  
26 subsection, the entire net income, including any part  
27 thereof not allocated to Iowa, shall be taken into  
28 account. If the combined net income of a husband and  
29 wife exceeds five seven thousand dollars, neither of  
30 them shall receive the benefit of this subsection, and  
31 it is immaterial whether they file a joint return or  
32 separate returns. A person who is claimed as a  
33 dependent by another person as defined in section  
34 422.12 shall not receive the benefit of this  
35 subsection if the person claiming the dependent has  
36 net income exceeding five seven thousand dollars or  
37 the person claiming the dependent and the person's  
38 spouse have combined net income exceeding five seven  
39 thousand dollars."

40 3. By striking page 4, line 35 through page 5,

41 line 35.

42 4. Page 6, line 14, by striking the figure "4"

43 and inserting the following: "3".

Roll call was requested by Carpenter of Polk and Stromer of Hancock.

On the question "Shall amendment H—3756, to the committee amendment H—3736, be adopted?" (S.F. 481)

The ayes were, 37:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Hermann	Hester
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Schneklath	Shoning
Siegrist	Stromer	Stueland	Swearingen
Van Camp			

The nays were, 58:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harbor
Harper	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Muhlbauer	Neuhauser
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Running	Schrader
Sherzan	Shoultz	Spear	Swartz
Tabor	Teaford	Tyrrell	Van Maanen
Wise	Mr. Speaker		

Absent or not voting, 5:

Hatch	Norrgard	Royer	Skow
Svoboda			

Amendment H—3756 lost.

Bennett of Ida asked and received unanimous consent to defer action on amendment H—3762.

Schneklath of Scott offered the following amendment H—3749, to the committee amendment H—3736, filed by him and moved its adoption:

H-3749

1 Amend the Ways and Means Committee amendment, H-  
2 3736, to Senate File 481, as amended, passed, and  
3 reprinted by the Senate, as follows:

4 1. By striking page 1, line 3 through page 6,  
5 line 16 and inserting the following:

6 "\_\_\_\_\_. By striking everything after the enacting  
7 clause and inserting the following:

8 "Section 1. Section 8.55, subsection 1, Code 1987,  
9 is amended to read as follows:

10 1. The Iowa economic emergency fund is created.  
11 The fund shall be separate from the general fund of  
12 the state and the balance in the fund shall not be  
13 considered part of the balance of the general fund of  
14 the state, except for purposes of determining the  
15 annual inflation factor under section 422.4,  
16 subsection 17, the balance in the fund shall be  
17 considered part of the general fund of the state. The  
18 moneys in the fund shall not revert to the general  
19 fund, notwithstanding section 8.33, unless and to the  
20 extent the fund exceeds the maximum balance.

21 Sec. 2. Section 422.3, subsection 5, Code 1987, is  
22 amended by striking the subsection and inserting in  
23 lieu thereof the following:

24 5. "Internal Revenue Code" means the Internal  
25 Revenue Code of 1954, prior to the date of its  
26 redesignation as the Internal Revenue Code of 1986 by  
27 the Tax Reform Act of 1986, or means the Internal  
28 Revenue Code of 1986 as amended to and including  
29 January 1, 1987, whichever is applicable.

30 Sec. 3. Section 422.4, subsections 1, 4, 10, 11,  
31 14, and 18, Code 1987, are amended to read as follows:

32 1. The words "taxable income" mean the net income  
33 as defined in section 422.7 minus the deductions  
34 allowed by section 422.9, in the case of individuals;  
35 in the case of estates or trusts, the words "taxable  
36 income" mean the taxable income (without a deduction  
37 for personal exemption) as computed for federal income  
38 tax purposes under the Internal Revenue Code of 1954,  
39 but with the adjustments specified in section 422.7  
40 plus the Iowa income tax deducted in computing said  
41 taxable income and minus federal income taxes as  
42 provided in section 422.9.

43 4. The words "tax year" mean the calendar year, or  
44 the fiscal year ending during such calendar year, upon  
45 the basis of which the net income is computed under  
46 this division.

47 a. If a taxpayer has made the election provided by  
48 section 441, subsection "f", of the Internal Revenue  
49 Code of 1954, "tax year" means the annual period so  
50 elected, varying from fifty-two to fifty-three weeks.

## Page 2

1 b. If the effective date or the applicability of a  
2 provision of this division is expressed in terms of a  
3 tax year beginning, including or ending with reference  
4 to a specified date which is the first or last day of  
5 a month, a tax year described in paragraph "a" of this  
6 subsection shall be treated as beginning with the  
7 first day of the calendar month beginning nearest to  
8 the first day of the tax year or as ending with the  
9 last day of the calendar month ending nearest to the  
10 last day of the tax year.

11 c. This subsection is effective for tax years  
12 ending on or after December 14, 1975.

13 10. The word "individual" means a natural person;  
14 and where an individual is permitted to file as a  
15 corporation, under the provisions of the Internal  
16 Revenue Code of 1954, such fictional status shall not  
17 be recognized for purposes of this chapter, and such  
18 the individual's taxable income shall be computed as  
19 required under the provisions of the Internal Revenue  
20 Code of 1954 relating to individuals not filing as a  
21 corporation, with the adjustments allowed by this  
22 chapter.

23 11. The term "head of household" shall have the  
24 same meaning as provided by the Internal Revenue Code  
25 of 1954.

26 14. The term "wages" shall have the same meaning  
27 as provided by the Internal Revenue Code of 1954.

28 18. For purposes of section 422.3, subsection 5,  
29 the Internal Revenue Code of 1954 shall be interpreted  
30 to include the provisions of Pub. L. No. 98-4.

31 Sec. 4. Section 422.4, subsection 1, Code 1987, is  
32 amended to read as follows:

33 1. The words "taxable income" mean the net income  
34 as defined in section 422.7 minus the deductions  
35 allowed by section 422.9, in the case of individuals;  
36 in. In the case of estates or trusts, the words  
37 "taxable income" mean means the taxable income  
38 (without a deduction for personal exemption), as  
39 computed for federal income tax purposes under the  
40 Internal Revenue Code of 1954, but with the  
41 adjustments specified in section 422.7 plus the Iowa  
42 income tax deducted in computing said taxable income  
43 and minus federal income taxes as provided in section  
44 422.9.

45 Sec. 5. Section 422.4, subsection 17, Code 1987,  
46 is amended by striking the subsection.

47 Sec. 6. Section 422.5, subsection 1, Code 1987, is  
48 amended by striking the subsection and inserting in  
49 lieu thereof the following:

50 1. A tax is imposed upon every resident and

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1 nonresident individual or estate and trust which tax  
2 is levied, collected, and paid annually upon and with  
3 respect to the taxable income at the rate of three and  
4 one-half percent.

5 Sec. 7. Section 422.5, subsections 6 and 10, Code  
6 1987, are amended to read as follows:

7 6. A person who is disabled, is sixty-two years of  
8 age or older or is the surviving spouse of an  
9 individual or survivor having an insurable interest in  
10 an individual who would have qualified for the  
11 exemption under this paragraph for this tax year and  
12 receives one or more annuities from the United States  
13 civil service retirement and disability trust fund,  
14 and whose net income, as defined in section 422.7, is  
15 sufficient to require that the tax be imposed upon it  
16 under this section, may determine final taxable income  
17 for purposes of imposition of the tax by excluding the  
18 amount of annuities received from the United States  
19 civil service retirement and disability trust fund,  
20 which are not already excluded in determining net  
21 income, as defined in section 422.7, up to a maximum  
22 each tax year of five thousand five hundred dollars  
23 for a person who files a separate state income tax  
24 return and eight thousand dollars total for a husband  
25 and wife who file a joint state income tax return.  
26 However, a surviving spouse who is not disabled or  
27 sixty-two years of age or older can only exclude the  
28 amount of annuities received as a result of the death  
29 of the other spouse. The amount of the exemption  
30 shall be reduced by the amount of any social security  
31 benefits received. For the purpose of this section,  
32 the amount of annuities received from the United  
33 States civil service retirement and disability trust  
34 fund taxable under the Internal Revenue Code of 1954  
35 shall be included in net income for purposes of  
36 determining eligibility under the five thousand dollar  
37 or less exclusion.

38 10. In addition to the other taxes imposed by this  
39 section, a tax is imposed on the amount of a lump sum  
40 distribution for which the taxpayer has elected under  
41 section 402(e) of the Internal Revenue Code of 1954 to  
42 be separately taxed for federal income tax purposes  
43 for the tax year. The rate of tax is equal to twenty-  
44 five percent of the separate federal tax imposed on  
45 the amount of the lump sum distribution. A  
46 nonresident is liable for this tax only on that  
47 portion of the lump sum distribution allocable to  
48 Iowa. The total amount of the lump sum distribution  
49 subject to separate federal tax shall be included in  
50 net income for purposes of determining eligibility

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1 under the five thousand dollar or less exclusion.

2 Sec. 8. Section 422.5, subsection 7, Code 1987, is  
3 amended by striking the subsection.

4 Sec. 9. Section 422.5, subsection 8, Code 1987, is  
5 amended by striking the subsection.

6 Sec. 10. Section 422.6, unnumbered paragraph 2,  
7 Code 1987, is amended to read as follows:

8 The beneficiary of a trust who receives an  
9 accumulation distribution shall be allowed credit  
10 without interest for the Iowa income taxes paid by the  
11 trust attributable to such accumulation distribution  
12 in a manner corresponding to the provisions for credit  
13 under the federal income tax relating to accumulation  
14 distributions as contained in the Internal Revenue  
15 Code of 1954. The trust shall not be entitled to a  
16 refund of taxes paid on the distributions. The trust  
17 shall maintain detailed records to verify the  
18 computation of the tax.

19 Sec. 11. Section 422.7, Code 1987, is amended to  
20 read as follows:

21 422.7 "NET INCOME" — HOW COMPUTED.

22 The term "net income" means the adjusted gross  
23 income as properly computed for federal income tax  
24 purposes under the Internal Revenue Code of 1954, with  
25 the following adjustments:

26 1. Subtract interest and dividends from federal  
27 securities.

28 2. Add interest and dividends from foreign  
29 securities and from securities of state and other  
30 political subdivisions exempt from federal income tax  
31 under the Internal Revenue Code of 1954.

32 3. Where the adjusted gross income includes  
33 capital gains or losses, or gains or losses from  
34 property other than capital assets, and such gains or  
35 losses have been determined by using a basis  
36 established prior to January 1, 1934, an adjustment  
37 may be made, under rules prescribed by the director,  
38 to reflect the difference resulting from the use of a  
39 basis of cost or January 1, 1934, fair market value,  
40 less depreciation allowed or allowable, whichever is  
41 higher. Provided that the basis shall be fair market  
42 value as of January 1, 1955, less depreciation allowed  
43 or allowable, in the case of property acquired prior  
44 to that date if use of a prior basis is declared to be  
45 invalid.

46 4. Subtract installment payments received by a  
47 beneficiary under an annuity which was purchased under  
48 an employee's pension or retirement plan when the  
49 commuted value of said installments has been included  
50 as a part of the decedent employee's estate for Iowa

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1 inheritance tax purposes.

2 5. Add the amount by which the basis of qualified  
3 depreciable property is required to be increased for  
4 depreciation purposes under the Internal Revenue Code  
5 Amendments Act of 1964 to the extent that such amount  
6 equals the net amount of the special deduction allowed  
7 on the basis of the amount by which the depreciable  
8 basis of such qualified property was required to be  
9 reduced for depreciation purposes under the Internal  
10 Revenue Code Amendments Act of 1962. The "net amount  
11 of the special deduction" shall be computed by taking  
12 the sum of the amounts by which the basis of qualified  
13 property was required to be decreased for depreciation  
14 purposes for the years 1962 and 1963 and subtracting  
15 from it the sum of the amounts by which the basis of  
16 such property was required to be increased, prior to  
17 1964, for depreciation or disposition purposes under  
18 the Internal Revenue Code Amendments Act of 1962.

19 6. Individual taxpayers and married taxpayers who  
20 file a joint federal income tax return and who elect  
21 to file a joint return, separate returns or separate  
22 filing on a combined return for Iowa income tax  
23 purposes, may avail themselves of the disability  
24 income exclusion and shall compute the amount of the  
25 disability income exclusion subject to the limitations  
26 for joint federal income tax return filers provided by  
27 section 105(d) of the Internal Revenue Code of 1954.  
28 The disability income exclusion provided in section  
29 105(d) of the Internal Revenue Code of 1954, as  
30 amended up to and including December 31, 1982,  
31 continues to apply for state income tax purposes for  
32 tax years beginning on or after January 1, 1984.

33 7. Add to the taxable income of trusts, that  
34 portion of trust income excluded from federal taxable  
35 income under section 641(c) of the Internal Revenue  
36 Code of 1954.

37 8. Married taxpayers who file a joint federal  
38 income tax return and who elect to file separate  
39 returns or separate filing on a combined return for  
40 Iowa income tax purposes, may avail themselves of the  
41 expensing of business assets and capital loss  
42 provisions of sections 179(a) and 1211(b) respectively  
43 of the Internal Revenue Code of 1954 and shall compute  
44 the amount of expensing of business assets and capital  
45 loss subject to the limitations for joint federal  
46 income tax return filers provided by sections 179(b)  
47 and 1211(b) respectively of the Internal Revenue Code  
48 of 1954.

49 9. Subtract the amount of the jobs tax credit  
50 allowable for the tax year under section 51 of the

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1 Internal Revenue Code of 1954 to the extent that the  
2 credit increased federal adjusted gross income.

3 10. Married taxpayers, who file a joint federal  
4 income tax return and who elect to file separate  
5 returns or separate filing on a combined return for  
6 state income tax purposes, shall include in net income  
7 any unemployment compensation benefits received  
8 subject to the limitations for joint federal income  
9 tax return filers provided in section 85 of the  
10 Internal Revenue Code of 1954.

11 11. Subtract the amount of the alcohol fuel credit  
12 allowable for the tax year under section 40 of the  
13 Internal Revenue Code of 1954 to the extent that the  
14 credit increased federal adjusted gross income.

15 12. Married taxpayers, who file a joint federal  
16 income tax return and who elect to file separate  
17 returns or separate filing on a combined return for  
18 state income tax purposes, may avail themselves of the  
19 dividend exclusion provisions of section 116(a) of the  
20 Internal Revenue Code of 1954 and shall compute the  
21 dividend exclusion subject to the limitations for  
22 joint federal income tax return filers provided by  
23 section 116(a) of the Internal Revenue Code of 1954.

24 13. The exclusion of interest income provided by  
25 section 128 of the Internal Revenue Code of 1954 is  
26 not applicable in computing Iowa net income for tax  
27 years beginning on or after January 1, 1981 and before  
28 January 1, 1984.

29 14. The deduction for a married couple where both  
30 persons are wage earners which is provided by section  
31 221 of the Internal Revenue Code of 1954 is not  
32 applicable in computing Iowa net income for tax years  
33 beginning on or after January 1, 1982.

34 15. The deduction allowed under section 162(h) of  
35 the Internal Revenue Code of 1954 is not applicable in  
36 computing Iowa net income for any tax year beginning  
37 on or before December 31, 1980. The deduction allowed  
38 under section 604 of the Tax Reform Act of 1976, as  
39 amended up to and including December 31, 1980, is  
40 allowable in computing Iowa net income, for tax years  
41 beginning on or before December 31, 1980, under  
42 provisions effective for the year for which the return  
43 is made. The deduction allowed under section 162(h)  
44 of the Internal Revenue Code of 1954 is not applicable  
45 in computing Iowa net income for any tax year  
46 beginning on or after January 1, 1981. The deduction  
47 allowed under section 604 of the Tax Reform Act of  
48 1976, as amended up to and including December 31,  
49 1980, is allowable in computing Iowa net income for  
50 tax years beginning on or after January 1, 1981. The

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1 maximum allowable deduction, other than for travel  
2 expense, shall not exceed fifty dollars per day, where  
3 the taxpayer elects on the Iowa return to be governed  
4 by section 604 of the Tax Reform Act of 1976, as  
5 amended up to and including December 31, 1980, unless  
6 the taxpayer itemized expenses.

7 16. Add the amounts deducted and subtract the  
8 amounts included as income as a result of the  
9 treatment provided sale-leaseback agreements under  
10 section 168(f)(8) of the Internal Revenue Code of 1954  
11 for property placed in service by the transferee prior  
12 to January 1, 1986 to the extent that the amounts  
13 deducted and the amounts included in income are not  
14 otherwise deductible or included in income under the  
15 Internal Revenue Code of 1954 as amended to and  
16 including December 31, 1985. Entitlement to  
17 depreciation on any property included in a sale-  
18 leaseback agreement which is placed in service by the  
19 transferee prior to January 1, 1986 shall be  
20 determined under the Internal Revenue Code of 1954 as  
21 amended to and including December 31, 1985, excluding  
22 section 168(f)(8) in making the determination.

23 17. Subtract the amount of unemployment  
24 compensation to be included in Iowa net income for any  
25 tax year. Add back the amount of unemployment  
26 compensation computed under section 85 of the Internal  
27 Revenue Code of 1954, as amended up to and including  
28 December 31, 1981. This subsection is effective only  
29 for the tax year beginning on or after January 1, 1982  
30 and before December 31, 1982.

31 18. If the adjusted gross income includes income  
32 or loss from a small business operated by the  
33 taxpayer, an additional deduction shall be allowed in  
34 computing the income or loss from the small business  
35 if the small business hired for employment in the  
36 state during its annual accounting period ending with  
37 or during the taxpayer's tax year any of the  
38 following:

39 a. A handicapped individual domiciled in this  
40 state at the time of the hiring who meets any of the  
41 following conditions:

42 (1) Has a physical or mental impairment which  
43 substantially limits one or more major life  
44 activities.

45 (2) Has a record of that impairment.

46 (3) Is regarded as having that impairment.

47 b. An individual domiciled in this state at the  
48 time of the hiring who meets any of the following  
49 conditions:

50 (1) Has been convicted of a felony in this or any

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1 other state or the District of Columbia.

2 (2) Is on parole pursuant to chapter 906.

3 (3) Is on probation pursuant to chapter 907, for  
4 an offense other than a simple misdemeanor.

5 (4) Is in a work release program pursuant to  
6 chapter 246, division IX.

7 c. An individual, whether or not domiciled in this  
8 state at the time of the hiring, who is on parole or  
9 probation and to whom the interstate probation and  
10 parole compact under section 907A.1 applies.

11 The amount of the additional deduction is equal to  
12 fifty percent of the wages paid to individuals named  
13 in paragraphs "a", "b", and "c" who were hired for the  
14 first time by that business during the annual  
15 accounting period for work done in the state. This  
16 additional deduction is allowed for the wages paid to  
17 those individuals successfully completing a  
18 probationary period during the twelve months following  
19 the date of first employment by the business and shall  
20 be deducted at the close of the annual accounting  
21 period.

22 The additional deduction shall not be allowed for  
23 wages paid to an individual who was hired to replace  
24 an individual whose employment was terminated within  
25 the twelve-month period preceding the date of first  
26 employment. However, if the individual being replaced  
27 left employment voluntarily without good cause  
28 attributable to the employer or if the individual was  
29 discharged for misconduct in connection with the  
30 individual's employment as determined by the division  
31 of job service of the department of employment  
32 services, the additional deduction shall be allowed.

33 A taxpayer who is a partner of a partnership or a  
34 shareholder of a subchapter S corporation, may deduct  
35 that portion of wages qualified under this subsection  
36 paid by the partnership or subchapter S corporation  
37 based on the taxpayer's pro rata share of the profits  
38 or losses from the partnership or subchapter S  
39 corporation.

40 For purposes of this subsection, "physical or  
41 mental impairment" means any physiological disorder or  
42 condition, cosmetic disfigurement, or anatomical loss  
43 affecting one or more of the body systems or any  
44 mental or psychological disorder, including mental  
45 retardation, organic brain syndrome, emotional or  
46 mental illness and specific learning disabilities.

47 For purposes of this subsection, "small business"  
48 means small business as defined in section 220.1,  
49 subsection 28, except that it shall also include the  
50 operation of a farm.

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1 19. Married taxpayers, who file a joint federal  
2 income tax return and who elect to file separate  
3 returns or who elect separate filing on a combined  
4 return for state income tax purposes, shall include in  
5 net income any social security benefits or tier 1  
6 railroad retirement benefits received to the same  
7 extent as those benefits are taxable on the taxpayer's  
8 joint federal return for that year under section 86 of  
9 the Internal Revenue Code of 1954. The benefits  
10 included in net income must be allocated between the  
11 spouses in the ratio of the social security benefits  
12 or tier 1 railroad retirement benefits received by  
13 each spouse to the total of these benefits received by  
14 both spouses.

15 20. Subtract the unemployment compensation  
16 benefits for tax years beginning on January 1, 1970 to  
17 the extent those benefits had been included in net  
18 income on a return filed before January 1, 1981 and  
19 were excluded from income under Act section 1075 of  
20 the Tax Reform Act of 1984. Notwithstanding the  
21 statute of limitations specified in section 422.73,  
22 subsection 2, taxpayers who would be barred from  
23 claiming a refund or credit from an overpayment  
24 resulting from the change made by Act section 1075 of  
25 the Tax Reform Act of 1984 are entitled to receive a  
26 refund or credit if they file a claim with the  
27 department on or before June 30, 1986.

28 21. Add the four percent of the basic salary of a  
29 judge, who is a member of the judicial retirement  
30 system established in chapter 602, article 9, which is  
31 exempt from federal income tax under the Internal  
32 Revenue Code of 1954.

33 22. Add the combined net losses from passive  
34 farming activity in excess of twenty-five thousand  
35 dollars that offset income from other sources. Net  
36 losses under section 165 of the Internal Revenue Code  
37 of 1954, exclusive of net gains incurred passively  
38 from the operation of a farming business, as defined  
39 in section 464(e) of the Internal Revenue Code of  
40 1954, are to be combined from businesses, rents,  
41 partnerships, subchapter S corporations, estates or  
42 trusts except losses under sections 1211 and 1231 of  
43 the Internal Revenue Code of 1954. For purposes of  
44 this subsection the following apply:

45 a. "Passive activity" means an activity where the  
46 taxpayer or a member of the taxpayer's family as  
47 defined in section 2032A(e)(2) of the Internal Revenue  
48 Code of 1954 does not materially participate in the  
49 activity or provide substantial personal services to  
50 the farming business. A taxpayer who is retired or

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1 disabled as described in section 2032A(b)(4) of the  
2 Internal Revenue Code of 1954 or is a surviving spouse  
3 as described in section 2032A(b)(5) shall be treated  
4 as materially participating in the farming business.

5 b. A loss from an activity that is disallowed  
6 under this subsection shall be treated as a deduction  
7 allowable to that activity in the first succeeding tax  
8 year.

9 23. Add the amount of intangible drilling and  
10 development costs optionally deducted in the year paid  
11 or incurred as allowed under section 263(c) of the  
12 Internal Revenue Code of 1954. This amount may be  
13 recovered through cost depletion or depreciation, as  
14 appropriate under rules prescribed by the director.

15 24. Add the percentage depletion amount determined  
16 with respect to an oil, gas, or geothermal well using  
17 methods in section 613 of the Internal Revenue Code of  
18 1954 that is in excess of the cost depletion amount  
19 determined under section 611 of the Internal Revenue  
20 Code of 1954.

21 25. Subtract the income or loss resulting from the  
22 forfeiture of an installment real estate contract, the  
23 transfer of real or personal property securing a debt  
24 to a creditor in cancellation of that debt, or from  
25 the sale or exchange of property as a result of actual  
26 notice of foreclosure if all of the following  
27 conditions are met:

28 a. The forfeiture, transfer, or sale or exchange  
29 was done for the purpose of establishing a positive  
30 cash flow.

31 b. Immediately before the forfeiture, transfer, or  
32 sale or exchange, the taxpayer's debt to asset ratio  
33 exceeded ninety percent as computed under generally  
34 accepted accounting practices.

35 c. The taxpayer's net worth at the end of the tax  
36 year is less than seventy-five thousand dollars. In  
37 determining a taxpayer's net worth at the end of the  
38 tax year a taxpayer shall include any asset  
39 transferred within one hundred twenty days prior to  
40 the end of the tax year without adequate and full  
41 consideration in money or money's worth. In  
42 determining the taxpayer's debt to asset ratio, the  
43 taxpayer shall include any asset transferred within  
44 one hundred twenty days prior to such forfeiture,  
45 transfer, or sale or exchange without adequate and  
46 full consideration in money or money's worth. For  
47 purposes of this subsection, actual notice of  
48 foreclosure includes, but is not limited to,  
49 bankruptcy or written notice from a creditor of the  
50 creditor's intent to foreclose where there is a

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1 reasonable belief that the creditor can force a sale  
2 of the asset. For purposes of this subsection, in the  
3 case of married taxpayers, except in the case of a  
4 husband and wife who live apart at all times during  
5 the tax year, the assets and liabilities of both  
6 spouses shall be considered for purposes of  
7 determining the taxpayer's net worth or the taxpayer's  
8 debt to asset ratio.

9 Sec. 12. Section 422.7, Code 1987, is amended by  
10 striking the section and inserting in lieu thereof the  
11 following:

12 422.7 "NET INCOME" — HOW COMPUTED.

13 1. For individuals, "net income" means the ad-  
14 justed gross income as properly computed for federal  
15 income tax purposes under the Internal Revenue Code  
16 with the adjustments made in paragraphs "a" and "b".

17 a. The adjusted gross income is adjusted by adding  
18 the sum of the following:

19 (1) The amounts paid or accrued to the taxpayer as  
20 interest or dividends during the tax year to the  
21 extent excluded, except the amount of stock dividends  
22 of qualified public utilities described in section  
23 305(e) of the Internal Revenue Code.

24 (2) The amount of tax imposed under this division  
25 to the extent deducted for the tax year.

26 b. The adjusted gross income is adjusted by  
27 subtracting the sum of the following:

28 (1) The amounts included in respect of  
29 compensation, including but not limited to,  
30 compensation paid or accrued to a serviceperson while  
31 a prisoner of war or missing in action, paid to a  
32 resident by reason of being on active duty in the  
33 armed forces of the United States, paid or accrued to  
34 a resident who as a governmental employee was a  
35 prisoner of war or missing in action, and paid to a  
36 resident in 1971 or thereafter for annual training  
37 performed pursuant to sections 502 and 503, Title 32,  
38 United States Code as a member of the Iowa national  
39 guard.

40 (2) The amounts included pursuant to sections  
41 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), 408,  
42 and 409 of the Internal Revenue Code, or included as  
43 distributions under any retirement or disability plan  
44 for employees of a governmental agency or unit, or  
45 retirement payments to retired partners which payments  
46 are excluded in computing net earnings from self  
47 employment by section 1402 of the Internal Revenue  
48 Code and regulations adopted pursuant thereto.

49 (3) The amount of tax imposed under this division  
50 which was refunded to the extent included for the tax

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1 year.

2 (4) The amount included pursuant to section 111 of  
3 the Internal Revenue Code as a recovery of items  
4 previously deducted from adjusted gross income in  
5 computing taxable income.

6 (5) The amount of social security benefits and  
7 railroad retirement benefits, included pursuant to  
8 sections 72(r) and 86 of the Internal Revenue Code.

9 (6) The sum of the amounts disallowed as  
10 deductions by sections 171(a)(2) and 265(a)(2) of the  
11 Internal Revenue Code and the amounts of expenses  
12 allocable to interest and disallowed as deductions by  
13 section 265(a)(1) of the Internal Revenue Code.

14 (7) The amount of state and local general sales  
15 taxes paid which were deductible under section  
16 164(a)(4) of the Internal Revenue Code in effect for  
17 tax years beginning in the 1986 calendar year.

18 (8) The amount of contributions to an individual  
19 retirement account, to the extent not already  
20 excluded, which were deductible under section 219 of  
21 the Internal Revenue Code in effect for tax years  
22 beginning in the 1986 calendar year.

23 (9) The valuation limitation amount as computed  
24 under subsection 3.

25 2. For estates and trusts, "net income" means the  
26 taxable income as properly computed for federal income  
27 tax purposes under the Internal Revenue Code with the  
28 adjustments made in paragraphs "a" and "b", subject to  
29 paragraph "c".

30 a. The taxable income is adjusted by adding the  
31 sum of the following:

32 (1) The amounts paid or accrued to the taxpayer as  
33 interest or dividends during the tax year to the  
34 extent excluded.

35 (2) Six hundred dollars for an estate, three  
36 hundred dollars for a trust which under its governing  
37 instrument is required to distribute all of its income  
38 currently, or one hundred dollars for all other  
39 trusts. However, the amount added is only to the  
40 extent deducted.

41 (3) The amount of tax imposed under this division  
42 to the extent deducted for the tax year.

43 b. The taxable income is adjusted by subtracting  
44 the sum of the following:

45 (1) The amounts included pursuant to sections  
46 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), 408,  
47 and 409 of the Internal Revenue Code or included as  
48 distributions under any retirement or disability plan  
49 for employees of a governmental agency or unit, or  
50 retirement payments to retired partners which payments

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1 are excluded in computing net earnings from self  
2 employment by section 1402 of the Internal Revenue  
3 Code and regulations adopted pursuant thereto.

4 (2) The amount of tax imposed under this division  
5 which was refunded to the taxpayer to the extent  
6 included for the tax year.

7 (3) The amounts included in taxable income as  
8 adjusted by paragraph "a" which are exempt from  
9 taxation by this state either by reason of its  
10 constitution or by reason of the constitution,  
11 treaties, or statutes of the United States.

12 (4) The amounts disallowed as deductions by  
13 sections 171(a)(2) and 265(a)(2) of the Internal  
14 Revenue Code and the amounts of expenses allocable to  
15 interest and disallowed as deductions by section  
16 265(a)(1) of the Internal Revenue Code.

17 (5) The valuation limitation amount as computed  
18 under subsection 3.

19 c. The amount of any adjustment otherwise required  
20 under this subsection shall be adjusted, under  
21 regulations prescribed by the department, by any  
22 amounts included which were properly paid, credited,  
23 or required to be distributed for the tax year.

24 3. a. The valuation limitation amount referred to  
25 in subsections 1 and 2 is equal to the sum of the  
26 following:

27 (1) The preeffective date appreciation amounts, to  
28 the extent consisting of gain reportable under section  
29 1245 or 1250 of the Internal Revenue Code, for all  
30 property in respect of which the gain was reported for  
31 the tax year.

32 (2) The lesser of the preeffective date  
33 appreciation amounts, to the extent consisting of  
34 capital gain, for all property in respect of which the  
35 gain was reported for federal income tax purposes for  
36 the tax year, or the net capital gain for the tax  
37 year, reduced in either case by any amount of the gain  
38 included in the amount determined under subsection 1,  
39 paragraph "b", subparagraph (2) or subsection 2,  
40 paragraph "b", subparagraph (1).

41 b. (1) If the fair market value of property  
42 referred to in paragraph "a" was readily ascertainable  
43 on the effective date, the preeffective date  
44 appreciation amount for the property is the lesser of  
45 the excess of fair market value over the taxpayer's  
46 basis for determining gain for the property on that  
47 date, determined under the Internal Revenue Code as in  
48 effect on that date, or the total gain realized and  
49 reportable for federal income tax purposes in respect  
50 of the sale, exchange, or other disposition of the

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1 property.

2 (2) If the fair market value of property referred  
3 to in paragraph "a" was not readily ascertainable on  
4 the effective date, the preeffective date appreciation  
5 amount for the property is that amount which bears the  
6 same ratio to the total gain reported in respect of  
7 the property for federal income tax purposes for the  
8 tax year, as the number of full calendar months in  
9 that part of the taxpayer's holding period for the  
10 property ending immediately before the effective date  
11 bears to the number of full calendar months in the  
12 taxpayer's entire holding period for the property.

13 (3) The department shall adopt rules as necessary  
14 to carry out the purposes of this lettered paragraph.

15 Sec. 13. Section 422.8, subsection 2, Code 1987,  
16 is amended to read as follows:

17 2. Nonresident's net income allocated to Iowa is  
18 the net income, or portion thereof of net income,  
19 which is derived from a business, trade, profession,  
20 or occupation carried on within this state or income  
21 from any property, trust, estate, or other source  
22 within Iowa. If any business, trade, profession, or  
23 occupation is carried on partly within and partly  
24 without the state, only the portion of the net income  
25 which is fairly and equitably attributable to that  
26 part of the business, trade, profession, or occupation  
27 carried on within the state is allocated to Iowa for  
28 purposes of section 422.5, subsection 1, paragraph "a"  
29 and section 422.13 and income from any property,  
30 trust, estate, or other source partly within and  
31 partly without the state is allocated to Iowa in the  
32 same manner, except that annuities, interest on bank  
33 deposits and interest-bearing obligations, and  
34 dividends are allocated to Iowa only to the extent to  
35 which they are derived from a business, trade,  
36 profession, or occupation carried on within the state.  
37 However, income received by an individual who is a  
38 resident of another state is not allocated to Iowa if  
39 the income is subject to an income tax imposed by the  
40 state where the individual resides, and if the state  
41 of residence allows a similar exclusion for income  
42 received in that state by residents of Iowa. In order  
43 to implement the exclusions, the director shall  
44 designate by rule the states which allow a similar  
45 exclusion for income received by residents of Iowa,  
46 and may enter into agreements with other states to  
47 provide that similar exclusions will be allowed, and  
48 to provide suitable withholding requirements in each  
49 state.

50 Sec. 14. Section 422.8, subsection 4, Code 1987,

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1 is amended by striking the subsection.

2 Sec. 15. Section 422.9, subsections 1, 2, and 3,  
3 Code 1987, are amended to read as follows:

4 1. An optional standard deduction of fifteen  
5 percent of the net income after deduction of federal  
6 income tax, not to exceed one thousand two hundred  
7 dollars for a married person who files separately, one  
8 thousand two hundred dollars for a single person or  
9 three thousand dollars for a husband and wife who file  
10 a joint return, a surviving spouse as defined in  
11 section 2 of the Internal Revenue Code of 1954, or an  
12 unmarried head of household as defined in the Internal  
13 Revenue Code of 1954.

14 A taxpayer who claims the optional standard  
15 deduction under this subsection may, after claiming  
16 the optional standard deduction, claim the direct  
17 charitable contribution as allowed and subject to the  
18 same limitations provided under section 170(i) of the  
19 Internal Revenue Code of 1954 for tax years ending on  
20 or before December 31, 1986. However, the deduction  
21 shall be computed as provided under section 170(i) of  
22 the Internal Revenue Code of 1954 as applied to tax  
23 year 1984. Married taxpayers who have filed a joint  
24 federal return and who elect to file separate returns  
25 or separately on a combined state return must allocate  
26 their allowable charitable deduction to each spouse in  
27 the proportion that each spouse's respective net  
28 income bears to the total combined net income.  
29 Taxpayers affected by the allocation provisions of  
30 section 422.8 shall be permitted a deduction in the  
31 amount as is fairly and equitably allocable to Iowa  
32 under rules prescribed by the director.

33 2. The total of contributions, interest, taxes,  
34 medical expense, nonbusiness losses and miscellaneous  
35 expenses deductible for federal income tax purposes  
36 under the Internal Revenue Code of 1954, with the  
37 following adjustments:

38 a. Subtract the deduction for Iowa income taxes.

39 b. Add the amount of federal income taxes paid or  
40 accrued as the case may be, during the tax year,  
41 adjusted by any federal income tax refunds. Provided,  
42 however, that where married persons, who have filed a  
43 joint federal income tax return, file separately, such  
44 total shall be divided between them according to the  
45 portion thereof paid or accrued, as the case may be,  
46 by each.

47 c. Add the amount by which expenses paid or  
48 incurred in connection with the adoption of a child by  
49 the taxpayer exceed three percent of the net income of  
50 the taxpayer, or of the taxpayer and spouse in the

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1 case of a joint return. The expenses may include  
2 medical and hospital expenses of the natural mother  
3 which are incident to the child's birth and are paid  
4 by the taxpayer, welfare agency fees, legal fees, and  
5 all other fees and costs relating to the adoption of a  
6 child if the child is placed by a child-placing agency  
7 licensed under chapter 238 or by a person making an  
8 independent placement according to the provisions of  
9 chapter 600.

10 d. Add an additional deduction for mileage  
11 incurred by the taxpayer in voluntary work for a  
12 charitable organization consisting of the excess of  
13 the state employee mileage reimbursement over the  
14 amount deductible for federal income tax purposes.  
15 The deduction shall be proven by the keeping of a  
16 contemporaneous diary by the person throughout the  
17 period of the voluntary work in the tax year.

18 e. Subtract the adoption deduction permitted under  
19 section 222 of the Internal Revenue Code of 1954.

20 f. Add the amount, not to exceed five thousand  
21 dollars, of expenses not otherwise deductible under  
22 this section actually incurred in the home of the  
23 taxpayer for the care of a person who is the  
24 grandchild, child, parent, or grandparent of the  
25 taxpayer or the taxpayer's spouse and who is unable,  
26 by reason of physical or mental disability, to live  
27 independently and is receiving, or would be eligible  
28 to receive if living in a health care facility  
29 licensed under chapter 135C, medical assistance  
30 benefits under chapter 249A. In the event that the  
31 person being cared for is receiving assistance  
32 benefits under chapter 239, the expenses not otherwise  
33 deductible shall be the net difference between the  
34 expenses actually incurred in caring for the person  
35 and the assistance benefits received under chapter  
36 239.

37 3. If after applying all of the adjustments  
38 provided for in section 422.7, the allocation  
39 provisions of section 422.8 and the deductions  
40 allowable in this section subject to the modifications  
41 provided in section 172(d) of the Internal Revenue  
42 Code of 1954, the taxable income results in a net  
43 operating loss, the net operating loss shall be  
44 deducted as follows:

45 a. The Iowa net operating loss shall be carried  
46 back three taxable years or to the taxable year in  
47 which the individual first earned income in Iowa  
48 whichever year is the later.

49 b. The Iowa net operating loss remaining after  
50 being carried back as required in paragraph "a" of

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1 this subsection or if not required to be carried back  
2 shall be carried forward fifteen taxable years.

3 c. If the election under section 172(b)(3)(C) of  
4 the Internal Revenue Code of 1954 is made, the Iowa  
5 net operating loss shall be carried forward fifteen  
6 taxable years.

7 Sec. 16. Section 422.9, Code 1987, is amended by  
8 striking the section and inserting in lieu thereof the  
9 following:

10 422.9 TAXABLE INCOME — STANDARD DEDUCTION.

11 1. In computing taxable income of an individual,  
12 there is deducted from net income the standard  
13 deduction as determined under subsection 2, or in the  
14 case of a nonresident, there is deducted from net  
15 income the product of the standard deduction as  
16 determined under subsection 2 times a fraction of  
17 which the nonresident's net income allocated to Iowa,  
18 as determined in section 422.8, subsection 2, is the  
19 numerator and the nonresident's total net income  
20 computed under section 422.7 is the denominator.

21 2. The standard deduction is equal to the product  
22 of one thousand dollars times the number of exemptions  
23 allowable to the taxpayer for the tax year under  
24 section 151 of the Internal Revenue Code.

25 Sec. 17. Section 422.10, unnumbered paragraph 1,  
26 Code 1987, is amended to read as follows:

27 The taxes imposed under this division shall be  
28 reduced by a state tax credit for increasing research  
29 activities in this state. For individuals, the credit  
30 shall equal equals six and one-half percent of the  
31 state's apportioned share of the qualifying  
32 expenditures for increasing research activities. The  
33 state's apportioned share of the qualifying  
34 expenditures for increasing research activities is a  
35 percent equal to the ratio of qualified research  
36 expenditures in this state to total qualified research  
37 expenditures. For purposes of this section, an  
38 individual may claim a research credit for qualifying  
39 research expenditures incurred by a partnership,  
40 subchapter S corporation, and estate or trust electing  
41 to have the income taxed directly to the individual.  
42 The amount claimed by the individual shall be based  
43 upon the pro rata share of the individual's earnings  
44 of a partnership, subchapter S corporation, or estate  
45 or trust. For purposes of this section, "qualifying  
46 expenditures for increasing research activities" means  
47 the qualifying expenditures as defined for the federal  
48 credit for increasing research activities which would  
49 be allowable under section 30 41 of the Internal  
50 Revenue Code of 1954, in effect on January 1, 1985.

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1 Sec. 18. Section 422.12, subsection 1, paragraph  
2 c, Code 1987, is amended to read as follows:

3 c. For each dependent, an additional ten dollars.  
4 As used in this section, the term "dependent" shall  
5 have the same meaning as provided by the Internal  
6 Revenue Code of 1954.

7 Sec. 19. Section 422.12, subsection 2, unnumbered  
8 paragraph 1, Code 1987, is amended to read as follows:

9 A child and dependent care credit equal to forty-  
10 five percent of the federal child and dependent care  
11 credit provided in section 21 of the Internal Revenue  
12 Code of 1954.

13 Sec. 20. Section 422.13, subsection 1, paragraph  
14 a, Code 1987, is amended to read as follows:

15 a. The individual is required to file a federal  
16 income tax return under the Internal Revenue Code of  
17 1954.

18 Sec. 21. Section 422.16, subsection 1, unnumbered  
19 paragraph 1, Code 1987, is amended to read as follows:

20 Every withholding agent and every employer as  
21 defined in this chapter and further defined in the  
22 Internal Revenue Code of 1954, with respect to income  
23 tax collected at source, making payment of wages to a  
24 nonresident employee working in Iowa, or to a resident  
25 employee, shall deduct and withhold from the wages an  
26 amount which will approximate the employee's annual  
27 tax liability on a calendar year basis, calculated on  
28 the basis of tables to be prepared by the department  
29 and schedules or percentage rates, based on the wages,  
30 to be prescribed by the department. Every employee or  
31 other person shall declare to the employer or  
32 withholding agent the number of the employee's or  
33 other person's personal exemptions and dependency  
34 exemptions or credits to be used in applying the  
35 tables and schedules or percentage rates. However, no  
36 greater number of personal or dependency exemptions or  
37 credits may be declared by the employee or other  
38 person than the number to which the employee or other  
39 person is entitled except as allowed under section  
40 3402(m)(1) of the Internal Revenue Code of 1954. The  
41 claiming of exemptions or credits in excess of  
42 entitlement is a serious misdemeanor.

43 Sec. 22. Section 422.16, subsection 11, paragraphs  
44 a and d, Code 1987, are amended to read as follows:

45 a. Every person or married couple filing a return  
46 shall make estimated tax payments if the person's or  
47 couple's Iowa income tax attributable to income other  
48 than wages subject to withholding can reasonably be  
49 expected to amount to fifty dollars or more for the  
50 taxable year, except that, in the cases of farmers and

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1 fishers, the exceptions provided in the Internal  
2 Revenue Code of 1954 with respect to making estimated  
3 payments shall apply. The estimated tax shall be paid  
4 in quarterly installments. The first installment  
5 shall be paid on or before the last day of the fourth  
6 month of the taxpayer's tax year for which the  
7 estimated payments apply. The other installments  
8 shall be paid on or before June 30, September 30, and  
9 January 31. However, at the election of the person or  
10 married couple, any installment of the estimated tax  
11 may be paid prior to the date prescribed for its  
12 payment. If a person or married couple filing a  
13 return has reason to believe that the person's or  
14 couple's Iowa income tax may increase or decrease,  
15 either for purposes of meeting the requirement to make  
16 estimated tax payments or for the purpose of  
17 increasing or decreasing estimated tax payments, shall  
18 increase or decrease any subsequent estimated tax  
19 payments accordingly.

20 d. Any amount of estimated tax paid is a credit  
21 against the amount of tax found payable on a final,  
22 completed return, as provided in subsection 9,  
23 relating to the credit for the tax withheld against  
24 the tax found payable on a return properly and  
25 correctly prepared under sections 422.5 through  
26 422.25, and any overpayment of one dollar or more  
27 shall be refunded to the taxpayer and the return  
28 constitutes a claim for refund for this purpose.  
29 Amounts less than one dollar shall not be refunded.  
30 The method provided by the Internal Revenue Code of  
31 1954 for determining what is applicable to the  
32 addition to tax for underpayment of the tax payable  
33 applies to persons required to make payments of  
34 estimated tax under this section except the amount to  
35 be added to the tax for underpayment of estimated tax  
36 is an amount determined at the rate in effect under  
37 section 421.7. This addition to tax specified for  
38 underpayment of the tax payable is not subject to  
39 waiver provisions relating to reasonable cause, except  
40 as provided in the Internal Revenue Code of 1954.  
41 Underpayment of estimated tax shall be determined in  
42 the same manner as provided under the Internal Revenue  
43 Code of 1954 and the exceptions in the Internal  
44 Revenue Code of 1954 also apply.

45 Sec. 23. Section 422.20, subsection 2, Code 1987,  
46 is amended to read as follows:

47 2. It shall be unlawful for any officer, employee,  
48 or agent, or former officer, employee, or agent of the  
49 state to disclose to any person, except as authorized  
50 in subsection 1 of this section, any federal tax

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1 return or return information as defined in section  
2 6103(b) of the Internal Revenue Code of 1954. It  
3 shall further be unlawful for any person to whom any  
4 federal tax return or return information, as defined  
5 in section 6103(b) of the Internal Revenue Code of  
6 1954, is disclosed in a manner unauthorized by  
7 subsection 1 of this section to thereafter print or  
8 publish in any manner not provided by law any such  
9 return or return information. Any person committing  
10 an offense against the foregoing provision shall be  
11 guilty of a serious misdemeanor.

12 Sec. 24. Section 422.21, unnumbered paragraph 1,  
13 Code 1987, is amended to read as follows:

14 Returns shall be in the form the director may, from  
15 time to time, prescribe, and shall be filed with the  
16 department on or before the last day of the fourth  
17 month after the expiration of the tax year except that  
18 co-operative associations as defined in section  
19 6072(d) of the Internal Revenue Code of 1954 shall  
20 file their returns on or before the fifteenth day of  
21 the ninth month following the close of the taxable  
22 year. If, under the Internal Revenue Code of 1954, a  
23 corporation is required to file a return covering a  
24 tax period of less than twelve months, the state  
25 return shall be for the same period and shall be due  
26 forty-five days after the due date of the federal tax  
27 return, excluding any extension of time to file. In  
28 case of sickness, absence, or other disability, or if  
29 good cause exists, the director may allow further time  
30 for filing returns. The director shall cause to be  
31 prepared blank forms for the returns and shall cause  
32 them to be distributed throughout the state and to be  
33 furnished upon application, but failure to receive or  
34 secure the form does not relieve the taxpayer from the  
35 obligation of making a return that is required. The  
36 department may as far as consistent with the Code  
37 draft income tax forms to conform to the income tax  
38 forms of the internal revenue department of the United  
39 States government. Each return by a taxpayer upon  
40 whom a tax is imposed by section 422.5, subsection 1,  
41 paragraph "g" shall show the county of the residence  
42 of the taxpayer.

43 Sec. 25. Section 422.21, unnumbered paragraph 4,  
44 Code 1987, is amended by striking the unnumbered  
45 paragraph.

46 Sec. 26. Section 422.25, subsection 1, unnumbered  
47 paragraph 1, Code 1987, is amended to read as follows:

48 Within three years after the return is filed or  
49 within three years after the return became due,  
50 including any extensions of time for filing, whichever

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1 time is the later, the department shall examine it and  
2 determine the correct amount of tax, and the amount  
3 determined by the department is the tax. However, if  
4 the taxpayer omits from income an amount which will,  
5 under the Internal Revenue Code of 1954, extend the  
6 statute of limitations for assessment of federal tax  
7 to six years under the federal law, the period for  
8 examination and determination is six years. In  
9 addition to the applicable period of limitation for  
10 examination and determination, the department may make  
11 an examination and determination at any time within  
12 six months from the date of receipt by the department  
13 of written notice from the taxpayer of the final  
14 disposition of any matter between the taxpayer and the  
15 internal revenue service with respect to the  
16 particular tax year. In order to begin the running of  
17 the six-months' period, the notice shall be in writing  
18 in any form sufficient to inform the department of the  
19 final disposition with respect to that year, and a  
20 copy of the federal document showing the final  
21 disposition or final federal adjustments shall be  
22 attached to the notice.

23 Sec. 27. Section 422.32, subsections 4 and 11,  
24 Code 1987, are amended to read as follows:

25 4. The term "affiliated group" means a group of  
26 corporations as defined in section 1504(a) of the  
27 Internal Revenue Code of 1954.

28 11. For purposes of section 422.3, subsection 5,  
29 the Internal Revenue Code of 1954 shall be interpreted  
30 to include the provisions of Pub. L. No. 98-4.

31 Sec. 28. Section 422.33, subsection 4, Code 1987,  
32 is amended by striking the subsection and inserting in  
33 lieu thereof the following:

34 4. In addition to all taxes imposed under this  
35 division, there is imposed upon each corporation doing  
36 business within the state the greater of the tax  
37 determined in subsection 1, paragraphs "a" through "d"  
38 or the state alternative minimum tax equal to sixty  
39 percent of the maximum state corporate income tax  
40 rate, rounded to the nearest one-tenth of one percent,  
41 of the state alternative minimum taxable income of the  
42 taxpayer computed under this subsection.

43 The state alternative minimum taxable income of a  
44 taxpayer is equal to the taxpayer's state taxable  
45 income as computed with the adjustments in section  
46 422.35 and with the following adjustments:

47 a. Add items of tax preference included in federal  
48 alternative minimum taxable income under section 57,  
49 except subsections (a)(1) and (a)(5), of the Internal  
50 Revenue Code, make the adjustments included in federal

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1 alternative minimum taxable income under section 56,  
2 except subsections (a)(4) and (d), of the Internal  
3 Revenue Code, and add losses as required by section 58  
4 of the Internal Revenue Code. In making the  
5 adjustment under section 56(c)(1) of the Internal  
6 Revenue Code, interest and dividends from federal  
7 securities net of amortization of any discount or  
8 premium shall be subtracted.

9 b. Apply the allocation and apportionment  
10 provisions of subsection 2.

11 c. Subtract an exemption amount of forty thousand  
12 dollars.

13 d. In the case of a net operating loss computed  
14 for a tax year beginning after December 31, 1986 which  
15 is carried back or carried forward to the current  
16 taxable year, the net operating loss shall be reduced  
17 by the amount of items of tax preference and  
18 adjustments arising in the tax year which is taken  
19 into account in computing the net operating loss in  
20 section 422.35, subsection 13. The deduction for a  
21 net operating loss for a tax year beginning after  
22 December 31, 1986 which is carried back or carried  
23 forward to the current taxable year shall not exceed  
24 ninety percent of the alternative minimum taxable  
25 income determined without regard for the net operating  
26 loss deduction.

27 Sec. 29. Section 422.33, subsection 5, Code 1987,  
28 is amended to read as follows:

29 5. The taxes imposed under this division shall be  
30 reduced by a state tax credit for increasing research  
31 activities in this state equal to six and one-half  
32 percent of the state's apportioned share of the  
33 qualifying expenditures for increasing research  
34 activities. The state's apportioned share of the  
35 qualifying expenditures for increasing research  
36 activities is a percent equal to the ratio of  
37 qualified research expenditures in this state to the  
38 total qualified research expenditures. For purposes  
39 of this subsection, "qualifying expenditures for  
40 increasing research activities" means the qualifying  
41 expenditures as defined for the federal credit for  
42 increasing research activities which would be  
43 allowable under section 30 41 of the Internal Revenue  
44 Code of 1954, in effect on January 1, 1985.

45 Any credit in excess of the tax liability for the  
46 taxable year shall be refunded with interest computed  
47 under section 422.25. In lieu of claiming a refund, a  
48 taxpayer may elect to have the overpayment shown on  
49 its final, completed return credited to the tax  
50 liability for the following taxable year.

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1 Sec. 30. Section 422.35, Code 1987, is amended to  
2 read as follows:

3 **422.35 NET INCOME OF CORPORATION — HOW COMPUTED.**

4 The term "net income" means the taxable income  
5 before the net operating loss deduction, as properly  
6 computed for federal income tax purposes under the  
7 Internal Revenue Code of 1954, with the following  
8 adjustments:

9 1. Subtract interest and dividends from federal  
10 securities.

11 2. Add interest and dividends from foreign  
12 securities and from securities of state and other  
13 political subdivisions exempt from federal income tax  
14 under the Internal Revenue Code of 1954.

15 3. Where the net income includes capital gains or  
16 losses, or gains or losses from property other than  
17 capital assets, and such gains or losses have been  
18 determined by using a basis established prior to  
19 January 1, 1934, an adjustment may be made, under  
20 rules and regulations prescribed by the director, to  
21 reflect the difference resulting from the use of a  
22 basis of cost or January 1, 1934, fair market value,  
23 less depreciation allowed or allowable, whichever is  
24 higher. Provided that the basis shall be fair market  
25 value as of January 1, 1955, less depreciation allowed  
26 or allowable, in the case of property acquired prior  
27 to that date if use of a prior basis is declared to be  
28 invalid.

29 4. Subtract fifty percent of the federal income  
30 taxes paid or accrued, as the case may be, during the  
31 tax year, adjusted by any federal income tax refunds;  
32 and add the Iowa income tax deducted in computing said  
33 taxable income.

34 5. Add the amount by which the basis of qualified  
35 depreciable property is required to be increased for  
36 depreciation purposes under the Internal Revenue Code  
37 Amendments Act of 1964 to the extent that such amount  
38 equals the net amount of the special deduction allowed  
39 on the basis of the amount by which the depreciable  
40 basis of such qualified property was required to be  
41 reduced for depreciation purposes under the Internal  
42 Revenue Code Amendments Act of 1962. The "net amount  
43 of the special deduction" shall be computed by taking  
44 the sum of the amounts by which the basis of qualified  
45 property was required to be decreased for depreciation  
46 purposes for the years 1962 and 1963 and subtracting  
47 from it the sum of the amounts by which the basis of  
48 such property was required to be increased, prior to  
49 1964, for depreciation or disposition purposes under  
50 the Internal Revenue Code Amendments Act of 1962.

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1 6. Subtract the amount of the jobs tax credit  
2 allowable for the tax year under section 51 of the  
3 Internal Revenue Code of 1954 to the extent that the  
4 credit increased federal taxable income.

5 7. If the taxpayer is a small business  
6 corporation, subtract an amount equal to fifty percent  
7 of the wages paid to individuals named in paragraphs  
8 "a", "b", and "c" who were hired for the first time by  
9 the taxpayer during the tax year for work done in this  
10 state:

11 a. A handicapped individual domiciled in this  
12 state at the time of the hiring who meets any of the  
13 following conditions:

14 (1) Has a physical or mental impairment which  
15 substantially limits one or more major life  
16 activities.

17 (2) Has a record of that impairment.

18 (3) Is regarded as having that impairment.

19 b. An individual domiciled in this state at the  
20 time of the hiring who meets any of the following  
21 conditions:

22 (1) Has been convicted of a felony in this or any  
23 other state or the District of Columbia.

24 (2) Is on parole pursuant to chapter 906.

25 (3) Is on probation pursuant to chapter 907, for  
26 an offense other than a simple misdemeanor.

27 (4) Is in a work release program pursuant to  
28 chapter 246, division IX.

29 c. An individual, whether or not domiciled in this  
30 state at the time of the hiring, who is on parole or  
31 probation and to whom the interstate probation and  
32 parole compact under section 907A.1 applies.

33 This deduction is allowed for the wages paid to the  
34 individuals successfully completing a probationary  
35 period named in paragraphs "a", "b", and "c" during  
36 the twelve months following the date of first  
37 employment by the taxpayer and shall be deducted in  
38 the tax years when paid.

39 For purposes of this subsection, "physical or  
40 mental impairment" means any physiological disorder or  
41 condition, cosmetic disfigurement, or anatomical loss  
42 affecting one or more of the body systems or any  
43 mental or psychological disorder, including mental  
44 retardation, organic brain syndrome, emotional or  
45 mental illness and specific learning disabilities.

46 For purposes of this subsection, "small business"  
47 means small business as defined in section 220.1,  
48 subsection 28, except that it shall also include the  
49 operation of a farm.

50 8. Subtract the amount of the alcohol fuel credit

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- 1 allowable for the tax year under section 40 of the  
2 Internal Revenue Code of 1954 to the extent that the  
3 credit increased federal taxable income.
- 4 9. Add the amounts deducted and subtract the  
5 amounts included in income as a result of the  
6 treatment provided sale-leaseback agreements under  
7 section 168(f)(8) of the Internal Revenue Code of 1954  
8 for property placed in service by the transferee prior  
9 to January 1, 1986 to the extent that the amounts  
10 deducted and the amounts included in income are not  
11 otherwise deductible or included in income under the  
12 other provisions of the Internal Revenue Code of 1954  
13 as amended to and including December 31, 1985.  
14 Entitlement to depreciation on any property involved  
15 in a sale-leaseback agreement which is placed in  
16 service by the transferee prior to January 1, 1986  
17 shall be determined under the Internal Revenue Code of  
18 1954 as amended to and including December 31, 1985,  
19 excluding section 168(f)(8) in making the  
20 determination.
- 21 10. Add the amount of windfall profits tax  
22 deducted under section 164(a) of the Internal Revenue  
23 Code of 1954.
- 24 11. Add the combined net losses from passive  
25 farming activity in excess of twenty-five thousand  
26 dollars that offset income from other sources. Net  
27 losses under section 165 of the Internal Revenue Code  
28 of 1954, exclusive of net gains incurred passively  
29 from the operation of a farming business, as defined  
30 in section 464(e) of the Internal Revenue Code of  
31 1954, are to be combined from businesses, rents,  
32 partnerships, corporations, estates or trusts except  
33 losses under sections 1211 and 1231 of the Internal  
34 Revenue Code of 1954. Farming activity is passive if  
35 the taxpayer does not materially participate in the  
36 activity nor provide substantial services to the  
37 farming business. A loss from an activity that is  
38 disallowed under this subsection shall be treated as a  
39 deduction allowable to that activity in the first  
40 succeeding tax year.
- 41 12. Add the percentage depletion amount determined  
42 with respect to an oil, gas, or geothermal well using  
43 methods in section 613 of the Internal Revenue Code of  
44 1954 that is in excess of the cost depletion amount  
45 determined under section 611 of the Internal Revenue  
46 Code of 1954.
- 47 13. If after applying all of the adjustments  
48 provided for in this section and the allocation and  
49 apportionment provisions of section 422.33, the Iowa  
50 taxable income results in a net operating loss, such

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- 1 net operating loss shall be deducted as follows:  
2 a. The Iowa net operating loss shall be carried  
3 back three taxable years or to the taxable year in  
4 which the corporation first commenced doing business  
5 in this state, whichever is later.  
6 b. The Iowa net operating loss remaining after  
7 being carried back as required in paragraph "a" of  
8 this subsection or if not required to be carried back  
9 shall be carried forward fifteen taxable years.  
10 c. If the election under section 172(b)(3)(C) of  
11 the Internal Revenue Code of 1954 is made, the Iowa  
12 net operating loss shall be carried forward fifteen  
13 taxable years.  
14 d. No portion of a net operating loss which was  
15 sustained from that portion of the trade or business  
16 carried on outside the state of Iowa shall be  
17 deducted.

18 Provided, however, that a corporation affected by  
19 the allocation provisions of section 422.33 shall be  
20 permitted to deduct only such portion of the  
21 deductions for net operating loss and federal income  
22 taxes as is fairly and equitably allocable to Iowa,  
23 under rules prescribed by the director.

24 Sec. 31. Section 422.35, subsection 2, Code 1987,  
25 is amended to read as follows:

26 2. Add interest and dividends from foreign  
27 securities, and from securities of state and other  
28 political subdivisions, and from regulated investment  
29 companies exempt from federal income tax under the  
30 Internal Revenue Code of 1954.

31 Sec. 32. Section 422.35, subsection 11, Code 1987,  
32 is amended by striking the subsection.

33 Sec. 33. Section 422.35, Code 1987, is amended by  
34 adding the following new subsection:

35 NEW SUBSECTION. Subtract the loss on the sale or  
36 exchange of a share of a regulated investment company  
37 held for six months or less to the extent the loss was  
38 disallowed under section 852(b)(4)(B) of the Internal  
39 Revenue Code.

40 Sec. 34. Section 422.36, subsection 5, Code 1987,  
41 is amended to read as follows:

42 5. Where a corporation is not subject to income  
43 tax and the stockholders of such corporation are taxed  
44 on the corporation's income under the provisions of  
45 the Internal Revenue Code of 1954, the same tax  
46 treatment shall apply to such corporation and such  
47 stockholders for Iowa income tax purposes.

48 Sec. 35. Section 422.37, subsection 7, Code 1987,  
49 is amended to read as follows:

50 7. The computation of consolidated taxable income

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1 for the members of an affiliated group of corporations  
2 subject to tax shall be made in the same manner and  
3 under the same procedures, including all intercompany  
4 adjustments and eliminations, as are required for  
5 consolidating the incomes of affiliated corporations  
6 for the taxable year for federal income tax purposes  
7 in accordance with section 1502 of the Internal  
8 Revenue Code of 1954.

9 Sec. 36. Section 422.60, Code 1987, is amended by  
10 striking the section and inserting in lieu thereof the  
11 following:

12 422.60 IMPOSITION OF TAX.

13 1. A franchise tax according to and measured by  
14 net income is imposed on financial institutions for  
15 the privilege of doing business in this state as  
16 financial institutions.

17 2. In addition to all taxes imposed under this  
18 division, there is imposed upon each financial  
19 institution doing business within the state the  
20 greater of the tax determined in section 422.63 or the  
21 state alternative minimum tax equal to sixty percent  
22 of the maximum state franchise tax rate, rounded to  
23 the nearest one-tenth of one percent, of the state  
24 alternative minimum taxable income of the taxpayer  
25 computed under this subsection.

26 The state alternative minimum taxable income of a  
27 taxpayer is equal to the taxpayer's state taxable  
28 income as computed with the adjustments in section  
29 422.61, subsection 4, and with the following  
30 adjustments:

31 a. Add items of tax preference included in federal  
32 alternative minimum taxable income under section 57,  
33 except subsections (a)(1) and (a)(5), of the Internal  
34 Revenue Code, make the adjustments included in federal  
35 alternative minimum taxable income under section 56,  
36 except subsections (a)(4) and (d), of the Internal  
37 Revenue Code, and add losses as required by section 58  
38 of the Internal Revenue Code.

39 b. Apply the allocation and apportionment  
40 provisions of section 422.60.

41 c. Subtract an exemption amount of forty thousand  
42 dollars.

43 d. In the case of a net operating loss beginning  
44 after December 31, 1986 which is carried back or  
45 carried forward to the current taxable year, the net  
46 operating loss shall be reduced by the amount of items  
47 of tax preference and adjustments arising in the tax  
48 year which was taken into account in computing the net  
49 operating loss in section 422.35, subsection 13. The  
50 deduction for a net operating loss for a tax year

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1 beginning after December 31, 1986 which is carried  
2 back or carried forward to the current taxable year  
3 shall not exceed ninety percent of the alternative  
4 minimum taxable income determined without regard for  
5 the net operating loss deduction.

6 Sec. 37. Section 422.61, subsection 2, Code 1987,  
7 is amended to read as follows:

8 2. "Taxable year" means the calendar year or the  
9 fiscal year ending during a calendar year, for which  
10 the tax is payable. "Fiscal year" includes a tax  
11 period of less than twelve months if, under the  
12 Internal Revenue Code of 1954, a corporation is  
13 required to file a tax return covering a tax period of  
14 less than twelve months.

15 Sec. 38. Section 422.72, subsection 2, Code 1987,  
16 is amended to read as follows:

17 2. Federal tax returns, copies of returns, and  
18 return information as defined in section 6103(b) of  
19 the Internal Revenue Code of 1954, which are required  
20 to be filed with the department for the enforcement of  
21 the income tax laws of this state, shall be deemed and  
22 held as confidential by the department and subject to  
23 the disclosure limitations in subsection 1 of this  
24 section.

25 Sec. 39. Section 422.73, subsection 4, Code 1987,  
26 is amended by striking the subsection.

27 Sec. 40. Section 422.73, Code 1987, is amended by  
28 adding the following new subsections:

29 **NEW SUBSECTION.** Notwithstanding subsection 2, a  
30 claim for credit or refund of the income tax paid for  
31 a tax year beginning in the 1983 calendar year is  
32 considered timely if the claim is filed with the  
33 department on or before October 22, 1987, if the  
34 taxpayer's federal income tax was forgiven under  
35 section 692 of the Internal Revenue Code because the  
36 taxpayer died, or was missing in action and determined  
37 dead, while serving in a combat zone. To the extent  
38 the federal income tax was forgiven under section 692  
39 of the Internal Revenue Code for the tax year, the  
40 Iowa income tax is also forgiven.

41 **NEW SUBSECTION.** Notwithstanding subsection 2, a  
42 claim for credit or refund of the state alternative  
43 minimum tax paid for any tax year beginning on or  
44 after January 1, 1982 and before January 1, 1984 is  
45 considered timely if the claim is filed with the  
46 department on or before October 22, 1987, if the  
47 taxpayer's capital gains preference items for purposes  
48 of the federal individual alternative minimum tax was  
49 reduced as a result of section 13208 of the  
50 Consolidated Omnibus Budget Reconciliation Act of 1985

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1 as amended by section 1896 of the Tax Reform Act of  
2 1986.

3 Sec. 41. Section 450.3, subsections 2 and 7, Code  
4 1987, are amended to read as follows:

5 2. By deed, grant, sale, gift or transfer made  
6 within three years of the death of the grantor or  
7 donor, which is not a bona fide sale for an adequate  
8 and full consideration in money or money's worth and  
9 which is in excess of the annual gift tax exclusion  
10 allowable for each donee under section 2503,  
11 subsections b and e of the Internal Revenue Code of  
12 1954 as defined in section 422.3. If both spouses  
13 consent, a gift made by one spouse to a person who is  
14 not the other spouse is considered, for the purposes  
15 of this subsection, as made one half by each spouse  
16 under the same terms and conditions provided for in  
17 section 2513 of the Internal Revenue Code of 1954 as  
18 defined in section 422.3.

19 7. Which qualifies as a qualified terminable  
20 interest property as defined in section 2056(b)(7)(B)  
21 of the Internal Revenue Code of 1954 as defined in  
22 section 422.3, shall, if an election is made, be  
23 treated and considered as passing in fee, or its  
24 equivalent, to the surviving spouse in the estate of  
25 the donor-grantor. Property on which the election is  
26 made shall be included in the gross estate of the  
27 surviving spouse and shall be deemed to have passed in  
28 fee from the surviving spouse to the persons  
29 succeeding to the remainder interest, unless the  
30 property was sold, distributed, or otherwise disposed  
31 of prior to the death of the surviving spouse. A  
32 sale, disposition, or disposal of the property prior  
33 to the death of the surviving spouse shall void the  
34 election, and shall subject the property disposed of,  
35 less amounts received or retained by the surviving  
36 spouse, to tax in the donor-grantor's estate in the  
37 same manner as if the tax had been deferred under  
38 sections 450.44 through 450.49.

39 Sec. 42. Section 450.37, subsection 1, paragraph  
40 b, Code 1987, is amended to read as follows:

41 b. The alternate value of the property, if the  
42 personal representative so elects, that has been  
43 established for federal estate tax purposes under  
44 section 2032 of the Internal Revenue Code of 1954 as  
45 defined in section 422.3. The election shall be  
46 exercised on the return by the personal representative  
47 or other person signing the return, within the time  
48 prescribed by law for filing the return or before the  
49 expiration of any extension of time granted for filing  
50 the return.

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1 Sec. 43. Section 450A.1, Code 1987, is amended to  
2 read as follows:

3 450A.1 DEFINITIONS.

4 As used in this chapter, unless the context  
5 otherwise requires:

6 1. "Generation skipping transfer" means the  
7 generation skipping transfer as defined in section  
8 2611 of the Internal Revenue Code of 1954.

9 2. "Internal Revenue Code of 1954" means the same  
10 as the term is defined in section 422.3.

11 3. "Deemed transferor" means the deemed transferor  
12 as defined in section 2612 of the Internal Revenue  
13 Code of 1954.

14 4. "Director" means the director of the department  
15 of revenue and finance.

16 5. "Generation skipping trust" means a generation  
17 skipping trust as defined in section 2611 of the  
18 Internal Revenue Code of 1954.

19 6. "Generation skipping trust equivalent" means a  
20 generation skipping trust equivalent as defined in  
21 section 2611 of the Internal Revenue Code of 1954.

22 7. "Distributee Transferee" means a person  
23 receiving property in a generation skipping transfer.

24 8. "Department" means the department of revenue  
25 and finance.

26 6. "Direct skip" means the same as the term is  
27 defined in section 2612(c) of the Internal Revenue  
28 Code.

29 7. "Taxable termination" means the same as the  
30 term is defined in section 2612(a) of the Internal  
31 Revenue Code.

32 8. "Taxable distribution" means the same as the  
33 term is defined in section 2612(b) of the Internal  
34 Revenue Code.

35 9. "Transferor", "trust", "trustee" and "interest"  
36 means the same as those respective terms are defined  
37 in section 2652 of the Internal Revenue Code.

38 Sec. 44. Section 450A.2, Code 1987, is amended to  
39 read as follows:

40 450A.2 IMPOSITION OF TAX.

41 A tax is imposed on the transfer of any property,  
42 included in a generation skipping transfer, other than  
43 a direct skip, occurring at the same time as, or  
44 after, and as a result of the death of the deemed  
45 transferor an individual, equal to the in an amount of  
46 equal to the maximum federal credit allowable under  
47 section 2602(e)(5)(B) 2604 of the Internal Revenue  
48 Code of 1954, for that portion of state estate,  
49 inheritance, legacy, or succession tax the generation  
50 skipping transfer tax actually paid to the state in

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1 respect of any property included in the generation  
2 skipping transfer.

3 Where the deemed transferor is a resident of Iowa  
4 and all property included in a generation skipping  
5 transfer that is subject to tax under this section has  
6 a situs in Iowa, or is subject to the jurisdiction of  
7 the courts of Iowa, an amount equal to the total  
8 credit as allowed under the Internal Revenue Code of  
9 1954 shall be paid to the state of Iowa. Where the  
10 deemed transferor is a nonresident or where the  
11 property included in a generation skipping transfer  
12 that is subject to tax under this section has a situs  
13 outside the state of Iowa and not subject to the  
14 jurisdiction of Iowa courts, the tax shall be prorated  
15 on the basis that the value of Iowa property included  
16 in the generation skipping transfer bears to the total  
17 value of property included in the generation skipping  
18 transfer.

19 Sec. 45. Section 450A.3, Code 1987, is amended to  
20 read as follows:

21 450A.3 VALUE OF PROPERTY.

22 The value of property, included in a generation  
23 skipping transfer, shall be the same as determined for  
24 federal generation skipping transfer tax purposes  
25 under the Internal Revenue Code of 1954.

26 Sec. 46. Section 450A.4, Code 1987, is amended to  
27 read as follows:

28 450A.4 PAYMENT OF THE TAX.

29 The tax imposed by this chapter shall be paid  
30 within twelve months on or before the last day of the  
31 ninth month after the death of the deemed transferor  
32 if the transfer occurs at that time, or if later, the  
33 day which is twelve months after the day on which such  
34 generation skipping transfer occurred individual whose  
35 death is the event causing the generation skipping  
36 transfer which is eligible for the credit for state  
37 taxes paid under section 2604 of the Internal Revenue  
38 Code. For purposes of this chapter, any property  
39 transferred during the three year period ending on the  
40 date of the deemed transferor's death and which is  
41 included in a generation skipping transfer under the  
42 Internal Revenue Code of 1954 shall be considered as  
43 transferred on the deemed transferor's death.

44 Sec. 47. Section 450A.5, Code 1987, is amended to  
45 read as follows:

46 450A.5 LIABILITY FOR THE TAX.

47 The distributee transferee of the property included  
48 in the generation skipping transfer shall be  
49 personally liable for the tax to the extent of the  
50 fair market its value, determined under section 2624

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1 of the Internal Revenue Code as of the time of the  
2 distribution, of the property received in the  
3 distribution generation skipping transfer. If the tax  
4 is attributable to a taxable termination, as defined  
5 in section ~~2613~~ 2612(a) of the Internal Revenue Code  
6 of 1954, the trustee and the transferee shall be  
7 personally liable for the tax to the extent of the  
8 value of the property subject to tax under the  
9 trustee's control.

10 Sec. 48. Section 450A.6, Code 1987, is amended to  
11 read as follows:

12 450A.6 LIEN OF THE TAX.

13 The tax imposed by this chapter shall be a lien on  
14 the property subject to the tax for a period of ten  
15 years from the time the generation skipping transfer  
16 occurs. Full payment of the tax, penalty and interest  
17 due and interest, if any, shall release the lien and  
18 discharge the distributee transferee and trustee of  
19 personal liability. Unless the lien has been  
20 perfected by recording, a transfer by the distributee  
21 transferee or the trustee to a bona fide purchaser for  
22 value shall divest the property of the lien. If the  
23 lien is perfected by recording, the rights of the  
24 state under the lien have priority over all subsequent  
25 mortgages, purchases or judgment creditors. The  
26 department may release the lien prior to the payment  
27 of the tax due if adequate security for payment of the  
28 tax is given.

29 Sec. 49. Section 450A.10, Code 1987, is amended to  
30 read as follows:

31 450A.10 DIRECTOR TO ENFORCE COLLECTION.

32 It shall be the duty of the director to enforce  
33 collection of the tax imposed by this chapter and  
34 shall with all the rights of a party in interest,  
35 represent the state in any proceedings to collect the  
36 tax. The director shall have the power to bring suit  
37 against any person liable for the payment of the tax,  
38 penalty, interest and costs and may foreclose the lien  
39 of the tax in the same manner as is now prescribed for  
40 the foreclosure of real estate mortgages and upon  
41 judgment may cause execution to be issued to sell so  
42 much of the property necessary to satisfy the tax,  
43 penalty, interest and costs due.

44 Sec. 50. Section 450A.11, Code 1987, is amended to  
45 read as follows:

46 450A.11 DUTY TO CLAIM MAXIMUM CREDIT.

47 It shall be the duty of any person liable for the  
48 payment of the tax to claim the maximum federal credit  
49 allowable for that portion of the state estate,  
50 inheritance, legacy or succession generation skipping

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1 transfer tax paid in respect of any property included  
2 in a taxable generation skipping transfer. Claiming  
3 on a federal return a sum less than the maximum  
4 federal credit allowable shall not relieve any person  
5 liable for the tax of the duty to pay the tax imposed  
6 under this chapter.

7 If an amended or supplemental return is filed with  
8 the internal revenue service which results in a change  
9 in the amount of tax owing under this chapter, the  
10 persons liable for the payment of the tax shall submit  
11 an amended return, on forms prescribed by the  
12 director, indicating the amount of the tax then owing  
13 as a result of such change.

14 If any federal generation skipping transfer tax has  
15 been paid before the enactment of this chapter, the  
16 persons liable for the payment of the tax under this  
17 chapter shall file an amended federal return claiming  
18 the maximum federal credit allowable and file the Iowa  
19 returns specified in section 450A.8 within six months  
20 after the enactment of this chapter or within the time  
21 limit provided in section 450A.4 whichever is the  
22 later.

23 Sec. 51. Section 450B.1, Code 1987, is amended to  
24 read as follows:

25 450B.1 DEFINITIONS.

26 As used in this chapter, unless the context  
27 otherwise requires:

28 1. "Internal Revenue Code of 1954" means the same  
29 as defined in section 422.3.

30 2. "Taxpayer" means a qualified heir liable for  
31 the inheritance tax imposed under chapter 450 on  
32 qualified real property.

33 3. "Qualified real property", "qualified use",  
34 "cessation of qualified use", and "qualified heir"  
35 mean the same as defined in section 2032A of the  
36 Internal Revenue Code of 1954.

37 4. For purposes of subsection 1, the Internal  
38 Revenue Code of 1954 shall be interpreted to include  
39 the provisions of Pub. L. No. 98-4.

40 Sec. 52. Section 450B.2, Code 1987, is amended to  
41 read as follows:

42 450B.2 ALTERNATE ELECTION OF VALUE FOR QUALIFIED  
43 USE.

44 Notwithstanding section 450.37, the value of  
45 qualified real property for the purpose of the tax  
46 imposed under chapter 450 may, at the election of the  
47 taxpayer, be its value for the use under which it  
48 qualifies as prescribed by section 2032A of the  
49 Internal Revenue Code of 1954. A taxpayer may make an  
50 election under this section only if all of the

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1 following conditions are met:

2 1. An election for federal estate tax purposes was  
3 made with regard to the qualified real property under  
4 section 2032A of the Internal Revenue Code of 1954.

5 2. All persons who signed the agreement referred  
6 to in section 2032A(d)(2) of the Internal Revenue Code  
7 of 1954 make the election under this section and sign  
8 an agreement with the department of revenue and  
9 finance consenting to the application of section  
10 450B.3 with respect to the qualified real property.

11 3. The total decrease in the value of the  
12 qualified real property as a result of the election  
13 under this section does not exceed the dollar  
14 limitation specified in section 2032A(a)(2) of the  
15 Internal Revenue Code of 1954.

16 The election under this section shall be made by  
17 the taxpayer in the manner as the director of revenue  
18 and finance may prescribe by rule. The value for the  
19 qualified use under this section shall be the value as  
20 determined and accepted for federal estate tax  
21 purposes.

22 The definitions and special rules specified in  
23 section 2032A(e) of the Internal Revenue Code of 1954  
24 shall apply with respect to qualified real property  
25 for which an election was made under this section  
26 except that rules shall be prescribed by the director  
27 of revenue and finance in lieu of the regulations  
28 promulgated by the secretary of treasury.

29 The director shall prescribe regulations setting  
30 forth the application of this chapter in the case of  
31 an interest in a partnership, corporation, or trust  
32 which, with respect to the decedent, is an interest in  
33 a closely held business within the meaning of section  
34 6166(b)(1) of the Internal Revenue Code of 1954. Such  
35 regulations shall conform as nearly as possible with  
36 the regulations promulgated by the United States  
37 secretary of treasury in respect to such interests.

38 Sec. 53. Section 450B.3, Code 1987, is amended to  
39 read as follows:

40 **450B.3 ADDITIONAL INHERITANCE TAX APPLICABLE.**

41 There is imposed upon the qualified heir an  
42 additional inheritance tax if, within ten years after  
43 the decedent's death and before the death of the  
44 qualified heir, the qualified heir disposes of, other  
45 than to a member of the family, any interest in  
46 qualified real property for which an election under  
47 section 450B.2 was made or ceases to use for the  
48 qualified use the qualified real property for which an  
49 election under section 450B.2 was made as prescribed  
50 in section 2032A(c) of the Internal Revenue Code of

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1 1954. The additional inheritance tax shall be the  
2 amount computed under section 450B.5 and shall be due  
3 six months after the date of the disposition or  
4 cessation of qualified use referred to in this  
5 section. The amount of the additional inheritance tax  
6 shall accrue interest at the rate of ten percent per  
7 year from nine months after the decedent's death to  
8 the due date of the tax. The tax shall be paid to the  
9 department of revenue and finance and shall be  
10 deposited into the general fund of the state. Taxes  
11 not paid within the time prescribed in this section  
12 shall draw interest at the rate of ten percent per  
13 annum until paid. There shall not be an additional  
14 inheritance tax if the disposition or cessation occurs  
15 ten years or more after the decedent's death.

16 Sec. 54. Section 451.1, subsection 8, Code 1987,

17 is amended to read as follows:

18 8. "Internal Revenue Code of 1954" means the same  
19 as defined in section 422.3.

20 Sec. 55. Section 451.2, unnumbered paragraph 1,  
21 Code 1987, is amended to read as follows:

22 An amount equal to the federal estate tax credit  
23 for state death taxes as allowed in the Internal  
24 Revenue Code of 1954 is hereby imposed upon every  
25 transfer of the net estate of every decedent, being a  
26 resident of, or owning property in this state, as  
27 herein provided.

28 Sec. 56. Section 451.3, Code 1987, is amended to  
29 read as follows:

30 451.3 GROSS AND NET ESTATE.

31 The gross estate shall be the same as finally  
32 determined for federal estate tax and the net estate  
33 shall be the gross estate less deductions as permitted  
34 by federal law, in arriving at the net taxable federal  
35 estate, all determined as provided in the Internal  
36 Revenue Code of 1954.

37 Sec. 57. Section 450A.13, Code 1987, is repealed.

38 Sec. 58. No addition to the tax shall be made  
39 under section 422.16, subsection 11, paragraph "d" or  
40 section 422.88, relating to the underpayment of  
41 estimated tax, for any tax year beginning before  
42 January 1, 1987 with respect to any underpayment, to  
43 the extent such underpayment was created or increased  
44 by any provision of the federal Tax Reform Act of 1986  
45 or this Act.

46 Sec. 59. Sections 2, 3, 7, 9, 10, 11, 15, 17  
47 through 24, 26, 27, 29, 30, 34, 35, 37, and 38 of this  
48 Act are retroactive to January 1, 1986 for tax years  
49 beginning on or after that date.

50 Sec. 60. Sections 1, 4, 5, 6, 8, 12, 13, 14, 16,

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1 25, 28, 31, 32, 33, and 36 of this Act are retroactive  
2 to January 1, 1987 for tax years beginning on or after  
3 that date.

4 Sec. 61. Sections 41, 42, 51, 52, 53, 54, 55, and  
5 56 of this Act are retroactive to January 1, 1987 for  
6 estates of persons dying on or after that date.

7 Sec. 62. Sections 43 through 50 of this Act are  
8 retroactive to October 22, 1986 for generation  
9 skipping transfers which are eligible for the credit  
10 for state taxes under section 2604 of the Internal  
11 Revenue Code and are made after October 22, 1986,  
12 subject to the special rules of section 1433(b) of  
13 Public Law 99-514.

14 Sec. 63. Section 57 of this Act is retroactive to  
15 June 11, 1976.

16 Sec. 64. This Act, being deemed of immediate  
17 importance, takes effect upon enactment." "

18 2. Title page, by striking lines 1 through 7 and  
19 inserting the following: "An Act relating to the  
20 state's income, franchise, and death taxes by updating  
21 references to the Internal Revenue Code, rewriting the  
22 state minimum taxes to conform with the federal  
23 alternative minimum taxes, rewriting the state  
24 generation skipping transfer tax to conform with the  
25 federal provisions, rewriting the state individual  
26 income tax to impose a flat rate, striking obsolete  
27 and repealed items, clarifying the taxation of  
28 regulated investment company dividends and shares,  
29 extending the statute of limitations for certain  
30 refund claims, providing for waiver of penalty for  
31 underpayment of estimated tax, and providing effective  
32 dates."

Roll call was requested by Schnekloth of Scott and Halvorson of Clayton.

Rule 75 was invoked.

On the question "Shall amendment H-3749, to the committee amendment H-3736, be adopted?" (S.F. 481)

The ayes were, 38:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Kremer	Lundby
Maulsby	McKean	Metcalf	Miller
Paulin	Pellet	Petersen, D. F.	Plasier

Platt	Renken	Schnekloth	Shoning
Stromer	Stueland	Swearingen	Tyrrell
Van Camp	Van Maanen		

The nays were, 60:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cphoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
Lageschulte	May	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoultz
Siegrist	Spear	Svoboda	Swartz
Tabor	Teaford	Wise	Mr. Speaker

Absent or not voting, 2:

Royer Skow

Amendment H—3749 lost.

(Senate File 481 and the committee amendment H—3736 pending at recess.)

On motion by Arnould of Scott, the House was recessed at 12:07 p.m., until 1:15 p.m.

### AFTERNOON SESSION

The House reconvened, Speaker Avenson in the chair.

### CONSIDERATION OF BILLS Regular Calendar

The House resumed consideration of **Senate File 481**, a bill for an act relating to state tax revenues and expenditures by altering the individual income tax rates, withholding, standard deductions, and personal exemptions and credits; increasing the state sales, services, and use tax and providing for refunds for certain contractors as a result of that increase; adjusting the allowable growth under the school foundation formula; and providing effective dates, and the committee amendment H—3736, found on pages 1391 through 1396 of the House Journal, pending at recess.

The House resumed consideration of amendment H—3762,

temporarily deferred, to the committee amendment H—3736.

Bennett of Ida asked and received unanimous consent to withdraw amendment H—3762 filed by him on April 14, 1987, for the consideration of amendment H—3781, to the committee amendment H—3736, filed by him from the floor as follows:

H—3781

1 Amend the Committee on Ways and Means amendment, H—  
2 3736, to Senate File 481, as amended, passed, and  
3 reprinted by the Senate, as follows:

4 1. Page 2, by striking lines 25 through 31 and  
5 inserting the following:

6 "a. On all taxable income from zero through five  
7 thousand dollars, two percent.

8 b. On all taxable income exceeding five thousand  
9 dollars but not exceeding seven thousand dollars, four  
10 percent.

11 c. On all taxable income exceeding seven thousand  
12 dollars, six percent."

13 2. Page 3, line 6, by striking the word and  
14 figures "6 and 7" and inserting the following: "2, 6,  
15 7, and 10".

16 3. Page 3, by inserting after line 7 the  
17 following:

18 "2. However, no tax shall be imposed on any  
19 resident or nonresident whose net income, as defined  
20 in section 422.7, is five seven thousand dollars or  
21 less; but in the event that the payment of tax under  
22 this division would reduce the net income to less than  
23 five seven thousand dollars, then the tax shall be  
24 reduced to that amount which would result in allowing  
25 the taxpayer to retain a net income of five seven  
26 thousand dollars. The preceding sentence does not  
27 apply to estates or trusts. For the purpose of this  
28 subsection, the entire net income, including any part  
29 thereof not allocated to Iowa, shall be taken into  
30 account. If the combined net income of a husband and  
31 wife exceeds five seven thousand dollars, neither of  
32 them shall receive the benefit of this subsection, and  
33 it is immaterial whether they file a joint return or  
34 separate returns. A person who is claimed as a  
35 dependent by another person as defined in section  
36 422.12 shall not receive the benefit of this  
37 subsection if the person claiming the dependent has  
38 net income exceeding five seven thousand dollars or  
39 the person claiming the dependent and the person's  
40 spouse have combined net income exceeding five seven  
41 thousand dollars."

42 4. Page 3, line 38, by striking the word "five"  
43 and inserting the following: "five seven".

44 5. Page 3, by inserting after line 50 the  
45 following:

46 "10. In addition to the other taxes imposed by  
47 this section, a tax is imposed on the amount of a lump  
48 sum distribution for which the taxpayer has elected  
49 under section 402(e) of the Internal Revenue Code of  
50 1954 to be separately taxed for federal income tax

Page 2

1 purposes for the tax year. The rate of tax is equal  
2 to twenty-five percent of the separate federal tax  
3 imposed on the amount of the lump sum distribution. A  
4 nonresident is liable for this tax only on that  
5 portion of the lump sum distribution allocable to  
6 Iowa. The total amount of the lump sum distribution  
7 subject to separate federal tax shall be included in  
8 net income for purposes of determining eligibility  
9 under the ~~five~~ seven thousand dollar or less  
10 exclusion."

11 6. Page 4, by striking lines 36 through 44 and  
12 inserting the following: "paragraph 1, Code 1987, is  
13 amended to read as follows:

14 An optional standard deduction of fifteen percent  
15 of the net income ~~after deduction of federal income~~  
16 ~~tax~~, not to exceed one thousand two hundred dollars  
17 for a married person who files separately, one  
18 thousand two hundred dollars for a single person or  
19 three thousand dollars for a husband and wife who file  
20 a joint return, a surviving spouse as defined in  
21 section 2 of the Internal Revenue Code of 1954, or an  
22 unmarried head of household as defined in the Internal  
23 Revenue Code of 1954."

24 7. Page 5, by striking lines 21 through 35.

25 8. Page 5, by inserting after line 35 the  
26 following:

27 "Sec. 82. Section 422.12, Code 1987, is amended by  
28 adding the following new subsection:

29 NEW SUBSECTION. 4. A two-earner credit for  
30 married taxpayers filing jointly. For tax years  
31 beginning in 1987, the credit is equal to one percent  
32 of the qualified earned income of the spouse with the  
33 lower qualified earned income not to exceed fifty  
34 dollars. For tax years beginning on or after January  
35 1, 1988, the credit is equal to one and one-half  
36 percent of the qualified earned income of the spouse  
37 with the lower qualified earned income not to exceed  
38 seventy-five dollars. For purposes of this credit the  
39 term "qualified earned income" means the same as  
40 provided in section 221 of the Internal Revenue Code  
41 in effect on December 31, 1986, except that only  
42 qualified earned income from Iowa sources shall be

43 considered for the credit. Nonresidents may claim the  
 44 credit only to the extent that both spouses have  
 45 qualified earned income from Iowa sources.  
 46 Sec. 83. Section 422.13, subsection 1, paragraph  
 47 b, Code 1987, is amended to read as follows:  
 48 b. The individual has net income of ~~four~~ seven  
 49 thousand dollars or more for the tax year from sources  
 50 taxable under this division."

**Page 3**

1 9. Page 6, line 7, by inserting after the figure  
 2 "12" the following: "and sections 82 and 83".

Bennett of Ida moved the adoption of amendment H—3781, to the committee amendment H—3736.

Roll call was requested by Bennett of Ida and Kremer of Buchanan.

On the question "Shall amendment H—3781, to the committee amendment H—3736, be adopted?" (S.F. 481)

The ayes were, 37:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Schnekloth	Shoning
Siegrist	Stromer	Stueland	Swearingen
Van Camp			

The nays were, 62:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohon	Connolly	Connors
Cooper	De Groot	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Muhlbauer
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Pavich	Peters	Peterson, M. K.
Poncy	Renaud	Renken	Rosenberg
Running	Schrader	Sherzan	Shoultz
Skow	Spear	Svoboda	Swartz
Tabor	Teaford	Tyrrell	Van Maanen
Wise	Mr. Speaker		

Absent or not voting, 1:

Royer

Amendment H—3781 lost.

The House stood at ease at 2:13 p.m., until the fall of the gavel.

The House resumed session and consideration of the committee amendment H—3736 to Senate File 481 at 2:44 p.m., Speaker Avenson in the chair.

Tabor of Jackson offered the following amendment H—3778, to the committee amendment H—3736, filed by him from the floor and moved its adoption:

H—3778

- 1 Amend the Committee on Ways and Means amendment, H—
- 2 3736, to Senate File 481, as amended, passed, and
- 3 reprinted by the Senate, as follows:
- 4 1. Page 2, by striking lines 25 through 31 and
- 5 inserting the following:
- 6 "a. For taxpayers other than married taxpayers
- 7 filing separately:
- 8 (1) On all taxable income from zero through five
- 9 thousand dollars, two percent.
- 10 (2) On all taxable income exceeding five thousand
- 11 dollars, six percent.
- 12 b. For married taxpayers filing separately:
- 13 (1) On all taxable income from zero through two
- 14 thousand five hundred dollars, two percent.
- 15 (2) On all taxable income exceeding two thousand
- 16 five hundred dollars, six percent."
- 17 2. Page 3, line 6, by striking the word and
- 18 figures "6 and 7" and inserting the following: "2, 6,
- 19 7, and 10".
- 20 3. Page 3, by inserting after line 7 the
- 21 following:
- 22 "2. However, no tax shall be imposed on any
- 23 resident or nonresident whose net income, as defined
- 24 in section 422.7, is five seven thousand dollars or
- 25 less; but in the event that the payment of tax under
- 26 this division would reduce the net income to less than
- 27 five seven thousand dollars, then the tax shall be
- 28 reduced to that amount which would result in allowing
- 29 the taxpayer to retain a net income of five seven
- 30 thousand dollars. The preceding sentence does not
- 31 apply to estates or trusts. For the purpose of this
- 32 subsection, the entire net income, including any part
- 33 thereof not allocated to Iowa, shall be taken into
- 34 account. If the combined net income of a husband and
- 35 wife exceeds five seven thousand dollars, neither of

36 them shall receive the benefit of this subsection, and  
37 it is immaterial whether they file a joint return or  
38 separate returns. A person who is claimed as a  
39 dependent by another person as defined in section  
40 422.12 shall not receive the benefit of this  
41 subsection if the person claiming the dependent has  
42 net income exceeding five seven thousand dollars or  
43 the person claiming the dependent and the person's  
44 spouse have combined net income exceeding five seven  
45 thousand dollars."

46 4. Page 3, line 38, by striking the word "five"  
47 and inserting the following: "five seven".

48 5. Page 3, by inserting after line 50 the  
49 following:

50 "10. In addition to the other taxes imposed by

**Page 2**

1 this section, a tax is imposed on the amount of a lump  
2 sum distribution for which the taxpayer has elected  
3 under section 402(e) of the Internal Revenue Code of  
4 1954 to be separately taxed for federal income tax  
5 purposes for the tax year. The rate of tax is equal  
6 to twenty-five percent of the separate federal tax  
7 imposed on the amount of the lump sum distribution. A  
8 nonresident is liable for this tax only on that  
9 portion of the lump sum distribution allocable to  
10 Iowa. The total amount of the lump sum distribution  
11 subject to separate federal tax shall be included in  
12 net income for purposes of determining eligibility  
13 under the five seven thousand dollar or less  
14 exclusion.

15 Sec. 80. Section 422.7, subsections 6, 8, and 19,  
16 Code 1987, are amended to read as follows:

17 6. Individual taxpayers and married taxpayers who  
18 file a joint federal income tax return and who elect  
19 to file a joint return, or separate returns or  
20 ~~separate filing on a combined return~~ for Iowa income  
21 tax purposes, may avail themselves of the disability  
22 income exclusion and shall compute the amount of the  
23 disability income exclusion subject to the limitations  
24 for joint federal income tax return filers provided by  
25 section 105(d) of the Internal Revenue Code of 1954.  
26 The disability income exclusion provided in section  
27 105(d) of the Internal Revenue Code of 1954, as  
28 amended up to and including December 31, 1982,  
29 continues to apply for state income tax purposes for  
30 tax years beginning on or after January 1, 1984.

31 8. Married taxpayers who file a joint federal  
32 income tax return and who elect to file separate  
33 ~~returns or separate filing on a combined return~~ for  
34 Iowa income tax purposes, may avail themselves of the

35 expensing of business assets and capital loss  
36 provisions of sections 179(a) and 1211(b) respectively  
37 of the Internal Revenue Code of 1954 and shall compute  
38 the amount of expensing of business assets and capital  
39 loss subject to the limitations for joint federal  
40 income tax return filers provided by sections 179(b)  
41 and 1211(b) respectively of the Internal Revenue Code  
42 of 1954.

43 19. Married taxpayers, who file a joint federal  
44 income tax return and who elect to file separate  
45 returns ~~or who elect separate filing on a combined~~  
46 ~~return~~ for state income tax purposes, shall include in  
47 net income any social security benefits or tier 1  
48 railroad retirement benefits received to the same  
49 extent as those benefits are taxable on the taxpayer's  
50 joint federal return for that year under section 86 of

Page 3

1 the Internal Revenue Code of 1954. The benefits  
2 included in net income must be allocated between the  
3 spouses in the ratio of the social security benefits  
4 or tier 1 railroad retirement benefits received by  
5 each spouse to the total of these benefits received by  
6 both spouses."

7 6. Page 4, by striking lines 36 through 44 and  
8 inserting the following: "paragraph 1, Code 1987, is  
9 amended to read as follows:

10 An optional standard deduction of fifteen percent  
11 of the net income after deduction of federal income  
12 tax, not to exceed one thousand two hundred dollars  
13 for a married person who files separately, one  
14 thousand two hundred dollars for a single person or  
15 three thousand dollars for a husband and wife who file  
16 a joint return, a surviving spouse as defined in  
17 section 2 of the Internal Revenue Code of 1954, or an  
18 unmarried head of household as defined in the Internal  
19 Revenue Code of 1954."

20 7. Page 5, by striking lines 21 through 35.

21 8. Page 5, by inserting after line 35 the  
22 following:

23 "Sec. 81. Section 422.12, subsection 2, unnumbered  
24 paragraph 2, Code 1987, is amended to read as follows:

25 Married taxpayers electing to file separate returns  
26 ~~or filing separately on a combined return~~ must  
27 allocate the child and dependent care credit to each  
28 spouse in the proportion that each spouse's respective  
29 net income bears to the total combined net income.  
30 Taxpayers affected by the allocation provisions of  
31 section 422.8 shall be permitted a deduction for the  
32 credit only in the amount fairly and equitably  
33 allocable to Iowa under rules prescribed by the

34 director.

35 Sec. 82. Section 422.12, Code 1987, is amended by  
36 adding the following new subsection:

37 NEW SUBSECTION. 4. A two-earner credit for  
38 married taxpayers filing jointly. For tax years  
39 beginning in 1987, the credit is equal to one percent  
40 of the qualified earned income of the spouse with the  
41 lower qualified earned income not to exceed fifty  
42 dollars. For tax years beginning on or after January  
43 1, 1988, the credit is equal to one and one-half  
44 percent of the qualified earned income of the spouse  
45 with the lower qualified earned income not to exceed  
46 seventy-five dollars. For purposes of this credit the  
47 term "qualified earned income" means the same as  
48 provided in section 221 of the Internal Revenue Code  
49 in effect on December 31, 1986, except that only  
50 qualified earned income from Iowa sources shall be

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1 considered for the credit. Nonresidents may claim the  
2 credit only to the extent that both spouses have  
3 qualified earned income from Iowa sources.

4 Sec. 83. Section 422.13, subsection 1, paragraph  
5 b, Code 1987, is amended to read as follows:

6 b. The individual, except a married person filing  
7 separately, has net income of four seven thousand  
8 dollars or more for the tax year from sources taxable  
9 under this division. In the case of a married person  
10 filing separately, the individual has net income of  
11 three thousand five hundred dollars or more for the  
12 tax year from sources taxable under this division."

13 9. Page 6, line 7, by inserting after the figure  
14 "12" the following: "and sections 80 through 83".

Roll call was requested by Tabor of Jackson and Parker of Jasper.

Rule 75 was invoked.

On the question "Shall amendment H-3778, to the committee amendment H-3736, be adopted?" (S.F. 481)

The ayes were, 34:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Lageschulte	Lundby	Maulsby
Metcalfe	Miller	Paulin	Pellett
Petersen, D. F.	Plasier	Platt	Schnekloth
Shoning	Siegrist	Stromer	Stueland
Swearingen	Van Camp		

The nays were, 64:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	De Groot	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKean	McKinney
Muhlbauer	Mullins	Neuhauser	Norrgard
Ollie	Osterberg	Parker	Pavich
Peters	Peterson, M. K.	Poncy	Renaud
Renken	Rosenberg	Running	Schrader
Sherzan	Shoultz	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Tyrrell	Van Maanen	Wise	Mr. Speaker

Absent or not voting, 2:

Kremer Royer

Amendment H—3778 lost.

Osterberg of Linn moved the adoption of the committee amendment H—3736.

Roll call was requested by Stromer of Hancock and Bennett of Ida.

On the question "Shall the committee amendment H—3736 be adopted?" (S.F. 481)

The ayes were, 58:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Cohoon	Connolly	Connors
Cooper	Doderer	Dvorsky	Fey
Fogarty	Fuller	Groninga	Gruhn
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Holveck	Jay
Jochum	Johnson	Knapp	Koenigs
May	McKinney	Muhlbauer	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Pavich	Peters	Peterson, M. K.	Poncy
Renaud	Rosenberg	Running	Schrader
Sherzan	Shoultz	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

The nays were, 40:

Beaman	Bennett	Branstad	Carpenter
Clark	Corbett	Corey	Daggett

De Groot	Diemer	Eddie	Garman
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann
Hester	Hummel	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Mullins	Paulin	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Schneklloth
Shoning	Siegrist	Stromer	Stueland
Swearingen	Tyrrell	Van Camp	Van Maanen

Absent or not voting, 2:

Kremer                      Royer

The committee amendment H—3736 was adopted, placing out of order amendment H—3671 filed by Peters of Woodbury on April 8, 1987.

Osterberg of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (S.F. 481)

The ayes were, 62:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Doderer	Dvorsky
Fey	Fogarty	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Harper	Hatch	Haverland	Holveck
Jay	Jochum	Johnson	Knapp
Koenigs	May	McKinney	Muhlbauer
Mullins	Neuhauser	Norrgard	Ollie
Osterberg	Parker	Pavich	Peters
Peterson, M. K.	Poncy	Renaud	Rosenberg
Running	Schrader	Sherzan	Shoning
Shoultz	Siegrist	Skow	Spear
Svoboda	Swartz	Tabor	Teaford
Wise	Mr. Speaker		

The nays were, 37:

Beaman	Bennett	Branstad	Carpenter
Corbett	Corey	Daggett	De Groot
Diemer	Eddie	Garman	Halvorson, R. A.
Hanson, D. R.	Harbor	Hermann	Hester
Hummel	Kremer	Lageschulte	Lundby
Maulsby	McKean	Metcalf	Miller
Paulin	Pellett	Petersen, D. F.	Plasier
Platt	Renken	Schneklloth	Stromer
Stueland	Swearingen	Tyrrell	Van Camp
Van Maanen			

Absent or not voting, 1:

Royer

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

### INTRODUCTION OF BILLS

**House File 672**, by committee on ways and means, a bill for an act relating to the levying of property taxes for school purposes; providing for a capital projects and equipment levy and a liability levy and the execution and continuation of loan agreements for anticipating the collection of certain levies, providing for disposition of gifts to school districts, providing for the expenditure of certain school district moneys following approval at an election, and providing an effective date.

Read first time and placed on the **ways and means calendar**.

**House File 673**, by committee on ways and means, a bill for an act to impose the premium tax on risk retention groups.

Read first time and placed on the **ways and means calendar**.

### HOUSE FILE 543 WITHDRAWN

Cooper of Lucas asked and received unanimous consent to withdraw House File 543 from further consideration by the House.

### MOTION TO RECONSIDER WITHDRAWN

(Senate File 373)

De Groot of Lyon asked and received unanimous consent to withdraw the motion to reconsider Senate File 373, a bill for an act relating to statutory corrections which adjust language to reflect current practices, insert earlier omissions, delete redundancies, and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions and remove ambiguities, filed by him on April 14, 1987.

### HOUSE FILE 606 WITHDRAWN

Rosenberg of Story asked and received unanimous consent to withdraw House File 606 from further consideration by the House.

### IMMEDIATE MESSAGE

(Senate File 481)

Arnould of Scott asked and received unanimous consent that Senate File 481 be immediately messaged to the Senate.

**REREFERRED TO COMMITTEE ON WAYS AND MEANS  
(Senate File 397)**

Arnould of Scott asked and received unanimous consent that Senate File 397, presently on the **regular calendar**, be rereferred to the committee on **ways and means**.

Johnson of Winneshiek in the chair at 3:42 p.m.

**RULES SUSPENDED**

Arnould of Scott asked and received unanimous consent to suspend the rules and take up out of order Senate File 219.

**CONSIDERATION OF BILLS  
Regular Calendar**

The House resumed consideration of **Senate File 219**, a bill for an act providing for public grants and public education relating to adolescent pregnancy prevention and services by establishing a task force on adolescent pregnancy prevention and services, providing for pilot project grants relating to adolescent pregnancy prevention and services, and establishing a local advisory committee to public school boards regarding the inclusion or exclusion of human growth and development instruction in the school curriculum, deferred and retained on the calendar.

Connors of Polk offered the following amendment H-3423 filed by him and moved its adoption:

H-3423

- 1 Amend Senate File 219, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. By striking page 1, line 4, through page 2,
- 4 line 30.
- 5 2. By renumbering as necessary.

Roll call was requested by Garman of Story and Teaford of Black Hawk.

Rule 75 was invoked.

On the question "Shall amendment H-3423 be adopted?"  
(S.F. 219)

The ayes were, 46:

Beaman	Beatty	Bennett	Bisignano
Branstad	Buhr	Connors	Cooper
Corbett	Corey	Daggett	De Groot
Eddie	Fogarty	Garman	Gruhn
Halvorson, R. A.	Hanson, D. R.	Harbor	Hermann

Hummel	Knapp	Koenigs	Kremer
Lageschulte	Maulsby	McKean	Muhlbauer
Paulin	Pavich	Pellett	Petersen, D. F.
Renaud	Renken	Running	Schneklath
Schrader	Sherzan	Shoning	Skow
Stueland	Svoboda	Swearingen	Tyrrell
Van Camp	Van Maanen		

The nays were, 50:

Adams	Arnould	Avenson	Black
Blanshan	Brammer	Carpenter	Chapman
Clark	Cohoon	Connolly	Diemer
Doderer	Dvorsky	Fey	Fuller
Halvorson, R. N.	Hammond	Hansen, S. D.	Harper
Hatch	Haverland	Hester	Holveck
Jay	Jochum	Lundby	McKinney
Metcalf	Miller	Mullins	Neuhauser
Norrgard	Ollie	Osterberg	Parker
Peters	Peterson, M. K.	Plasier	Platt
Poncy	Rosenberg	Siegrist	Spear
Stromer	Swartz	Tabor	Teaford
Wise	Mr. Speaker (Johnson)		

Absent or not voting, 4:

Groninga	May	Royer	Shultz
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Amendment H—3423 lost.

Van Camp of Scott offered the following amendment H—3729 filed by him and moved its adoption:

H—3729

- 1 Amend Senate File 219, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 2, by inserting after line 30 the
- 4 following:
- 5 "6. This section is repealed January 1, 1988."
- 6 2. Page 6, by inserting after line 2 the
- 7 following:
- 8 "Sec. \_\_\_\_ EFFECTIVE DATE. Sections 3 and 4 of
- 9 this Act take effect July 1, 1988."
- 10 3. Title page, line 5, by striking the words "and
- 11 establishing" and inserting the following:
- 12 "establishing".
- 13 4. Title page, line 8, by inserting after the
- 14 word "curriculum" the following: ", and providing a
- 15 prospective repeal and an effective date".
- 16 5. By renumbering as necessary.

A non-record roll call was requested.

The ayes were 35, nays 49.

Amendment H—3729 lost.

Connors of Polk offered the following amendment H—3492 filed by him and Rosenberg of Story:

H—3492

1 Amend Senate File 219, as amended, passed, and re-  
2 printed by the Senate, as follows:

3 1. Page 2, by inserting after line 30 the fol-  
4 lowing:

5 "Sec. \_\_\_\_\_. NEW SECTION. 234A.2 MANDATORY PARENT  
6 EDUCATION.

7 In order to improve the quality of life for  
8 children in Iowa and promote the health and positive  
9 emotional development of the children of Iowa, each  
10 prospective biological or adoptive parent and foster  
11 parent shall participate in education for parenting in  
12 order to promote the best interests of all Iowa  
13 children. Organizations and agencies concerned about  
14 children shall be encouraged to provide parent  
15 education by a variety of mechanisms. The education  
16 for parenting shall include, but not be limited to,  
17 information relating to child development, stress  
18 reduction, self-esteem enhancement, and guidance. An  
19 organization or agency offering a parent education  
20 course shall provide deaf and language interpreters,  
21 if appropriate. An organization or agency may charge  
22 a fee for the actual cost of instruction and  
23 materials. The fee may be waived due to family income  
24 limitations or extenuating circumstances."

25 2. Title page, line 2, by inserting after the  
26 word "services" the following: "and to parenting".

27 3. Title page, line 4, by inserting after the  
28 word "services," the following: "providing for parent  
29 education,".

30 4. By renumbering as necessary.

Tyrrell of Iowa offered the following amendment H—3648, to amendment H—3492, filed by him and moved its adoption:

H—3648

1 Amend the amendment, H—3492, to Senate File 219, as  
2 amended, passed, and reprinted by the Senate, as  
3 follows:

4 1. Page 1, line 16, by inserting after the word  
5 "parenting" the following: "shall be developed and  
6 provided by persons who are parents and".

Amendment H—3648 lost.

Haverland of Polk rose on a point of order that amendment H—3492 was not germane.

The Speaker ruled the point well taken and amendment H—3492 not germane.

The House resumed consideration of amendment H—3665D, as amended, (page 2, lines 3 through 46) found on pages 1294 and 1295 of the House Journal.

Running of Linn asked and received unanimous consent to defer action on amendment H—3665D.

Tyrrell of Iowa offered amendment H—3646 filed by him and requested division as follows:

H—3646

- 1 Amend Senate File 219, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—3646A

- 3 1. Page 3, line 1, by striking the words "school
- 4 corporations" and inserting the following: "and
- 5 nonpublic schools".

H—3646B

- 6 2. Page 3, line 2, by striking the words
- 7 "adolescent service providers,".

On motion by Tyrrell of Iowa, amendment H—3646A lost.

On motion by Tyrrell of Iowa, amendment H—3646B lost.

Bisignano of Polk offered amendment H—3537 filed by him and requested division as follows:

H—3537

- 1 Amend Senate File 219, as amended, passed, and
- 2 reprinted by the Senate, as follows:

H—3537A

- 3 1. Page 3, by striking lines 1 and 2 and
- 4 inserting the following: "grants, which may be
- 5 awarded to adolescent service providers and nonprofit
- 6 organizations".

H—3537B

- 7 2. Page 4, line 6, by inserting after the word
- 8 "section." the following: "Pilot projects shall not
- 9 use funds appropriated from the general fund of this

10 state for the purpose of dispensing or providing birth  
 11 control items on property owned or controlled by a  
 12 public school corporation."

Bisignano of Polk asked and received unanimous consent to withdraw amendment H—3537A.

Corbett of Linn offered the following amendment H—3709 filed by him and moved its adoption:

H—3709

- 1 Amend Senate File 219, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 3, line 3, by striking the word "for" and
- 4 inserting the following: ", for two".
- 5 2. Page 4, line 1, by striking the word "Pilot"
- 6 and inserting the following: "The two pilot".

A non-record roll call was requested.

The ayes were 36, nays 45.

Amendment H—3709 lost.

Speaker Avenson in the chair at 4:58 p.m.

The House resumed consideration of amendment H—3537B.

Bisignano of Polk moved the adoption of amendment H—3537B.

Roll call was requested by Bisignano of Polk and Clark of Cerro Gordo.

On the question "Shall amendment H—3537B be adopted?"  
 (S.F. 219)

The ayes were, 89:

Adams	Arnould	Beaman	Beatty
Bennett	Bisignano	Black	Blanshan
Brammer	Branstad	Buhr	Carpenter
Chapman	Clark	Cohoon	Connolly
Connors	Cooper	Corbett	Corey
Daggett	De Groot	Diemer	Dvorsky
Eddie	Fogarty	Fuller	Garman
Gruhn	Halvorson, R. A.	Hansen, S. D.	Hanson, D. R.
Harbor	Harper	Hermann	Hester
Holveck	Hummel	Jay	Jochum
Johnson	Knapp	Koenigs	Kremer
Lageschulte	Lundby	Maulsby	May
McKean	McKinney	Metcalf	Miller
Mullins	Neuhauser	Ollie	Osterberg
Parker	Paulin	Pavich	Pellett

Peters	Petersen, D. F.	Peterson, M. K.	Plasier
Platt	Poncy	Renaud	Renken
Running	Schneklath	Schrader	Sherzan
Shoning	Shoultz	Siegrist	Skow
Spear	Stromer	Stueland	Svoboda
Swartz	Swearingen	Tabor	Teaford
Tyrrell	Van Camp	Van Maanen	Wise
Mr. Speaker			

The nays were, 8:

Doderer	Fey	Groninga	Halvorson, R. N.
Hammond	Hatch	Haverland	Rosenberg

Absent or not voting, 3:

Muhlbauer	Norrgard	Royer
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Amendment H—3537B was adopted.

Tyrrell of Iowa asked and received unanimous consent to withdraw amendment H—3639 filed by him on April 3, 1987.

Hermann of Scott offered the following amendment H—3425 filed by him and moved its adoption:

H—3425

- 1 Amend Senate File 219, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 5, by striking line 18 and inserting the
- 4 following: "district, an outline".

Amendment H—3425 was adopted.

Van Camp of Scott offered the following amendment H—3643 filed by him and Tyrrell of Iowa and moved its adoption:

H—3643

- 1 Amend Senate File 219, as amended, passed, and re-
- 2 printed by the Senate, as follows:
- 3 1. Page 5, line 25, by striking the word "if" and
- 4 inserting the following: "unless".
- 5 2. Page 5, line 27, by striking the words "be ex-
- 6 cused from" and inserting the following: "receive".

Roll call was requested by Van Camp of Scott and Branstad of Winnebago.

On the question "Shall amendment H—3643 be adopted?" (S.F. 219)

The ayes were, 38:

Beaman	Bennett	Branstad	Corbett
Corey	Daggett	De Groot	Eddie

Fogarty	Garman	Halvorson, R. A.	Harbor
Hermann	Knapp	Kremer	Lageschulte
Lundby	Maulsby	McKean	Miller
Paulin	Pavich	Pellett	Petersen, D. F.
Plasier	Platt	Renken	Running
Schneklath	Schrader	Shoning	Skow
Stromer	Stueland	Swearingen	Tyrrell
Van Camp	Van Maanen		

The nays were, 57:

Adams	Arnould	Beatty	Bisignano
Black	Blanshan	Brammer	Buhr
Carpenter	Chapman	Clark	Cohoon
Connors	Cooper	Diemer	Doderer
Dvorsky	Fey	Fuller	Groninga
Gruhn	Halvorson, R. N.	Hammond	Hansen, S. D.
Hanson, D. R.	Harper	Hatch	Haverland
Hester	Holveck	Hummel	Jay
Jochum	Johnson	Koenigs	May
McKinney	Metcalf	Muhlbauer	Mullins
Neuhauser	Norrgard	Ollie	Osterberg
Parker	Peters	Peterson, M. K.	Poncy
Rosenberg	Shoultz	Siegrist	Spear
Svoboda	Tabor	Teaford	Wise
Mr. Speaker			

Absent or not voting, 5:

Connolly	Renaud	Royer	Sherzan
Swartz			

Amendment H — 3643 lost.

Arnould of Scott asked and received unanimous consent that Senate File 219 be deferred and that the bill be placed on the unfinished business calendar.

### RULES SUSPENDED

Arnould of Scott asked for unanimous consent to suspend the rules for the immediate consideration of Senate Files 274 and 340.

Objection was raised.

Arnould of Scott asked for unanimous consent to suspend the rules for the immediate consideration of Senate File 340.

Objection was raised.

Arnould of Scott moved that the rules be suspended for the immediate consideration of Senate File 340.

A non-record roll call was requested.

The ayes were 53, nays 38.

The motion prevailed and the rules were suspended.

Arnould of Scott moved that the rules be suspended for the immediate consideration of Senate File 274.

A non-record roll call was requested.

The ayes were 53, nays 35.

The motion prevailed and the rules were suspended.

**Senate File 274**, a bill for an act relating to the exporting of Iowa grain, by providing for the establishment of an Iowa agricultural export trading company; establishing a certified Iowa grain program; a new division of agriquality inspection within the department of agriculture and land stewardship; a state grain terminal and shippers program; a foreign sale facilitation system; and a sealed carrier receptacle program; and imposing penalties, with report of committee recommending amendment and passage was taken up for consideration.

Arnould of Scott asked for unanimous consent that Senate File 274 be deferred and that the bill be placed on the unfinished business calendar.

Objection was raised.

Arnould of Scott moved that Senate File 274 be deferred and that the bill be placed on the unfinished business calendar.

A non-record roll call was requested.

The ayes were 51, nays 30.

The motion prevailed.

**Senate File 340**, a bill for an act relating to the testing of blood or other bodily specimens of persons committed to an institution under the control of the Iowa department of corrections or a jail under the charge of a sheriff or other person, and providing penalties, with report of committee recommending passage was taken up for consideration.

Jay of Appanoose asked and received unanimous consent that Senate File 340 be deferred and that the bill be placed on the unfinished business calendar.

#### ADOPTION OF HOUSE CONCURRENT RESOLUTION 17

Gruhn of Dickinson called up for consideration House Concurrent Resolution 17, urging the President and Congress of the United States

to enact legislation for the establishment of the National Western Historic Trails Center in Council Bluffs, Iowa, and moved its adoption.

The motion prevailed and the resolution was adopted.

#### ADOPTION OF SENATE CONCURRENT RESOLUTION 11

Carpenter of Polk called up for consideration Senate Concurrent Resolution 11, to petition the Federal Communications Commission to increase the wattage of KWDM.

Carpenter of Polk offered the following amendment H—3685 filed by, her:

H—3685

- 1 Amend Senate Concurrent Resolution 11, as passed by
- 2 the Senate, as follows:
- 3 1. Page 1, line 20, by striking the word "watts"
- 4 and inserting the word "kilowatts".

Carpenter of Polk offered the following amendment H—3788, to amendment H—3685, filed by her from the floor and moved its adoption:

H—3788

- 1 Amend amendment, H—3685, to Senate Concurrent
- 2 Resolution 11, as passed by the Senate, as follows:
- 3 1. Page 1, by striking lines 3 and 4 and
- 4 inserting the following:
- 5 "\_\_\_\_\_ Page 1, lines 19 and 20, by striking the
- 6 words "ten kilowatts to one hundred watts" and
- 7 inserting the following: "one one-hundredths
- 8 kilowatts to one-tenth kilowatts".

Amendment H—3788 was adopted.

On motion by Carpenter of Polk, amendment H—3685, as amended, was adopted.

On motion by Carpenter of Polk, the resolution, as amended, was adopted.

#### MOTION TO RECONSIDER (Senate File 276)

I move to reconsider the vote by which Senate File 276 passed the House on April 15, 1987.

GRONINGA of Cerro Gordo

## EXPLANATION OF VOTE

I was necessarily absent from the House chamber on Tuesday, April 14, 1987. Had I been present, I would have voted "aye" on Senate File 198.

OLLIE of Clinton

## PRESENTATION OF VISITORS

Corey of Louisa presented to the House the Honorable Dean Corey, former member of the House representing Louisa County.

Hatch of Polk presented to the House thirty members of the International Youth Peace Watch from seven European nations.

Pellett of Cass presented to the House the Honorable Arlyn Danker, former member of the House representing Pottawattamie County.

The Speaker announced that the following visitors were present in the House chamber:

Twenty-seven fifth grade students from Western Hills Elementary School, West Des Moines, accompanied by Paul Linn. By Carpenter of Polk.

Forty-two sixth grade students from Milford Community School, Milford, accompanied by Evelyn Anderson. By Gruhn of Dickinson.

Sixty-four fifth grade students from Waukee Middle School, Waukee, accompanied by Marilyn Anfinson. By McKinney of Dallas.

Eight Boy Scouts from Mount Pleasant, accompanied by Gary Oldt. By Norrgard of Des Moines.

Forty-three fifth grade students from Lincoln Elementary Center, Mechanicsville, accompanied by Ruth Miller. By Osterberg of Linn and McKean of Jones.

Twenty-nine fifth grade students from Cody Elementary School, Pleasant Valley, accompanied by Harold Hubbard and Norma Hofmann. By Schneklath of Scott.

Thirty-five eleventh and twelfth grade students from Fox Valley High School, Milton, accompanied by Joyce Bachman. By Wise of Lee.

## AMENDMENTS FILED

H—3767	S.F.	397	Van Camp of Scott
H—3768	S.F.	897	Van Camp of Scott

H-3770	H.F.	506	Senate Amendment
H-3771	H.F.	410	Senate Amendment
H-3772	H.F.	492	Senate Amendment
H-3773	H.F.	398	Senate Amendment
H-3774	H.F.	520	Senate Amendment
H-3775	S.F.	397	Stromer of Hancock
H-3776	S.F.	55	Jochum of Dubuque Tabor of Jackson
H-3777	H.F.	671	Hermann of Scott
H-3779	S.F.	201	Running of Linn
H-3780	S.F.	469	Paulin of Plymouth Miller of Cherokee
H-3782	S.F.	397	Van Camp of Scott
H-3783	H.F.	671	Running of Linn
H-3784	S.F.	397	Van Camp of Scott
H-3785	S.F.	471	Neuhauser of Johnson
H-3786	S.F.	216	Jochum of Dubuque
H-3787	S.F.	455	Jochum of Dubuque
H-3789	H.F.	671	Running of Linn
H-3790	H.F.	671	Renaud of Polk
H-3791	H.F.	671	Jochum of Dubuque
H-3792	H.F.	671	Jochum of Dubuque
H-3793	H.F.	671	McKean of Jones Garman of Story Paulin of Plymouth
H-3794	H.F.	671	Teaford of Black Hawk
H-3795	H.F.	671	Spear of Lee
H-3797	H.F.	671	Sherzan of Polk
H-3798	H.F.	671	Jochum of Dubuque
H-3799	H.F.	671	Halvorson of Webster Jochum of Dubuque
H-3800	S.F.	219	Running of Linn
H-3801	H.F.	671	Swartz of Marshall
H-3802	H.F.	671	Jochum of Dubuque
H-3803	S.F.	480	Chapman of Linn De Groot of Lyon
H-3804	S.F.	340	Jay of Appanoose
H-3805	H.F.	671	Hatch of Polk
H-3806	H.F.	671	Hummel of Benton
H-3807	S.F.	482	Carpenter of Polk
H-3808	S.F.	480	Holveck of Polk Rosenberg of Story Osterberg of Linn Adams of Hamilton Johnson of Winneshiek
			Hanson of Delaware Mullins of Kossuth McKean of Jones Carpenter of Polk

H-3809	H.F.	671	Van Camp of Scott
H-3810	H.F.	671	Buhr of Polk
			Hammond of Story
H-3811	S.F.	482	Black of Jasper
H-3812	H.F.	671	Hammond of Story
			Harper of Black Hawk
H-3813	H.F.	671	Jochum of Dubuque
H-3814	H.F.	671	Tyrrell of Iowa
			Van Camp of Scott
			Van Maanen of Mahaska
H-3815	S.F.	274	Kremer of Buchanan
H-3816	S.F.	482	Stromer of Hancock
H-3817	H.F.	671	Hanson of Delaware
H-3818	H.F.	671	Haverland of Polk
H-3819	H.F.	671	Fuller of Hardin
H-3820	H.F.	671	Koenigs of Mitchell
H-3821	H.F.	671	Hester of Pottawattamie
			Van Camp of Scott
H-3822	S.F.	139	Neuhauser of Johnson
H-3823	H.F.	671	Mullins of Kossuth
			Branstad of Winnebago

On motion by Arnould of Scott, the House adjourned at 5:42 p.m., until 9:00 a.m., Thursday, April 16, 1987.